

AMENDMENTS TO HOUSE BILL NO. 790

Sponsor: REPRESENTATIVE CAUSER

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1 Amend Bill, page 1, lines 7 through 10, by striking out "
2 intended to be grown" in line 7, all of lines 8 and 9 and
3 "within the General Fund" in line 10

4 Amend Bill, page 4, line 1, by inserting after "plant" where
5 it occurs the second time
6 species or subspecies

7 Amend Bill, page 4, lines 6 and 7, by striking out all of
8 said lines

9 Amend Bill, page 5, lines 6 through 9, by striking out all of
10 said lines

11 Amend Bill, page 5, lines 20 through 24, by striking out all
12 of said lines

13 Amend Bill, page 5, line 26, by inserting after "period"
14 of time

15 Amend Bill, page 5, lines 28 through 30; page 6, line 1; by
16 striking out all of said lines on said pages

17 Amend Bill, page 6, lines 13 through 16, by striking out all
18 of said lines

19 Amend Bill, page 6, line 20, by striking out "section 702"
20 and inserting

21 the act of December 16, 1992 (P.L.1228, No.162), known as
22 the Plant Pest Act

1 Amend Bill, page 10, lines 3 through 15, by striking out all
2 of lines 3 through 14 and "(d)" in line 15 and inserting

3 (c)

4 Amend Bill, page 10, line 30, by striking out "growing,"

5 Amend Bill, page 11, line 1, by striking out "or production"

6 Amend Bill, page 11, line 4, by striking out "The permits"
7 and inserting

8 A permit

9 Amend Bill, page 11, line 8, by striking out "paragraph (4)"
10 and inserting

11 subsection (d) (4)

12 Amend Bill, page 11, lines 10 through 15, by striking out
13 "The permits shall be" in line 10 and all of lines 11 through 15
14 and inserting

15 The department shall establish the criteria for a controlled
16 plant individual permit through the issuance of a temporary
17 order as specified under subsection (d) (4).

18 (b) Permit required.--No person may research, market,
19 distribute, transport, cultivate, hold, retail, wholesale,
20 propagate or display a noxious weed or controlled plant
21 without obtaining a permit from the department in accordance
22 with the provisions of this act.

23 (c) General permits.--General permits may be issued for
24 the research,

25 Amend Bill, page 11, line 16, by striking out "production,
26 growth" and inserting

27 transport

28 Amend Bill, page 11, line 20, by striking out all of said
29 line and inserting

30 (1) General permits may be issued on a regional or

31 Amend Bill, page 11, lines 24 through 29, by striking out
32 "Where" in line 24 and all of lines 25 through 29 and inserting

33 (2) General permits shall be published in the

1 Amend Bill, page 12, lines 1 through 4, by striking out all
2 of said lines and inserting

3 (3) An applicant seeking a general permit under this
4 subsection shall inform the department of the applicant's
5 intended use of the general permit and complete an
6 application for approval to operate under the general permit
7 requirements. The application shall include a written plan
8 establishing the practices and methods the applicant will
9 utilize in order to assure compliance with the general permit
10 requirements established by the department. In addition to
11 the written plan, the application shall state, at a minimum,
12 all of the information required under subsection (d) (5) (i),
13 (ii), (iii), (iv), (v), (vi), (vii), and (viii).

14 (4) Before the approval and issuance of a general
15 permit, the department may enter onto and inspect the land
16 and premises, including buildings and conveyances, that will
17 be utilized for the purpose of engaging in an activity
18 authorized by the permit regarding a controlled plant. The
19 inspection shall be conducted during normal business hours.

