

## Agriculture

### 1. LEMON LAW AND FARM MACHINERY

West Virginia Farm Bureau believes the West Virginia "Lemon Law" should be extended to cover farm machinery purchased for use in West Virginia.

### 2. STATE ENTITY USE OF AG PRODUCTS

WVFB supports efforts by state schools, institutions, agencies and other entities to purchase and use locally grown and produced agriculture products.

### 3. CAPTIVE CERVID PROGRAM

West Virginia Farm Bureau supports the Captive Cervid Program, provided it is under strict regulatory control with enforcement of all program operations and there is no self-certification by any current or future deer farming operation. The West Virginia Department of Agriculture must provide certified program staff and administrators to carry out the Captive Cervid Program.

### 4. POULTRY LITTER

No commercial litter may be transported or spread within one (1) mile of a primary poultry stock breeder site unless the litter meets all four of the following conditions:

- All litter shall be properly composted or dry stacked at least thirty (30) days
- All litter shall be tested and certified by the WVDA to be free of salmonella, mycoplasma and avian influenza prior to movement
- All litter being transported off the premises of origin shall have a certification accompanying the load
- All litter used for soil amendments must be spread according to best management practices to reduce the chances of a breach in bio-security of other agricultural enterprises

If this policy is not acceptable to the primary breeder, we recommend the primary breeder pay the difference in cost between commercial fertilizer and litter to the farmers within the restricted area who are incurring extra expense due to this policy.

### 5. LOOSE ANIMAL STANDARDS

Farmers have often faced criminal charges for animals getting loose outside of the farmer's knowledge or control. A clear set of standards and/or legislation needs to be established which addresses any civil or criminal liability relative to loose farm animals, to ensure that farmers are protected from criminal charges when animals escape confinement (fences, buildings, etc.) through no fault of the owner.

West Virginia Farm Bureau supports the development of loose animal standards through the Livestock Care Standards Board and/or the West Virginia Legislature. Additionally, to limit and reduce the liability of loose livestock.

### 6. NOTIFICATION OF HAZARDOUS MATERIAL SPILL

In the event of a hazardous material spill by an outside party, property owners/operators shall be notified immediately by the proper authorities (but no longer than 24 hours) of the nature and magnitude of the materials spilled. The landowner/operator should have input in the clean-up procedure. One agency should be responsible to keep the landowner/operator fully informed of all materials and progress of the cleanup and recovery.

The landowner/operator should have the right to discuss any concerns with ONE designated representative who has the exclusive knowledge and authority to make a lasting decision. WVFB recommends that the Department of Environmental Protection (DEP) be the agency of contact.

## 7. FOOD PRODUCTION AND GOOD SCIENCE

West Virginia Farm Bureau recognizes the need for environmental protection, as well as the need to balance the dietary and economic needs of our citizens. Due to the urgency of needed remediation in many environmental areas, application of good science is often lost in the rush to accomplish an environmental objective. The failure to apply good science, the result of which can be the passage of inadequately considered laws and regulations, has an economically burdensome impact upon agricultural production. Farm Bureau recommends careful consideration of good science and adequate notice prior to enacting laws and regulation affecting agriculture and the costs of producing food products.

## 8. AGRICULTURAL DRUGS AND CHEMICALS

Farm Bureau, the U.S. Department of Agriculture, the Cooperative Extension Service, and the West Virginia Department of Agriculture should inform farmers and the public of the significance of agricultural chemicals and the laws and regulations covering their usage.

We recommend companies label all packaged chemicals and/or drugs in appropriate weights and measures to assist the homeowner/home gardener or small producer in proper application.

We recommend that the West Virginia Division of Environmental Protection provide collection centers throughout West Virginia to accept unused farm and household chemicals and containers.

We recommend additional emphasis be placed on improved biological controls or integrated pest management control methods.

We recommend that the West Virginia Department of Agriculture cooperate with the adjoining State Departments of Agriculture to approve the use of agricultural pesticides to create fair competition for our farmers.

## 9. FAIR IMPORTS

In order to protect the health and safety of U.S. citizens and the economic well-being of U.S. farmers, Farm Bureau recommends that any agricultural product imported into this country be produced according to the same rules and regulations currently required of U.S. farmers and companies.

## 10. SUPPORT OF WV YOUNG FARMERS/VETERANS

WVFB actively encourages the support of younger farmers and veterans throughout the state and recommends that sufficient resources be made available within the West Virginia Department of Agriculture to facilitate the following:

- Creation of a low-interest loan program, specifically for younger farmers (35 years of age and younger) and veterans to start and/or expand an agricultural operation in West Virginia
- Development of a West Virginia Farm Transfer Program, designed to pair those farmers preparing to transition out of agriculture with a younger farmer (35 years of age or younger) or veteran who is interested in purchasing an existing farm to begin or expand an agricultural operation

#### 11. SOIL TESTING PROGRAM

The soil testing program at West Virginia University is effective and benefits farmers and gardeners. We recommend that the Legislature provide adequate funds for this program, and that WVU maintains adequate laboratory personnel to return soil test results in a timely manner.

#### 12. FUNDING FOR AG ENHANCEMENT PROGRAM

We recommend the continuation of adequate funding for the WV Ag Enhancement Program, administered by West Virginia Conservation Agency and WV Conservation Districts.

#### 13. WEST VIRGINIA DEPARTMENT OF AGRICULTURE LABORATORIES

West Virginia Farm Bureau supports the upgrading, rebuilding, modernization, and improvement of access to the West Virginia Department of Agriculture laboratories.

#### 14. PROMOTION OF AGRICULTURAL COMMODITIES & INDUSTRIES

Farm Bureau recommends that the West Virginia Development Office cooperate with the Department of Agriculture in attracting agricultural processing industries.

We recognize the right of producers to promote research, sales, and consumption of the commodities they produce; we recommend West Virginia farm products be specified when available as the products of choice for state and county agencies, such as school systems, correctional centers, etc.; and we recommend removal of the federal regulation prohibiting the advertisement and promotion of milk as a low-fat food.

We support the continued development and promotion of the WV Grown Program so that West Virginia grown produce should receive priority in state farmers' markets, tailgate markets, and in purchases by state government.

Regulations governing custom slaughtering plants, locker plants, producer-slaughterers, dairying, syrup making or any other farm-produced product should be modified so as not to eliminate those local services and to allow face-to-face sales from farmer to consumer with minimum government interference.

We recommend that producers' check-off funds not be used for political or legislative lobbying.

#### 15. SUPPORT & ENHANCEMENT OF HORSE INDUSTRY

West Virginia Farm Bureau supports updating the "Horse Industry Impact Study on Economic Development and Tourism in WV" completed in 2005 by WVU.

West Virginia Farm Bureau supports the development of private facilities and public facilities to promote equine industry growth with a focus on educational programs, activities and tourism.

West Virginia Farm Bureau supports the recognition and classification of horses and other equine as a farm animal and their inclusion in state and national census counts. We also support the classification of the equine industry as an agricultural enterprise.

West Virginia Farm Bureau recommends that any equine species be included in the National Animal Identification System.

WVFB believes support of the horse industry should include providing necessary financial incentives to improve the industry's economic growth as well as the general farm economy in the geographic area, with enhanced facilities necessary for success.

#### 16. INTERSTATE SHIPMENT OF MEAT

West Virginia Farm Bureau supports the interstate shipment of meat with appropriate state inspection.

#### 17. REGULATORY AUTHORITY OF LIVESTOCK, POULTRY AND AQUACULTURE

Farm profits depend on good animal care; therefore, farmers have an inherent interest in practicing good animal care.

West Virginia Farm Bureau opposes legislation that would give private organizations or public agencies, other than the West Virginia Department of Agriculture, the authority to establish standards for the raising, handling, feeding, housing or transportation of livestock, poultry and fur-bearing animals. The West Virginia Department of Agriculture should have sole authority in establishing these standards for these animals.

#### 18. CREATION OF EXOTIC ANIMAL REGULATION BOARD AND AUTHORITIES

Through the legislative process, WVDA should be given the authority to regulate the possession and sale of certain exotic species by amending the Animal Regulations Act. These changes, as prescribed by the WVDA, will help protect the health and safety of humans and the state's agricultural and forestry industries, its wildlife and other natural resource interests from the introduction or spread of disease. This much-needed alteration to the Animal Regulations Act will also support stronger enforcement of the Homeland Security Act pertaining to agro terrorism.

