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HOUSE BILL NO. 88**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Appropriations
on February 6, 2026)

(Patron Prior to Substitute—Delegate Laufer)

A BILL to amend and reenact § 33.2-217 of the Code of Virginia, relating to highway rights-of-way; invasive species; report.

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-217 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-217. Prohibition of certain weeds and plants on highway rights-of-way; report.

Neither the Board nor the Commissioner of Highways shall plant or cause or suffer to be planted on the right-of-way of any state highway any ~~of the weeds or plants known as devil shoestring (Tephrosia virginiana), Johnson grass (Sorghum halepense), or barberry (Berberis vulgaris) if the governing body of the county in which the highway is located declares by resolution such weeds or plants to be injurious to adjacent property~~ *invasive plant on the list of invasive plants created pursuant to § 10.1-104.6:2.*

~~The Board shall cause all such weeds or plants planted or caused to be planted by the Board or Commissioner of Highways on any state highway right-of-way to be dug up and destroyed.~~

Any owner of land adjacent to any state or other public highway right-of-way, or his agents and employees, may dig up, cut down, or otherwise remove and destroy any of such plants or weeds and any other plants or weeds that are or may become noxious or otherwise injurious to his property found growing upon any state or other public highway right-of-way adjacent to his land.

2. That the Department of Transportation, in coordination with the Department of Conservation and Recreation and after consultation with the invasive species advisory group created pursuant to § 2.2-220.2 of the Code of Virginia, shall conduct a review of the processes and resources that are necessary and appropriate to (i) determine the prevalence of invasive plants on the list of invasive plant species created pursuant to § 10.1-104.6:2 of the Code of Virginia on any state highway right-of-way and (ii) develop options for establishing and implementing a plan to remove or control such plants and manage such plants on an ongoing basis. The Department of Transportation shall submit a report of its findings to the Chairs of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the House and Senate Committees on Transportation no later than December 1, 2027.

HOUSE SUBSTITUTE

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