20 (d) Individual permits.--Individual permits may be issued
21 for noxious weeds and controlled plants in accordance with the
22 following:

23 (1) An individual permit may be issued for any

24 Amend Bill, page 12, line 6, by striking out all of said line
25 and inserting

26 (i) The controlled plant has such individual

27 Amend Bill, page 12, lines 8 through 10, by striking out
28 "govern or contain its" in line 8, all of line 9 and "through"
29 in line 10 and inserting

30 regulate

31 Amend Bill, page 12, line 11, by striking out all of said
32 line and inserting

33 (ii) The land or area on which the controlled

34 Amend Bill, page 12, line 14, by striking out "govern,
35 contain, control or eradicate" and inserting

36 regulate

37 Amend Bill, page 12, line 16, by striking out all of said
38 line and inserting

1 (iii) The controlled plant is highly regulated or
2 Amend Bill, page 12, line 21, by striking out all of said
3 line and inserting

4 (2) In individual permit shall be issued in writing
5 Amend Bill, page 12, line 26, by striking out "(6)" and
6 inserting

7 (4)
8 Amend Bill, page 12, line 27, by striking out "(5)" and
9 inserting

10 (3)
11 Amend Bill, page 12, line 28, by striking out "as set forth
12 in paragraph (6),"

13 Amend Bill, page 13, line 1, by striking out "(6)" and
14 inserting

15 (4)
16 Amend Bill, page 13, line 9, by striking out the comma after
17 "restrictions" and inserting

18 and

19 Amend Bill, page 13, line 10, by striking out "and penalties"

20 Amend Bill, page 14, lines 2 through 5, by striking out all
21 of said lines and inserting

22 the

23 Amend Bill, page 14, lines 19 through 30; pages 15 through
24 19, lines 1 through 30; page 20, lines 1 through 3; by striking
25 out all of said lines on said pages and inserting

26 (5) A written application for an individual permit shall
27 meet the criteria established by the department through a
28 temporary order or regulation as authorized by this act and
29 be made on a form and a manner as prescribed by the
30 department. The application shall contain at least the
31 following:

32 (i) The legal name, address and daytime and evening
33 telephone numbers of the applicant.

1 (ii) The physical location, including a detailed
2 plot map and description of the site to be planted or
3 site where the noxious weed or controlled plant will be
4 propagated, cultivated, stored or distributed. The
5 description of the location shall also include the
6 county, municipality and the name of each road bordering
7 the physical location. The plot map shall be attached to
8 the application and shall state the GPS coordinates
9 outlining the boundaries of the site and other important
10 landmarks.

11 (iii) For a seller, distributor, holder or
12 depository of propagation material, the name and address
13 and the applicable Federal or Commonwealth license or
14 certification number or both, where applicable.

15 (iv) The scientific and common names of the noxious
16 weed or controlled plant for which the applicant desires
17 an individual permit according to the United States
18 Department of Agriculture PLANTS Database, including
19 classification of species by sterile biotype, cultivar,
20 variety F1 parent, variety F2 parent or other name.

21 (v) The identity of the intended plant parts to be
22 used and the stage of development at planting, including
23 seed, rhizome and cutting.

24 (vi) Attestation that the plant materials have been
25 selected from apparently disease-free and pest-free
26 sources.

27 (vii) A description of the packaging and biosecurity
28 safeguards to be utilized. Plant material shall be
29 packaged and safeguarded sufficiently to maintain
30 isolation from the domestic environment during
31 transportation.

32 (viii) An attestation by the applicant stating the
33 applicant shall continue to comply with the permit
34 requirements for the duration of time the plant materials
35 are in the permit holder's possession and that the permit
36 holder understands and agrees to the following:

37 (A) If the permit holder intends to transfer
38 possession or ownership of the noxious weed or
39 controlled plant, the permit holder shall, before
40 the transfer of possession or ownership, notify
41 the department and assure the person to whom the
42 noxious weed or controlled plant will be
43 transferred or sold that the permit holder has
44 obtained the required individual permit.

45 (B) If the permit holder intends to stop
46 growing or cultivating the noxious weed or
47 controlled plant, the permit holder shall notify
48 the department and implement all measures ordered
49 by the department to destroy the noxious weed or
50 controlled plant, unless another person assumes
51 responsibility for the noxious weed or

1 controlled plant and is issued an individual
2 permit.