The creation of an animal regulation board – which would include the Commissioner of the Department of Agriculture, the Commissioner of the Bureau for Public Health and the Director of the Division of Natural Resources – should be included in the language of the legislation granting the WVDA the aforementioned powers.

This board will be authorized to:

- Take recommendations from a technical advisory committee
- Seize and quarantine animals when there is probable cause to suspect the animal poses a threat to the health and safety of humans, other animals or certain industries
- Be a registering agency for pet shops
- Be a permitting agency for those breeding exotic animals

#### 19. NAMING AND LABELING OF FOOD PRODUCTS

Misleading advertising is being practiced pertaining to imitation food products. This is especially true for milk, milk products and meat, and causes considerable misunderstanding among consumers.

West Virginia Farm Bureau recommends the adoption of regulations providing that ingredients and cultural practices be clearly and correctly identified on labels and in advertising. Labels should also show the country of origin of all imported ingredients.

WVFB opposes labeling or marketing plant-based products or lab-cultured cells as meat.

## 20. AGROTERRORISM AND BIOTERRORISM

West Virginia Farm Bureau supports the actions of the West Virginia Department of Agriculture, United States Department of Agriculture, Department of Homeland Security and other organizations to identify the impact of terrorism on agriculture and supply appropriate funding and manpower to protect the industry.

## 21. VETERINARY HEALTH ENHANCEMENT ACT

The number of veterinarians practicing in rural areas continues to decrease. Most veterinarians that do practice in rural areas do not provide services to large animals. West Virginia Farm Bureau believes that the passage of the Veterinary Health Enhancement Act will help prevent a rural veterinarian crisis. We support passage of this bill, which would establish a scholarship program for veterinary students and a student loan repayment program for veterinarians who agree to practice in areas where there are veterinarian shortages, provided that, it is amended to require participants to offer large animal veterinary services. We also recommend that a national tuition relief program be established for veterinary students who agree to enter the food animal and rural veterinary fields.

Furthermore, we support the large animal veterinarian retention program sponsored by the USDA Veterinary Services.

## 22. ANIMAL AND PLANT DISEASES

West Virginia Farm Bureau recommends that West Virginia University Experiment Station increase investigations and research into the prevention and/or cure of destructive livestock, poultry and plant diseases. Because of the influx of new and current diseases, permit regulations and strict biosecurity procedures should be followed when any research is conducted.

Tuberculosis and Brucellosis are diseases common to livestock and humans. We recommend continued efforts to maintain Class FREE status in West Virginia.

We also urge the West Virginia Department of Agriculture and Department of Environmental Protection plan for removal and disposal of infected material when a highly infectious disease, such as avian flu, occurs.

The WV Department of Agriculture has been mandated by the USDA to develop an Animal Disease Traceability program. WV Farm Bureau should collaborate with WVDA to develop a program that will work by involving livestock producers in the development of this program.

WVFB can be proactive in organizing regional meetings to solicit producer input for development of this state program.

WVFB should actively support mandatory disease traceability because it will be a defining factor in the export market.

## 23. CONTROL OF INJURIOUS INSECTS

West Virginia Farm Bureau recommends that the State Department of Agriculture, working with other research institutions, devise and use effective controls over Gypsy Moth, Japanese Beetle,

Tent Caterpillar, Grasshoppers, Emerald Ash Borer, Asian Long Horned Beetle, Brown Marmorated Stink Bug, Spotted Lantern Fly and other injurious insects.

We recommend that all counties of West Virginia infested by Gypsy Moth be included in the Department of Agriculture spraying program, and that all private landowners be provided financial assistance and encouraged to participate in the program.

#### 24. NOXIOUS WEEDS AND PLANTS

Labor is the biggest expense in eradication. West Virginia Farm Bureau recommends that the state supply the materials and training, and landowners provide the labor to eradicate noxious weeds. It is also recommended that all landowners, both private and public, be encouraged to participate in this process.

It is further recommended that Chicory (*chicorium intybus*) and Himalayan Blackberry be added to the list of noxious weeds.

#### 25. CONTROL OF RABIES AND ADMINISTRATION OF VACCINE

West Virginia Farm Bureau recommends stricter enforcement of present laws for the control of rabies in wild and domestic animals.

We recommend that the state give financial aid to farmers who find it necessary to vaccinate livestock due to exposure to rabid animals.

We further recommend that the law designate the State Health Department as the leading agency to control rabies. The sheriff, conservation officer, county health department and any other agencies appointed by the State Health Department will be responsible for having the collected specimens of suspected rabid animals taken to the health department laboratory for examination.

In addition, because of the decline in numbers of large animal veterinarians, WVFB recommends that livestock producers have access to purchase the rabies vaccine to inoculate livestock (for example: cattle, sheep, equine, goats)

#### 26. LYME DISEASE & WEST NILE VIRUS

West Virginia Farm Bureau recommends that the West Virginia Department of Agriculture, West Virginia Division of Health, West Virginia Department of Education, West Virginia University Extension Service, and public health agencies provide educational information about prevention and treatment of Lyme disease and West Nile virus as well as provide annual notification by county of outbreaks and detection.

#### 27. USE OF TRAPS

West Virginia Farm Bureau opposes legislation that would restrict the utilization of steel traps and snares in the control of predatory animals, year-round, or prohibit the landowner from harvesting fur-bearing animals in season.

#### 28. WEST VIRGINIA DOG LAW

Unrestrained dogs are a nuisance and a source of property damage for farmers, and many urban families.

West Virginia Farm Bureau generally supports the present Dog Law, but believes the law needs to be more strictly enforced.

We recommend the Dog Law be amended as follows:

- County commissions shall pay all claims for livestock and poultry losses that exceed the dog fund. Excess money would be paid from the general revenue fund
- A leash law be put into effect for the period of March 1 to May 30 of each year during which time dogs must be tied unless accompanied and controlled by their owners
- Agriculture or livestock dogs should be exempt from leash law ordinances provided they are actively herding or guarding livestock or performing other farm-related activities
- All animal shelters must scan dogs for microchips prior to adoption or euthanizing. County commissions shall provide scanners to each shelter

## 29. RIGHT TO FARM ORDINANCE

One of the greatest assets of West Virginia is the vast farmland and timberland. The aesthetically appealing landscape has attracted many new residents. Increasingly, many new residents are not accustomed to agriculture management practices. On occasion, these residents have objected to, and in some cases, initiated lawsuits against the management practices responsible for the pristine landscape that attracted them to the area. Therefore, West Virginia Farm Bureau supports the State of West Virginia and any county that wishes to have a Right to Farm Ordinance, which shall:

- Create a legal presumption that agriculture management practices are not a nuisance and are an expected part of the quiet enjoyment of property
- Protect agriculture from nuisance lawsuits and or/complaints against generally accepted management practices
- Exempt agriculture from noise ordinances, light ordinances, dilapidated building ordinances, and other nuisance ordinances
- Establish a disclosure provision whereby the seller or his/her agent and the county clerk are required to notify potential buyers of the property of this right to farm ordinance
- Exempt agriculture from zoning restrictions and other regulatory tools that may interfere with generally accepted agriculture management practices

## 30. SUPPORT FOR AGRICULTURE/AGRIBUSINESS PROTECTION

West Virginia Farm Bureau supports the agriculture/agribusiness protection act to address criminal trespass of agriculture property.

## 31. PROTECTING THE HEALTH AND WELFARE OF AGRICULTURAL LIVESTOCK

West Virginia Farm Bureau supports the establishment of a livestock committee in each county to handle complaints of inhumane livestock treatment. The committee will be appointed by the county commission from recognized farmers within the county.

When, during the course of an investigation, the county humane officer (CHO) finds livestock in dire condition, he/she will contact a licensed veterinarian for further examination. Upon the veterinarian's opinion that the animal(s) are at imminent risk, the CHO will immediately notify the county commission of the situation. Further action by the CHO will occur only at the direction of the county commission and the county livestock committee.

To further protect livestock in a safe and humane way, harassment of these animals should not be tolerated at any level. Repeat offenders should be considered felons and jail time should be implemented.

