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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2360

Session of  
1980

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INTRODUCED BY THOMAS, YAHNER, WENGER, STUBAN, WILT, HELFRICK,  
DAVIES, GRIECO, ZELLER, DeMEDIO, DeVERTER AND HONAMAN,  
MARCH 7, 1980

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
MARCH 7, 1980

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AN ACT

1 Providing for the destruction and prevention of the spread of  
2 noxious plants, creating a Noxious Plant Advisory Board,  
3 imposing certain powers and duties upon control authorities  
4 in relation thereto, providing penalties and making a repeal.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Control and destruction of noxious plants.

8 It shall be the duty of a person to control the spread of and  
9 to destroy noxious plants on lands owned or controlled by him.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have, unless the context clearly indicates otherwise, the  
13 meanings given to them in this section:

14 "Control authority." The chief executive or governing body  
15 of each county, city, borough, incorporated town and township  
16 having responsibility for enforcing this act as determined by  
17 section 4.

18 "Noxious plants." A plant which is determined by the

1 secretary, with the advice of and after consultation with the  
2 Noxious Plant Advisory Board, to be injurious to public health,  
3 crops, livestock, land or other property. Noxious plants shall be  
4 listed in the regulations promulgated by the secretary. The  
5 secretary may exempt any plant from these regulations in a  
6 designated area or for a special usage.

7 "Person." An individual, partnership, firm, corporation,  
8 company, society, association, the State and Federal governments  
9 or any department, agency or subdivision thereof, or any other  
10 entity.

11 "Secretary." The Secretary of the Department of Agriculture.  
12 Section 3. Administration; State authority.

13 (a) The secretary, after due notice and public hearing,  
14 shall adopt regulations for carrying out the provisions of this  
15 act.

16 (b) The secretary or his authorized personnel shall be  
17 available for identifications and guidance.

18 (c) The secretary or his authorized personnel, upon request  
19 from a control authority, may conduct surveys to determine if a  
20 plant is noxious.

21 (d) The secretary or his authorized personnel, upon request,  
22 shall cooperate with a control authority to make the proper  
23 contacts for the destruction or eradication of noxious plants on  
24 State or Federal lands.

25 (e) The secretary may, when he deems it necessary as an  
26 emergency measure, declare a plant as noxious without a public  
27 hearing to prevent its introduction into or dissemination within  
28 the State. The effectiveness of such an emergency declaration  
29 shall expire 180 days after its making unless, before that time,  
30 the secretary determines that the plant which was the subject of

1 the emergency declaration is a noxious plant.

2 Section 4. Noxious Plant Advisory Board.

3 (a) There is hereby established within the Department of  
4 Agriculture a Noxious Plant Advisory Board. It shall consist of  
5 five members. One member shall be the Secretary of Agriculture,  
6 or his designee, who shall serve as its chairman. One member  
7 shall be the Dean of Agriculture of the Pennsylvania State  
8 University or his designee. One member shall be the Secretary of  
9 the Department of Environmental Resources or his designee. Two  
10 members shall be active farmers for five years immediately prior  
11 to their appointment by the Secretary of Agriculture.

12 (b) It shall be the power and duty of the Noxious Plant  
13 Advisory Board to advise the secretary, on its own initiative or  
14 at his request, on the matter of whether or not a certain plant  
15 should be determined by him to be a noxious plant and to  
16 generally provide advice to and consultation with him on related  
17 matters.

18 (c) The members of the board shall not receive any  
19 compensation for their services but shall be reimbursed for  
20 their actual and necessary expenses incurred in the performance  
21 of their duties.

22 Section 5. Administration; control authority.

23 Each control authority shall carry out the duties and  
24 responsibilities vested in it under this act with respect to the  
25 land under its jurisdiction. Its duties shall include the  
26 establishment, under the general direction of the county  
27 authority, of a coordinated program for control of noxious  
28 plants within its county. The county shall be the control  
29 authority except it may designate a city, borough, incorporated  
30 town or township to act as control authority over land under its

1 jurisdiction: Provided, That the governing board of such city,  
2 borough, incorporated town or township has adopted a resolution  
3 requesting such designations.

4 Section 6. Movement.

5 (a) A person shall not knowingly transport, deliver, ship or  
6 offer for shipment into or within this Commonwealth any material  
7 containing seeds or other reproductive parts of noxious plants.

8 (b) The control authority shall have the authority to make  
9 inspections deemed necessary.

10 Section 7. Destroying plants.

11 (a) It shall be the duty of a person in control of land in a  
12 county of this Commonwealth by lease or otherwise on which  
13 noxious plants may be growing to cut and destroy the same so as  
14 to prevent them from going to seed.

15 (b) It shall be the duty of the control authority to see  
16 that noxious plants are cut and destroyed whether it comes to  
17 its knowledge by its observation or through an aggrieved person.  
18 It shall give five days personal notice in writing to such  
19 persons to cut or destroy such plants. Whenever the person  
20 neglects or refuses to cut or destroy the plants the control  
21 authority shall employ a person or persons to cut or destroy  
22 such plants. The cost of any such control or eradication shall  
23 be the expense of the owner. Costs shall be recovered in the  
24 same manner as other debts are recovered.

25 (c) A person who considers himself aggrieved or about to be  
26 injured by a neglect or refusal to cut or destroy noxious plants  
27 may inform the control authority by registered written notice.  
28 It shall be the control authority's duty within five days to  
29 give five days personal notice in writing to cut or destroy said  
30 plants or to proceed as provided in this act.

1 Section 8. Notices.

2 Notices for the control or destruction of noxious plants  
3 shall be of two kinds, general notices and personal notices.

4 (1) A general notice shall be published by a control  
5 authority, or a combination of control authorities within a  
6 county, in one or more newspapers of general circulation  
7 throughout the area, or areas, over which the control  
8 authority, or control authorities, has jurisdiction on or  
9 before April 1 of each year.

10 (2) Whenever a control authority finds it necessary to  
11 secure more prompt or definite control or destruction of  
12 noxious plants than is accomplished by the general published  
13 notice, it shall notify the individuals involved.

14 Section 9. Penalties.

15 A person who shall neglect or refuse to comply with the  
16 provisions of this act, shall pay a fine of \$100 to the  
17 treasurer of the control authority in which such land is  
18 located, to be recovered the same as debts of like amount are  
19 now by law recovered.

20 Section 10. Repeal.

21 The act of March 22, 1862 (P.L.164, No.164), entitled, as  
22 amended, "An act to provide for the destruction, and to prevent  
23 the spread of Canada thistles, chicory and marihuana, and  
24 imposing certain powers and duties upon supervisors and  
25 constables in relation thereto," is repealed.

26 Section 11. Effective date.

27 Section 1 through 9 shall take effect immediately. Section 10  
28 shall take effect upon the issuance of the first list of noxious  
29 plants by the secretary.