3 (C) If the permit holder abandons,
4 relinquishes possession or ownership of, control
5 over or responsibility for the noxious weed or
6 controlled plant, in a manner inconsistent with
7 the provisions of this act, all plant material
8 regulated by the permit shall be destroyed in a
9 manner approved by the department. The original
10 permit holder shall continue to be responsible
11 for the noxious weed or controlled plant, the
12 cost of destruction and eradication of the
13 noxious weed or controlled plant and any plant
14 material associated with the noxious weed or
15 controlled plant. The original permit holder
16 shall continue to be subject to the penalties
17 imposed under this act.

18 (ix) The identification of the use of the
19 noxious weed or controlled plant to be permitted,
20 including ornamental landscape, agricultural crop,
21 feed crop, research, education, biofuel, biomass,
22 further sale or distribution or any other particular
23 use.

24 (x) A detailed description of the activity
25 authorized by the permit, including the intended size
26 of the area to be planted and the intended date of
27 planting.

28 (xi) Whether the noxious weed or controlled
29 plant will be further distributed, sold, transported,
30 replanted, used for seed or other purposes. If the
31 noxious weed or controlled plant will be further
32 distributed, sold, transported, replanted, used for
33 seed or other purposes, the permit shall include the
34 name and address of the person and location to which
35 the noxious weed or controlled plant will be
36 distributed, sold or transported. If sold or
37 distributed for further propagation, the application
38 shall include the information required under
39 subparagraphs (i) and (ii) and the name and address
40 of the person to which the noxious weed or controlled
41 plant was sold or distributed for such use.

42 (xii) A written contingency plan for each site
43 for eradication or recapture in the event of an
44 unauthorized escape or introduction of the noxious
45 weed or controlled plant.

46 (xiii) An attestation that the applicant shall
47 comply with all terms and conditions contained in the
48 permit.

49 (6) The secretary may request additional information, if
50 necessary, from the applicant in writing after the
51 application is received to evaluate the potential risk to the

1 Commonwealth.

2 (7) An individual permit shall expire on December 31 of
3 each year, unless otherwise specified in the permit. An
4 application for renewal of an individual permit must be made
5 by October 1 of the year the permit expires. An application
6 for renewal shall describe any change to the required
7 information previously submitted. Failure to renew an
8 individual permit shall be a violation of this act.

9 (8) General information regarding permit compliance
10 shall be updated on a calendar year basis. Updated
11 information shall be submitted to the department no later
12 than January 10 of each new calendar year. Failure to submit
13 the required information within the time period established
14 under this paragraph shall be a violation of this act.

15 (9) Before the approval and issuance of an individual
16 permit, the department may enter onto and inspect the land
17 and premises, including buildings and conveyances, that will
18 be utilized for the purpose of engaging in an activity
19 authorized by the permit. The inspection shall be limited to
20 normal business hours.

21 Amend Bill, page 20, line 4, by striking out "(f)" and
22 inserting

23 (e)

24 Amend Bill, page 20, lines 5 and 6, by striking out "or is
25 required to hold a permit"

26 Amend Bill, page 20, line 30, by striking out "(g)" and
27 inserting

28 (f)

29 Amend Bill, page 21, line 5, by striking out "permittee" and
30 inserting

31 permit holder

32 Amend Bill, page 21, line 21, by striking out "conduct"

33 Amend Bill, page 21, line 22, by striking out "produce," and
34 inserting

35 transport, display,

36 Amend Bill, page 22, lines 7 through 9, by striking out all
37 of said lines

1 Amend Bill, page 22, line 11, by striking out all of said
2 line and inserting

3 (a) General rule.--The following apply:

4 (1) The department may establish a noxious

5 Amend Bill, page 22, line 12, by striking out "noxious weed"

6 Amend Bill, page 22, line 15, by striking out "noxious weed"

7 Amend Bill, page 22, lines 17 and 18, by striking out
8 "noxious weed"

9 Amend Bill, page 22, lines 18 through 23, by striking out "
10 The purpose of" in line 18 and all of lines 19 through 23 and
11 inserting

12 (2) Within the noxious weed control area, the

13 Amend Bill, page 22, line 27, by striking out "noxious weed"

14 Amend Bill, page 22, line 28, by striking out "(c)" and
15 inserting

16 (b)