### 32. TIMBER THEFT AND SUBSEQUENT COSTS

West Virginia Farm Bureau believes that expenses incurred from timber theft or trespass should include but not be limited to fence repair or replacement cost; total survey costs; attorney fees and court costs and replacement cost of timber (3x value of timber in question).

### 33. AQUACULTURE IN WEST VIRGINIA

West Virginia Farm Bureau supports aquaculture as agriculture. We support the development of legislation that provides authority for regulation and administration of aquaculture by the West Virginia Department of Agriculture. We further support the development of rules and the creation by the WVDA of the position of Aquaculture Coordinator, whose responsibility it will be to chair a statewide task force to develop an Aquaculture Development Act.

### 34. CBD HEMP

West Virginia Farm Bureau supports standardized Federal regulations for hemp and encourages and supports the WV Hemp Industry.

## Constitutional Amendments

### 35. TRANSFER OF WEST VIRGINIA DIVISION OF FORESTRY TO WEST VIRGINIA DEPARTMENT OF AGRICULTURE

West Virginia Farm Bureau recommends the West Virginia Division of Forestry be placed under the authority of the West Virginia Department of Agriculture.

The WVDA already offers services such as the Forest Health Protection Division, Pest Detection programs, pest and disease identification expertise and facilities as well as lumber/lumber products export certification.

### 36. STATE BOARD OF EDUCATION MEMBERSHIP

West Virginia Farm Bureau recommends the West Virginia State Board of Education be an elected non-partisan body with its members elected on a six-year rotation, with three members elected every two years to serve a six-year term. Each Congressional district should have three representatives on the board.

### 37. QUALIFICATIONS FOR WEST VIRGINIA COMMISSIONER OF AGRICULTURE

The existence of a strong Department of Agriculture is essential for growth and promotion of existing agri-business and development of new products and markets.

West Virginia Farm Bureau strongly supports preserving the position of an elected Commissioner of Agriculture. We also oppose the reduction of authority and responsibilities of that office.

WVFB supports an amendment to the West Virginia Constitution that clearly identifies the qualifications of the West Virginia Commissioner of Agriculture. The qualifications should include someone who is educated in a science of agriculture and who receives farm status for his or her agriculture land base or files a US IRS Schedule F with his or her Federal Income Taxes. The farm status or Schedule F shall have been filed for at least the five (5) years prior to holding office.



#### 38. SUCCESSION OF GOVERNOR

West Virginia Farm Bureau recommends that state statute be changed to clearly define the constitutional process regarding who the successor will be in the event the Governor vacates or cannot serve the remainder of the term. Our recommendation is not to create a new office such as Lieutenant Governor. We recommend the President of the Senate should be the next to serve as governor if the office is vacated, and should complete the current term. We further recommend that all of the present state elective offices be continued as such and there be no expansion of the Executive Branch of government.

#### 39. TERM LIMITATIONS FOR ELECTED OFFICIALS

West Virginia Farm Bureau supports term limits for the members of the U.S. Congress and the W.V. Legislature.

We propose a limit of two, six-year terms in succession for U.S. Senators and six, two-year terms in succession for members of the U.S. House of Representatives. We recommend comparable 12-year limits for members of the West Virginia Senate, House of Delegates and State Supreme Court of Appeals.

#### 40. CONSOLIDATION OF CITY & COUNTY GOVERNMENTS

Should government consolidation be proposed, each incorporated municipality and the voting precincts in the areas of the county outside the municipality must approve the consolidation by a two-thirds majority vote.

#### 41. REVISION OF STATE CONSTITUTION

West Virginia Farm Bureau opposes a State Constitutional Convention for the purpose of a general redrafting of the existing Constitution.

#### 42. AMENDMENTS FOR BOND AND LEVY ISSUES

West Virginia Farm Bureau recommends that amendments for bond and levy issues not be presented to the people by municipalities, counties or the Legislature unless it is clearly stated how the bonds are to be retired, and how the funds are to be distributed.

#### 43. WORDING ON BALLOTS

West Virginia Farm Bureau recommends that amendments or issues placed on the ballot for voter consideration be worded in such a manner that a simple yes or no means exactly that, and not be worded in such a manner as to confuse the voter.

#### 44. RECALL OF PUBLIC OFFICIALS

West Virginia Farm Bureau recommends that public officials in West Virginia be subject to recall with the possibility of removal from office by popular vote.

#### 45. DESECRATION OF THE UNITED STATES FLAG

The United States Supreme Court has ruled that states could not impose a penalty for desecration of one's personal United States flag.

West Virginia Farm Bureau believes that the United States flag is a symbol of freedom and liberty unequalled in the world and that the wanton destruction of our flag demeans the values

which we as free people hold so dear. We recommend that any American flag sold which is 2 ft. x 3 ft. or larger come with instructions for proper use – display and disposal.

We support a constitutional amendment making flag desecration a felony.

#### 46. BALANCED FEDERAL BUDGET

West Virginia Farm Bureau insists on a balanced federal budget, accomplished by reducing federal government expenditures and not increasing taxes. Any balanced budget proposal should require full compliance in not more than five years.

#### Education

#### 47. COMMON CORE

West Virginia Farm Bureau recognizes the Common Core State Standards (CCSS) as an inappropriate overreach to standardize and control the education of our children so they will conform to a pre-conceived “normal.”

We also reject the collection of personal student data for any non-education purpose without the prior written consent of an adult student or an underage student’s parent or legal guardian, and reject the sharing of such personal data without the prior written consent of an adult student or an underage student’s parent or legal guardian, with any person or entity other than schools or education agencies within the state.

West Virginia Farm Bureau supports the repeal of the numerous federal regulations which interfere with state and local control of public schools, and rejects the CCSS plan, which creates and fits the country with a nationwide straightjacket on academic freedom and achievement.

#### 48. WV FFA PROGRAMS & CEDAR LAKES CONFERENCE CENTER

West Virginia Farm Bureau believes Cedar Lakes is a major asset for WV as a center for FFA and other youth activities, and as an adult education facility. Cedar Lakes should be maintained and facilities improved with additional private housing. We encourage the West Virginia Department of Agriculture to put more emphasis on improving and using Cedar Lakes.

Farm Bureau is willing to work with other organizations to help secure adequate state funding for Cedar Lakes Conference Center. We request that WV citizens receiving a state tax refund be given the option to dedicate it or a portion thereof to a designated fund meant for capital improvements and maintenance of Cedar Lakes Conference Center.

#### 49. FINANCIAL EDUCATION

West Virginia Farm Bureau recommends that a financial planning course be mandated in the secondary school system.

#### 50. ABSTINENCE EDUCATION

West Virginia Farm Bureau supports programs providing education and support to children in various subjects such as good hygiene, self-esteem, controlled substance awareness, and abstinence, through school classes and community events.

#### 51. BASIC EDUCATION

West Virginia Farm Bureau recommends a thorough and efficient education, stressing competence in reading comprehension, composition, cursive writing, science, technology, home economics, math, civics and agricultural science, and herpetology be provided for students of our state.

To achieve this goal, we support:

- Grades K-4 learning mathematical skills, such as addition, subtraction, multiplication and division without the aid of technology, such as calculators
- Adequate facilities, instructional equipment and supplies
- Appropriate academic preparation of teachers who are periodically evaluated and tested
- Properly trained and qualified persons should be permitted to volunteer to assist paid personnel in sponsoring extracurricular activities and safety training programs

#### 52. WEST VIRGINIA STUDIES REQUIREMENT

West Virginia Farm Bureau supports the teaching of West Virginia studies, which is currently required for elementary school students and eighth graders. Farm Bureau recommends that the study of West Virginia be carried through in grades five, six and seven by incorporating specific objectives addressing the state's relationship with the content of the social studies curriculum for each of these grade levels. Farm Bureau also suggests that textbooks and materials used by students and teachers for the study of West Virginia be kept up-to-date.

#### 53. SCHOOL FUNDING

The State of West Virginia currently allocates over \$1 billion annually for education, including higher education. Additionally, approximately 70% of the counties' property taxes comprise the local share for county school boards.

School financing needs to be shared by all the citizens of the state, not just property owners; therefore, West Virginia Farm Bureau encourages the legislature to develop a school financing plan that would be equitable to property and non-property owners.

In addition, we urge funding be continued to rural county budgets to offset high costs of rural transportation. We also recommend funding be added for building maintenance.

#### 54. CONTROL OVER COUNTY SCHOOL SYSTEMS

West Virginia Farm Bureau recommends that county school boards have greater control over the curriculum and autonomy over the administration of the county school systems.

We further recommend the county school boards respect the desires of and maintain communications with the residents regarding school issues.

#### 55. PLEDGE OF ALLEGIANCE AND PRAYER IN SCHOOL

West Virginia Farm Bureau supports returning prayer and the Pledge of Allegiance, with the words "under God" retained, to the school system.

#### 56. SCHOOL CODES

West Virginia Farm Bureau recommends appropriate attire be mandatory for all public school students, teachers and personnel, and that all should practice good personal hygiene for health and safety reasons.

We further recommend that teachers, instructors and students alike follow the same rules regarding food, beverage and cell phone usage in the classroom. Because of the advancement and use of modern technology, we recommend that only teachers or instructors have the authority to permit use of these instruments in the furthering of the educational process; however, personal use by students/teachers/instructors should not be permitted during class except in a life-threatening emergency.

#### 57. BACKGROUND CHECKS OF SCHOOL PERSONNEL AND DAYCARE PERSONNEL AND HANDLING OF EMPLOYEES UNDER INVESTIGATION FOR SEXUAL/CRIMINAL MISCONDUCT

West Virginia Farm Bureau believes that a thorough background investigation should be required for all school employees and daycare personnel and those who volunteer on a regular basis, as well as those individuals working with or around children who are indirectly employed for the public school system or federally-funded daycare centers via a third-party contractual agreement.

We recommend that no one who has been found guilty of sexual or criminal misconduct in any way be employable in a public school or federally-funded daycare center.

We recommend that any employee who is under investigation for sexual or criminal misconduct be immediately placed on paid suspension until the investigation determines the guilt or innocence of the individual. If there is an adjudication of guilt, we request immediate termination, and that any certification be withdrawn.

#### 58. SECURITY IN PUBLIC SCHOOLS

West Virginia Farm Bureau continues support of a security program for the benefit of our children. All WV schools should be locked down during school sessions and admission to the main building should only be permitted with proper identification. In addition, county school systems should work jointly with local/county law enforcement to have regular and/or undercover presence in all schools.

Custodial parents need to advise school administrations of any limitations or restrictions regarding a child or children and of any changes throughout the school year.

#### 59. RANDOM DRUG TESTING

West Virginia Farm Bureau recommends legislation to authorize county school boards the power to initiate random drug testing for teachers and personnel.

Specifically, we recommend all personnel and teachers, including those employed by institutions of higher education, be subject to a random drug test at any time.

#### 60. DISCIPLINE IN PUBLIC SCHOOLS

To create the optimum learning environment, West Virginia Farm Bureau strongly recommends that local school authorities be empowered to establish a proper disciplinary environment.

Toward that end, parents or guardians shall be held legally responsible for the actions of their children.

#### 61. AGRICULTURAL EDUCATION, VOCATIONAL-TECHNICAL SCHOOLS, 4-H, NATIONAL FFA, FCCLA & FCA

National FFA programs, 4-H clubs, Family, Career and Community Leaders of America and Fellowship of Christian Athletes have been, and will continue to be, vital tools for development of talent and leadership needed in family resources, agricultural and ecological industries. West Virginia Farm Bureau recommends continued support for agriculture education in public secondary schools. Specifically, we recommend that:

- All agricultural education programs in secondary schools in West Virginia should be year-round
- The state should support this change by reimbursing county school systems for a minimum of 240 days
- The state should assist in maintaining and adding agricultural education in all counties desiring assistance
- The state should continue support for vocational-technical schools

#### 62. WV 4-H CLUB PROGRAM AND JACKSON'S MILL 4-H CONFERENCE CENTER

West Virginia Farm Bureau strongly supports the traditional 4-H program in West Virginia and we oppose any proposals to remove any reference to religion and worship from the 4-H program. One of the fundamentals of 4-H is the heart "H" which recognizes and emphasizes worship of God.

Farm Bureau strongly supports the traditional tribal activities and Council circle program at 4-H camps. We believe these programs, through education, enhance the heritage of Native Americans.

We feel strongly that the cattle facilities should be maintained and available for educational activities such as 4-H livestock projects, public shows and sales.

We feel that Jackson's Mill is a major asset to West Virginia as a center for youth activities and as an adult education facility. Jackson's Mill should be maintained and the facilities improved with additional private housing. We encourage West Virginia University to put more emphasis on improving and using Jackson's Mill. Farm Bureau is willing to work with other organizations to help secure adequate state funding for this facility. We request that WV citizens receiving a state tax refund be given the option to dedicate it to a designated fund meant for capital improvements and maintenance of Jackson's Mill.

#### 63. WVU EXTENSION SERVICE

The WVU Extension Service has made an outstanding contribution to the farm community. It must be continued and strengthened to meet the future needs of agriculture, and its primary responsibility should be to serve the educational and informational needs of farmers. We strongly support West Virginia University in acquiring funds from the legislature to carry out the Extension Program, 4-H, Community Educational Outreach Services, and county extension agents serving traditional needs of the agriculture community.

West Virginia Farm Bureau will continue to support a sound WVU Extension Service program. We recommend that a minimum of one agent and one secretary be placed in each county. The Cooperative Extension Service has long been a partnership of local communities, WVU and USDA. Ensuring local support improves program development, increases impact and helps secure local funding and other resources.

A strong county Extension Service Committee as described in WV code Article 8 Section 19-8-1 is critical to maintaining this partnership. WVFB opposes any attempt to alter this section of code in any way that limits or eliminates local input on program, budget or personnel.

Recognizing that young people of today will be the leaders of tomorrow, we support the 4-H Club work program. We oppose lowering the traditionally high standards for 4-H programs in order to increase the enrollment, or for any other reasons. We further recommend that the 4-H program be given special emphasis in future planning and budgeting. We are strongly opposed to any reduction or elimination of positions of 4-H or county extension agents working directly with young people at the county level. If cuts are necessary, they should occur at the administrative level.

#### 64. WVU DAVIS COLLEGE OF AGRICULTURE, NATURAL RESOURCES AND DESIGN

The Davis College of Agriculture, Natural Resources and Design and the Agricultural and Forestry Experiment Station are suffering from a lack of state financial support to the extent that the buildings and farms cannot be maintained in even a reasonable state of repair. West Virginia's state support compared to federal funding is one of the lowest in the nation.

The Davis College of Agriculture, Natural Resources and Design must have support of at least one dollar for each dollar of federal funding and research, and teaching must be a top priority.

West Virginia Farm Bureau supports continuation of necessary master's and doctoral programs in the Davis College of Agriculture, Natural Resources and Design. We support a policy that total revenue received from disposal of any real estate owned by West Virginia University and being used or administered by the College of Agriculture, Natural Resources and Design, or the Agricultural Experiment Station shall go into the capital improvement fund, the research fund and/or scholarship endowment fund of the Davis College of Agriculture, Natural Resources and Design. We support alternative routes to the West Run bypass to ensure that WVU Agricultural Research and Educational facilities remain in close proximity to the WVU Davis College of Agricultural, Natural Resources and Design campus.

#### 65. WVU DAVIS COLLEGE OF AGRICULTURE, NATURAL RESOURCES AND DESIGN LAND DEVELOPMENT

Agriculture has a large economic impact on the state of West Virginia. The WVU Davis College of Agriculture, Natural Resources and Design provides vital research and development to support the agricultural industry in our state.

West Virginia Farm Bureau supports legislation providing that no land currently managed by the WVU Davis College of Agriculture, Natural Resources and Design be sold, developed or constructed upon without the faculty and administration of the WVU Davis College of Agriculture, Natural Resources and Design having the opportunity to fully deliberate and approve the plans to ensure that those plans do not have a negative impact on educational programs and opportunities for students.

#### 66. FUNDING OF WEST VIRGINIA UNIVERSITY

West Virginia University is a flagship of higher learning in the State of West Virginia. During recent years of budget cuts, West Virginia University has been under-funded when compared to other states' institutions of higher education.