17 Amend Bill, page 22, line 30, by striking out "noxious weed"

18 Amend Bill, page 23, lines 1 through 6, by striking out "A"
19 in line 1, all of lines 2 through 5 and "(d)" in line 6 and
20 inserting

21 (c)

22 Amend Bill, page 23, line 7, by striking out "noxious weed"

23 Amend Bill, page 24, lines 3 and 4, by striking out
24 "requiring a person to implement treatment measures"

25 Amend Bill, page 24, line 25, by striking out "The" and
26 inserting

27 A

28 Amend Bill, page 27, lines 2 and 3, by striking out all of

1 said lines

2 Amend Bill, page 27, line 23, by inserting after "may"
3 promulgate regulations to

4 Amend Bill, page 28, lines 3 through 8, by striking out all
5 of lines 3 through 7 and "(d)" in line 8 and inserting
6 (c)

7 Amend Bill, page 28, lines 23 through 30, by striking out all
8 of lines 23 through 29 and "(3)" in line 30 and inserting
9 (1)

10 Amend Bill, page 29, line 2, by striking out "(4)" and
11 inserting
12 (2)

13 Amend Bill, page 29, line 3, by striking out "conduct
14 research on" and inserting
15 research

16 Amend Bill, page 29, line 4, by striking out "produce,"

17 Amend Bill, page 29, line 8, by striking out "(5)" and
18 inserting
19 (3)

20 Amend Bill, page 29, line 10, by striking out "and" and
21 inserting
22 or

23 Amend Bill, page 29, lines 17 through 30; page 30, lines 1
24 through 14; by striking out all of lines 17 through 30 on page
25 29, all of lines 1 through 13 and "(e)" in line 14 on page 30
26 and inserting

27 (c)

28 Amend Bill, page 30, lines 17 through 19, by striking out "or
29 if access or entry" in line 17, all of line 18 and "hindered" in
30 line 19

1 Amend Bill, page 31, lines 1 through 5, by striking out all
2 of lines 1 through 4 and "(4)" in line 5 and inserting
3 (3)

4 Amend Bill, page 31, lines 7 and 8, by striking out "or is
5 required to hold"

6 Amend Bill, page 31, line 8, by inserting after "individual"
7 permit

8 Amend Bill, page 31, line 15, by striking out "(f)" and
9 inserting

10 (d)

11 Amend Bill, page 31, lines 19 and 20, by striking out "or
12 required to hold"

13 Amend Bill, page 31, line 22, by striking out "the" and
14 inserting

15 an

16 Amend Bill, page 31, line 22, by inserting after "individual"
17 permit

18 Amend Bill, page 31, lines 22 and 23, by striking out
19 "permitting requirements of this act and its" and inserting
20 permit and any

21 Amend Bill, page 31, lines 26 through 30, by striking out
22 "The department and" in line 26, all of lines 27 through 29 and
23 "(g)" in line 30 and inserting

24 (e)

25 Amend Bill, page 32, line 10, by striking out "under" and
26 inserting

27 subject to

28 Amend Bill, page 32, line 14, by inserting after "treatment"
29 measure

30 Amend Bill, page 32, line 15, by inserting after "treatment"

1 measure

2 Amend Bill, page 32, line 18, by striking out "under" and
3 inserting

4 subject to

5 Amend Bill, page 33, line 1, by striking out "reproduction"
6 and inserting

7 marketing, retail, wholesale, holding, warehousing

8 Amend Bill, page 33, line 5, by striking out "allowed" and
9 inserting

10 authorized

11 Amend Bill, page 34, line 6, by striking out the period after
12 "act" and inserting

13 in accordance with the act of July 31, 1968 (P.L.769,
14 No.240), referred to as the Commonwealth Documents Law, the act
15 of October 15, 1980 (P.L.950, No.164), known as the Commonwealth
16 Attorneys Act, and the act of June 25, 1982 (P.L.633, No.181),
17 known as the Regulatory Review Act.

18 Amend Bill, page 36, lines 22 and 23, by striking out "a
19 special nonlapsing restricted account in the General Fund, to be
20 known as"