West Virginia Farm Bureau supports the Governor and the Legislature in making every effort to restore funds to our flagship institution so that we may once again be competitive with surrounding land grant institutions in regards to professors' salaries and research funding. The education of our children depends on it.

#### 67. WVU ADMINISTRATIVE COSTS

West Virginia Farm Bureau is gravely concerned by the excessive administrative costs per student at West Virginia University. We recommend that the president of West Virginia University initiate action to reduce administrative costs.

Farm Bureau supports the development of regional University campuses that offer four-year degrees.

#### 68. WVU POTOMAC STATE COLLEGE AGRICULTURAL PROGRAMS

West Virginia Farm Bureau recommends the continuation of the agricultural programs of WVU Potomac State College. We also recommend the continued expansion of agricultural programs to include alternative types of agriculture.

#### 69. FARMERS ON WV HIGHER EDUCATION POLICY COMMISSION

Agriculture is a highly technical and managerial business that positively affects the income of West Virginia.

West Virginia Farm Bureau petitions the Governor of West Virginia to appoint and maintain a farmer on the WV Higher Education Policy Commission.

#### 70. SCHOOL OF OSTEOPATHIC MEDICINE

The School of Osteopathic Medicine emphasizes training doctors in family practice. West Virginia Farm Bureau supports the WVSOM.

#### 71. TUITION FOR NON-RESIDENT STUDENTS, FOREIGN STUDENTS

West Virginia Farm Bureau recommends tuition sufficient to cover the state's cost of education for out-of-state and foreign students at state supported colleges and universities. We wish to express our concern about methods used to determine residency.

#### 72. WV DEPARTMENT OF AGRICULTURE

Realizing that in excess of 800 million dollars of West Virginia's annual income is derived from agriculture and allied industries, West Virginia Farm Bureau believes it is imperative that the West Virginia Department of Agriculture be maintained and financially supported. The proceeds from all sales of property maintained by the West Virginia Department of Agriculture should be retained by the West Virginia Department of Agriculture.

### Natural Resources & Environment

#### 73. ORPHANED/ABANDONED GAS WELLS

West Virginia Farm Bureau believes there is a need for legislation to provide additional funding for orphaned/abandoned oil and gas wells. These wells should not hold leases.

We further believe funding should be obtained through severance taxes, bonds, etc.

#### 74. BONDING REQUIREMENTS FOR OIL & GAS

West Virginia Farm Bureau believes the bonding requirements for oil and gas should be updated to reflect realistic costs associated with current technology.

#### 75. OWNERSHIP OF MINERALS UNDER WATERWAYS

West Virginia Farm Bureau believes minerals underlying all streams and creeks in West Virginia, except for waterways used for commercial barge traffic, shall be the property of the individuals owning the mineral estate according to the historical property deeds as transferred to the present owner and property tax payer.

#### 76. ODORIZATION OF NATURAL GAS OR COMPONENTS

All natural gas or components being transported should be odorized so that leaks can be safely detected.

#### 77. GENERAL POLICY ON OIL & GAS

West Virginia Farm Bureau recognizes the importance of the oil and natural gas industry to the State of West Virginia and supports the responsible development of this industry, provided adequate protection is afforded to the state's agricultural and other natural resources. Farm Bureau recognizes the importance of private property rights in our society and supports the rights of land and mineral owners to negotiate freely with other parties, but recognizes that certain proposals for unitization for oil and gas extraction may create opportunities for Farm Bureau members which outweigh any objections to the process.

Farm Bureau believes that land use decisions should be made only after consideration of the impacts of any land use decision on the entire property, and that severance of the surface and subsurface estates is not only ill-advised as a matter of agricultural policy, but unduly burdensome to the eventual owners of each estate, and to our government for record keeping. Farm Bureau supports proposals that bring about the reunification of the surface and subsurface estate in all circumstances where the owner of a subsurface estate is missing, unidentifiable, unaccounted for, or fails to pay the mineral taxes.

Moreover, Farm Bureau believes that proceeds from extractive industries should accrue to the benefit of those who own and harvest those resources, and those from whose lands these resources are extracted.

Farm Bureau supports proposals that direct the payments due an unidentifiable, missing, or unaccounted for mineral owner under an existing lease agreement to the owner of the surface estate rather than to the State of West Virginia, and the eventual reunification of the mineral estate with the surface estate in cases where the owner of the mineral estate is unidentifiable or cannot be found. In circumstances where any portion of the subsurface estate is sold by a governmental entity for nonpayment of taxes, the owner of the surface estate should be given a right of first refusal to purchase that portion offered for sale.

Farm Bureau is concerned about the removal of surface acreage from agricultural (cropland, pasture, hay and forestry) production to accommodate the needed infrastructure for oil and gas extraction. Farm Bureau believes that conservation of West Virginia's farmland is essential to meet the growing demands for food and fiber production in America. Moreover, we support proposals that ensure landowners are adequately compensated for damages caused by the extraction of subsurface resources both in the short and long terms. We also support proposals



requiring equal agriculture representation on the West Virginia Oil and Gas Conservation Commission.

West Virginia Farm Bureau supports co-tenancy as long as the majority of co-tenants are making the decision and the royalty received is reasonable. We prefer that 75% of the mineral owners in any specific tract must reach a negotiated settlement in order to protect private property rights as much as possible. Minority co-tenants must have the opportunity for due process.

#### 78. TAXATION OF OIL AND NATURAL GAS AND THE CONSTITUENTS THEREOF AND OTHER MARKETABLE SUBSTANCES

Farm Bureau believes in the fair apportionment of taxes and supports the farm use valuation for agricultural land as a means to encourage land to stay in agriculture production. We support proposals which ensure a landowner's tax burden is not increased by the location of oil or gas extraction or processing point. Severance taxes should be calculated based on the quality and quantity for each individual well at the point of extraction for oil and natural gas and the constituents thereof and other marketable substances and valued at the point of an arm's length sale.

As for the oil and gas industry, we share the belief that natural resource extraction can be an important part of West Virginia's economy for the foreseeable future, but we expect the tax burden associated with harvesting these resources to be borne by the industry, not by West Virginia farmers (surface owners). Further, royalty owners should be assessed for tax purposes on the annual net proceeds.

#### 79. WELLHEAD VALUE

West Virginia Farm Bureau believes the West Virginia Legislature must clarify the meaning of "wellhead value," in light of the ruling of the West Virginia Supreme Court in Leggett vs. EQT.

Further, WVFB believes that the clarification must ensure no post-production costs are deducted from the mineral owners' share, unless deductions are specifically allowed in the lease.

#### 80. NATURAL GAS, OIL & CONSTITUENT ROYALTY

West Virginia Farm Bureau recommends that a royalty for oil, natural gas and the constituents thereof and other marketable substances produced and saved from any formations on the owners' royalty, an amount equal to at least 20% of the gross/without deductions of the price to be received from the sale of such gas and constituents thereof. Payment of royalty for all products produced and marketed during any calendar month is to be made within ninety (90) days from the end of the month of production.

All products produced shall be measured for quantity and quality for each individual well at the point of extraction and the royalty shall be paid based on the arm's length sales points. WVFB supports laws prohibiting the deduction of production and post-production costs from royalties of oil & gas constituents. WVFB supports transparency of financial and production records.

All minerals recovered from oil & gas development shall be for the equitable benefit of the mineral owner unless the recovery is covered in the lease. This would not apply to minerals actually injected during the developmental process.

#### 81. FORCED POOLING AND/OR LEASE INTEGRATION OF HORIZONTAL GAS WELLS

West Virginia Farm Bureau supports responsible development of oil and gas and believes that forced pooling and/or lease integration should rarely be used. If forced pooling and/or lease integration is used, all contracts involved in that pool area shall be released to public record filed in the county of record prior to WV Oil & Gas Commission or court action. The pooling threshold percentage will be calculated based on net acreage in the pool area.

Forced pooling and/or lease integration will only be utilized in a specific geologic formation for the extraction of oil, natural gas and the constituents thereof and other marketable substances from that formation. The forced pooling and/or lease integration will not permit the use of a well for the storage of gas or as a waste disposal well.

#### 82. THEFT OF OIL, NATURAL GAS AND THE CONSTITUENTS THEREOF AND OTHER MARKETABLE SUBSTANCES

Because there have been and continue to be thefts of significant amounts of oil, natural gas and the constituents thereof and other marketable substances, and since these thefts have not been considered criminal actions, those whose resources were stolen are forced to seek redress in civil court against individuals and firms with significant resources, thus making recovery difficult if not impossible.

West Virginia Farm Bureau supports legislation specifying that the theft of oil, natural gas and the constituents thereof and other marketable substances be crimes. The same financial guidelines shall be used to determine the amounts classifying the crimes as misdemeanors or felonies.

The owner of the natural gas, oil, coal or the constituents thereof and other marketable substances should receive treble damages as a result of the theft.

#### 83. ABANDONED PIPELINE RIGHTS-OF-WAY

Land rights-of-way or easements for pipelines or for any other public or private utilities that have not been used for two or more years shall be deemed abandoned, and the encumbrance shall be released from the title of the surface owner.

Removal of abandoned equipment and material must be the responsibility of the utility or company of ownership and must take place within 12 months from the time of abandonment.

The landowner shall not be held liable for any damages or pollution caused from this abandoned equipment or material.

#### 84. COAL BED METHANE

Coal bed methane is a gaseous fossil fuel, and should be considered as such. Therefore, West Virginia Farm Bureau believes it should not be construed as part of the solid coal, but should be considered the property of the owner of the oil and gas resources.

#### 85. DEP OFFICE OF OIL & GAS MINUTES

West Virginia Farm Bureau recommends the hearings and meeting minutes of the West Virginia DEP Office of Oil and Gas be a matter of public record and those records be made available to the public through internet access.

#### 86. LEASE INTEGRATION FOR HORIZONTAL GAS WELLS

West Virginia Farm Bureau supports the right of property owners to negotiate new leases and re-negotiate old leases that lack pooling and unitization language for oil, natural gas and the constituents thereof and other marketable substances. WVFB opposes any legislation that undermines or does not conform to the Supreme Court decision in *Tawney v. Columbia Natural Resources*, which held that unless there is specific language granting expenses in a lease, then a lessee shall not deduct expenses. WVFB opposes any legislation granting lessees rights under leases that are not specifically contained in those leases without due process and just and reasonable compensation.

#### 87. STUDY IMPLEMENTATION FROM HORIZONTAL WELL ACT

West Virginia Farm Bureau supports legislation carrying out the recommendations of the studies required by the West Virginia Legislature as set forth in the Horizontal Well Act; in particular, perimeter monitoring of noise, dust, light, air emissions, etc. (data that must be made available to surrounding landowners). The legislation should require drillers to increase protections if scientifically established standards are exceeded.

If monitoring and control is not provided, then the distance from the edge of a well pad to an occupied residence shall be no less than 1000 feet; likewise access roads shall be no less than 600 feet from an occupied residence.

#### 88. PROPER CHANNELING OF WATER DURING PAD OR PIPELINE INSTALLATION

West Virginia Farm Bureau believes legislation should be enacted that will require any company that cuts into a water aquifer while installing a drilling, storage or transfer pad or pipeline be responsible for draining the water to the nearest water channel in a manner that does not produce a wetland, thereby ruining the land for agricultural purposes. This shall be done during the initial construction phase.

#### 89. PARTITION LAW

West Virginia Farm Bureau supports updating partition law for West Virginia.

#### 90. ENERGY

West Virginia Farm Bureau believes that national interest is best served by a sound energy policy, which encourages conservation and provides incentives for production. Such incentives encourage individuals or companies with nonproducing gas and oil wells to re-enter production.

We recommend that, where feasible, hydroelectric generators be installed at existing dams and that the feasibility of hydro-generation be considered at new impoundments.

We recommend continued research and development of coal, waste, ethanol, methanol, natural gas and its constituents, wind power and other resources to provide environmentally sound electric generation.

#### 91. STORAGE HUBS

West Virginia Farm Bureau recognizes the importance of storage hubs for economic development. We believe that companies utilizing any storage field to include natural gas, natural gas liquids, and constituents in West Virginia be required to accurately measure all products injected, and all products removed from storage be accurately measured. The market value of

excess products taken from storage should be paid to the landowner, oil and gas, or mineral owner.

Storage lease payments should be based on a reasonable rent based on the per-acre payments received by the storage company, with rents subject to change based on inflation, etc.

## 92. LAND USE PLANNING

West Virginia Farm Bureau believes that land use decisions can best be made at the local level by private landowners and farmers. We urge farmers to become involved in the land use planning process at all levels of our government to protect Agriculture. WVFB believes land use planning must maintain the potential for the land to produce food and fiber for future generations and not infringe upon property rights.

WVFB supports agriculture representation on land use planning and subsidiary committees to be no less than 30% of the membership. Agriculture representation must be by county resident agriculture producers. Property owners should have the right to appeal all decisions of the land use planning and subsidiary committees. WVFB recommends that all planning and zoning ordinances be voted on by referendum during general elections.

## 93. FARMLAND PROTECTION

West Virginia Farm Bureau supports the preservation of agricultural land for future generations' production of food and fiber. WVFB favors changes to the capital gains and income tax portions of the WV Tax Code, which will enhance the donation of land. WVFB believes counties should have the ability to purchase perpetual easements or long-term leases of the property's development rights.

WVFB supports the use of tax revenue generated from businesses who profit from the exploitation of land (development of utility rights-of-way, gaming, hotel/motel tax and natural resource extraction) to purchase development rights as perpetual easements or long-term leases.

West Virginia Farm Bureau endorses the utilization of Farmland Protection monies under the local transfer tax only for the purchase of conservation easements. Such monies should not be diverted to non-farmland uses such as dilapidated housing, economic development authorities, parks and recreation, etc. The loss or diminishment of local Farmland Protection monies would harm land protection efforts and the access to substantial matching funds.

## 94. CONTROL OF WILDLIFE AND COMPENSATION FOR WILDLIFE DAMAGE

West Virginia Farm Bureau recommends in order to create favorable relationships between landowners, sportsmen and the public, a statewide educational program should be developed through DNR, Farm Bureau, and other agricultural organizations to educate the population on the unfairness of farmers bearing all costs of keeping wildlife.

The West Virginia Department of Agriculture should provide local conservation officers and other DNR employees with equipment and materials needed to control coyote, mountain lion, bear, and other predator animals. West Virginia Farm Bureau believes the bear population should be maintained at or below the "cultural carrying capacity" of the range. Nuisance bear must be destroyed. Farmers shall be allowed to destroy or halt predatory animals on site.

We recommend that the state of West Virginia expand the existing coyote control program that includes use of coyote control collars, snares, trapping and other methods, including, but not

limited to, night vision lighting, artificial calling devices and bounties. The program shall include reimbursement to farmers for livestock damage, with payment made within 60 days.

Enforcement of a fully funded coyote control program shall be vested in the WV Department of Agriculture. We recommend that coyote control program be expanded so that assistance is available to all farmers in the state.

The crop damage permit category should include pasture and meadowlands. WVFB recommends farm harvesting equipment no longer be classified as a motorized vehicle while in the field to allow farmers to destroy predators during harvesting operations. Streamlining the crop damage permit system by allowing three non-relative farmers to assess the situation and forward a recommendation to the DNR District office where permits will be issued in accordance with the three-farmer recommendation within four days. The harvesting of the deer will not be restricted as to time of day or as to who may complete the harvest. We also recommend allowing any unused portion of an antlerless deer crop damage permit be filled during deer hunting season. Animals harvested and tagged using crop damage permits may be transported out of state for personal use, or for donation to non-profit hunger programs.

We recommend that raccoons be removed from seasonal hunting due to damage to gardens and field crops.

If the N stamp is not eliminated, then the money generated from the sale of this stamp should fund a crop damage reimbursement program available to those farmers who suffer deer-related crop losses. The allocation of funds from this program to a county should be determined by the number of N stamps sold there in the prior season. Farm Bureau recommends an additional \$5 fee on hunting licenses to reimburse farmers for crop damage.

The rate of compensation for the Bear Damage Compensation Program should be based on current market prices.

#### 95. DEER HERD REDUCTION

West Virginia Farm Bureau supports maintaining a deer herd at a level supported within their natural habitat so long as it does not adversely affect agriculture practices and production.

#### 96. DEER DAMAGE STUDIES

West Virginia Farm Bureau recommends that the economic losses caused by deer be ascertained. Specifically:

A study by the Division of Forestry, Department of Agriculture and West Virginia University detailing losses to farm products, timber, grasslands, nursery products, agro forestry, gardens, landscaping, orchards, fences and any other property damage caused by deer. These studies should be collected every 5 years and used to guide the deer management plan

A study by the Insurance Commissioner detailing vehicle damages, injuries and loss of life due to collisions with deer

WVFB recommends the elimination of any cost-sharing program specifically designed to enhance the deer population.

#### 97. ELK MANAGEMENT

West Virginia Farm Bureau believes that elk should not be a protected species in West Virginia.

#### 98. WILD BIRDS

The term, "wild bird" shall include only those birds that are hatched in the wild and are not pen-raised during any time of their lives.

#### 99. TRESPASS & HUNTING LAW ENFORCEMENT

West Virginia Farm Bureau recommends that trespass and hunting laws be strictly enforced and that minimum trespass penalties be increased to \$500, and jail time for repeat offenders.

#### 100. PALESTINE BASS HATCHERY

West Virginia Farm Bureau recommends the West Virginia Division of Natural Resources (DNR) continue to use and upgrade the Palestine Hatchery located in Wirt County.

#### 101. SUNDAY HUNTING

West Virginia Farm Bureau is opposed to hunting on Sunday.

#### 102. NONRESIDENT HUNTING & FISHING LICENSES

West Virginia Farm Bureau supports the concept that landowners, the children and grandchildren of landowners, and the parents of landowners shall not be required to purchase hunting or fishing licenses to hunt or fish on their own property.

#### 103. CLEAN WATER ACT AND AGRICULTURAL WATER QUALITY PROGRAMS

West Virginia Farm Bureau supports the concept of cleaning up West Virginia water. The current focus of the Clean Water Act should remain that of achieving fishable and swimmable standards. Standards should not result in unfunded mandates for landowners or city and county governments and should be subject to sound cost/benefit and risk assessment analysis.

The Clean Water Act should not alter state water rights and should encourage state control over these programs. Efforts to address nonpoint runoff should target impaired watersheds using a worst-case first approach. Efforts to control phosphorous and nitrogen content of runoff water should be applied to ALL contributors. West Virginia Farm Bureau will not condone the intentional pollution of any water sources.

Any permitting system (such as CAFOs) should be based on scientific evidence that a problem exists before permitting is required.

Farm Bureau wants to ensure that the Interpretative Rule regarding the nomination process for Tier 3 streams is followed, including individual notification of landowners affected and current scientific data regarding the stream(s) involved.

#### 104. WATER USE AND RIGHTS

West Virginia should continue the use of the riparian rights doctrine, giving humans, domesticated livestock and crops top priority.

#### 105. WETLANDS

West Virginia Farm Bureau recommends there be uniform criteria for all agencies to use in designating wetlands. We also recommend that all land designated as wetlands be purchased at full market value or owners compensated for the loss of use. Land historically used for agriculture should be considered converted farmland and not be subject to wetlands regulations.

Farm Bureau recommends that counties currently requiring mandatory storm water management plans monitor and enforce these plans to assure compliance in meeting the intended function and requirements of the permit. Any economic damage caused by failure of compliance with the permit or failure of design that affects neighboring property owners should be the responsibility of the permit holder.

#### 106. USE OF FERTILIZERS & NITRATES FOR ICE REMOVAL

West Virginia Farm Bureau opposes the use of fertilizers and nitrates for snow and ice.

#### 107. EROSION CREATED BY RIVER NAVIGATION

West Virginia Farm Bureau recommends that the federal government appropriate funds for control of erosion problems created by dams and locks. We recommend that feasibility and environmental studies be completed before the water level of a pool is raised or lowered; and that farmers who suffer damage because of the higher water tables shall be compensated for damages including payment for land that is rendered useless by high water tables or by stream bank erosion.

We recommend that no-wake zones be created along small streams navigable to pleasure boats due to increased water levels created by the new or existing locks and dams.

#### 108. NATURAL DISASTER DAMAGE

West Virginia Farm Bureau recommends the Division of Highways and landowners be exempt from regulations and environmental impact statements when repairing roads, bridges and streams damaged by natural disasters.

#### 109. FLOOD CONTROL

West Virginia Farm Bureau opposes land-consuming projects proposed by the U.S. Army Corps of Engineers. Large reservoirs created by high dams of the type generally proposed by the Army Corps of Engineers are generally detrimental to the community and county in which such dams are located. The U.S. Army Corps of Engineers largely depends upon projected recreational benefits to justify the construction of these dams and the purchase of large acreages of land adjoining the lake. Flood control studies undertaken by a government agency should be subject to a public forum.

Farm Bureau favors alternative methods of flood control such as levies, dikes, dredging, small watershed dams, ponds, relocations and local protection projects.

#### 110. INTERSTATE COMMISSION ON POTOMAC RIVER BASIN

West Virginia Farm Bureau believes the Interstate Commission on the Potomac River Basin should serve in an advisory capacity to the states in the Potomac Basin. It should not have approval or coercive authority within any state. The West Virginia Legislature should examine the existing interstate agreements and consider necessary clarification of any authority or implied authority over West Virginia residents, property or agencies.

Decisions affecting West Virginia should remain under the control, management, and responsibility of elected officials of West Virginia.

#### 111. SCENIC RIVERS AND PARKS

West Virginia Farm Bureau opposes any additions of West Virginia streams to the Wild and Scenic Rivers Program of the U.S. Department of Interior or U.S. Department of Agriculture or any other program that would impair title, management and local control of streams and river basins.

Farm Bureau opposes the High Allegheny National Park and Birthplace of Rivers National Monument, and any federal land acquisitions or re-designations.

#### 112. ARMY CORPS OF ENGINEERS

The Army Corps of Engineers was given authority to control non-navigable and navigable streams and rivers in 1977. West Virginia Farm Bureau recommends this law be changed giving the Army Corps of Engineers control over only navigable rivers and streams. All authority over non-navigable rivers, streams and wetlands is to be delegated to the appropriate agencies of the state.

#### 113. SOLID WASTE DISPOSAL

West Virginia Farm Bureau recommends that provisions be made for safe disposal within West Virginia of waste generated in state. Disposal of out-of-state waste in West Virginia should be prohibited.

We encourage strict enforcement of West Virginia litter laws.

Multi-stream recycling should be encouraged with the development of recycling centers, educational programs, and development of cost-effective collection sites for the disposal of large items such as household appliances, tires, used machinery, etc. WVFB does not support single-stream recycling.

We recommend that a deposit of \$.10 per unit be required on all carry out cans and bottles, and that the sellers of such beverages be required to refund the deposit when containers are returned.

We urge the Solid Waste Authority to promote and implement composting facilities with the agricultural community to help reduce the bulk of materials going to landfills. It is urgently recommended that laws that establish procedures for the disposition of household trash and garbage be amended to permit the controlled burning of all paper products outside of municipalities.

We oppose any efforts to amend, grandfather provisions into, or dismantle laws which give citizens the right to petition for a referendum on proposed commercial infectious waste facilities in their communities.

#### 114. SUBSIDENCE DAMAGE CAUSED BY MINING

West Virginia Farm Bureau supports the enforcement of existing laws and the development of additional laws pertaining to all mining. The West Virginia Farm Bureau urges that existing laws be more strictly enforced and that additional laws be created that address subsidence issues related to farming and agribusiness. This is particularly true in the area of water loss from farm ponds, springs and the water table. Water loss in the water table affects osmosis preventing underground water from nourishing deep roots of trees and crops. This can deprive producers of the ability to grow crops on their land permanently.



Because the effects of subsidence can be irreversible, compensation must be adequate to the loss incurred. Farm Bureau recommends three independent appraisals to assess damages and insure proper compensation.

#### 115. AMERICAN CHESTNUT TREES

West Virginia Farm Bureau supports funding for the development and reestablishment of the American Chestnut.

#### 116. TIMBER MANAGEMENT AND HARVESTING

West Virginia Farm Bureau opposes any changes in current laws that would restrict the ability of landowners or businesses to harvest timber and manage woodland, provided best management practices are used where applicable

#### 117. NATIONAL FOREST TIMBER

The federal government owns a major portion of our standing timber. West Virginia Farm Bureau recommends that the U.S. Department of Agriculture continue its policy on the harvesting of this timber and permit the U.S. Forest Service to identify and selectively cut marketable timber and sell it on the open market with proceeds of the sale going to the county in which the sale occurs, and that all saleable timber be removed. We further recommend the USDA actively follows their established silviculture policy and Congressional mandates on the harvesting of this timber.

#### 118. HARVESTING OF DEAD TREES IN STATE FORESTS

Much of the state-owned forests contain dead trees. This situation is caused largely by insect and blight damage and drought. Harvesting of dead timber would be beneficial. Not only would harvesting eliminate undesirable dead trees, it would generate revenue that could be used to further combat the gypsy moth and other harmful insects. West Virginia Farm Bureau also recommends, to protect users, dead and dying trees be removed from the recreational areas of the state parks.

It is further recommended that the harvesting be done before deterioration in quality of the dead trees begins. A bidding process could be used to ascertain that the highest return possible on the harvest would be received.

#### 119. EXEMPTION FROM CERTIFICATION/LICENSING FOR TIMBER OPERATIONS FOR LANDOWNERS

West Virginia Farm Bureau recommends that West Virginia landowners who harvest wood products from their property be exempt from certification and licensing requirements of the Division of Forestry if such operations gross \$50,000 or less in annual revenue.

We believe that this exemption does not relieve the landowner of the responsibility to be a good steward of the land. In all operations, the landowner shall follow Best Management Practices (BMP) as defined by the Division of Forestry.

#### 120. GINSENG PRODUCTION, HARVESTING AND SALE

West Virginia Farm Bureau supports the allowance of planting, harvesting and sales of woods grown and cultivated ginseng.

## Public Issues

### 121. YOUTH DEVELOPMENT

West Virginia Farm Bureau supports a voluntary check-off program through the WV Department of Motor Vehicles, the proceeds of which would be equally divided between the Farm Bureau Foundation, the 4-H Foundation and the FFA Foundation, to enhance and sustain agriculture education in West Virginia.

### 122. RURAL ACCESS FOR SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT

West Virginia Farm Bureau supports the enhancement of programs and facilities for the treatment of substance abuse and mental health issues, directed at rural populations.

We also support the creation of a national database to help track the purchase of controlled substances across state lines.

### 123. CONTRACTOR'S LICENSING LAW

West Virginia Farm Bureau recommends that any agriculture-related construction by the owner and/or employees of the owner be exempt from the Contractor Licensing law.

### 124. MUNICIPAL HOME RULE

WVFB opposes the municipal home rule program and recommends it be repealed. Additionally, all rules, policies and ordinances created under the program should be dissolved.

### 125. VOTER IDENTIFICATION

West Virginia Farm Bureau supports the requirement to present picture ID at the time of voting, to prevent voter fraud.

### 126. DISTRICTING PATTERN FOR THE WV HOUSE OF DELEGATES

West Virginia Farm Bureau believes strongly in the idea of equal representation in the legislative branch of government, and in the principle of "one person, one vote."

Farm Bureau supports a single-delegate district model for the West Virginia House of Delegates, whereby each citizen of West Virginia is represented in the House by only one member of that body.

### 127. ANNEXATION

Annexation laws allow a municipality to annex a roadway leading to a parcel of land, and annex that parcel of land, leaving other property along the way out of the annexation. Property owners along the roadway have no voice or vote in the annexation. This "shoestring" or "spider web" annexation may adversely affect the property owners adjoining the annexed roadway.

West Virginia Farm Bureau supports repealing law that provides for such annexation.

### 128. MARRIAGE

West Virginia Farm Bureau defines "marriage" as the legal union of a man and a woman as husband and wife.

Farm Bureau supports the right of a licensed minister to refuse to marry same-sex couples without legal consequence.

### 129. DHHR RECIPIENTS

West Virginia Farm Bureau supports legislation that requires drug testing for DHHR recipients, and if results of testing are positive, that benefits be withheld unless the recipient has a current physician's prescription for the substance testing positive.

Farm Bureau recommends that:

- No able-bodied person should be given assistance without giving an honest day's effort
- No benefits should be increased because of an illegitimate child
- DHHR recipients should be permitted employment in part-time jobs without jeopardizing their status
- Any individual convicted of a drug offense in West Virginia becomes ineligible for state assistance in any other form other than rehabilitation programs

### 130. RELIGIOUS LIFE

Our nation was founded on spiritual faith and belief in God. Farm Bureau believes it to be man's inalienable right to worship God, offer prayers, and to read the Bible as God's word in all places, including schoolrooms, perpetuating the principles on which this nation was founded.

Solutions to problems arising from social and economic change involve the recognition of spiritual and moral values. The proper role of the churches and organizations of churches is to provide guidance on the moral and spiritual aspects of social and economic problems, rather than to lobby for or otherwise promote specific governmental actions.

West Virginia Farm Bureau recommends legislation to prohibit the removal of God's name from U.S. currency, flag salutes, prayer, oaths, or any other inscriptions whereby we deem the word of God desirable and acceptable.

We recommend the legislature enact a resolution to support the above.

### 131. WEST VIRGINIA HISTORICAL PRESERVATION

All existing, non-private historical monuments, including statues, cemeteries and battlefields, shall not be destroyed, renamed or removed.

### 132. PRIVATE PROPERTY RIGHTS

West Virginia Farm Bureau supports legislation that would assure that no person may be deprived of the use of private property without due process of law and that no private property be taken or damaged by governmental action through regulatory authority. Any regulations that could infringe upon private property rights should not be implemented without thorough public review and an opportunity for appeal. Landowners should be fully compensated for direct takings of their property by a government entity and for the loss of use of their property as a result of government-invoked regulations.

We urge a review of all state and local regulations that encroach on the rights of property owners.

Farm Bureau supports a legislative reevaluation of the tax increment finance law and accompanying regulations to ensure that individual private property rights are not violated.

Acquisitions of easements on private lands, other than by willing negotiation or by eminent domain, are in direct violation of the fifth amendment of the United States Constitution.

Regulatory Taking

The acquisition of partial interests and control of lands, through rules and regulations deprives the present and future owners of traditional and inherent rights of land ownership - being able to utilize private land for its highest and best use. When the taking of land or land use becomes necessary for public purposes, long-term leases or eminent domain should be utilized.

#### Public Utility Companies

Public Utility Companies should be limited in exercise of the right of eminent domain to cases in which the necessity of taking of private property must be shown with notice and right of hearing within the affected area by any property owner affected before the Public Service Commission. Eminent domain should not be exercised when a more direct and economical route could be used through public lands or along borders of crop fields.

We recommend that the utility companies be required to negotiate with the landowner regarding pole and line, especially high voltage line placement and/or relocation, and provide just compensation for damages, tax relief, restricted use, inconvenience, and on-going liability due to their presence. The recording of a plat by a private landowner showing rights-of-way for ingress and egress shall not constitute the dedication of rights-of-way for public utility companies.

Utility companies should notify landowners prior to entering upon an executed agreement, other than in a case of an emergency, for clearing rights-of-ways and other work. Any brush or other vegetation cut away and any land-disturbing activities must be reclaimed in such a way that is acceptable to the landowner and is in accordance with best management practices. The discontinuance or abandonment of utility services and discontinuance of utility lines, wire, rails, or pipes, shall constitute abandonment and forfeiture of such rights-of-way encumbrance on fee owner should be removed. If the parcel of land is not used for the purpose intended after two years, it shall be deemed excess and the encumbrance shall be dissolved within one year.

#### Satellite and Drone Surveillance

WVFB opposes satellite and drone surveillance without written permission from the landowner.

### 133. EMINENT DOMAIN

When the taking of land becomes necessary for public use, the landowner should receive more than adequate compensation based on the current market value, which should afford an opportunity to acquire replacement property of equal value.

Eminent domain should not be permitted as a substitute for good faith negotiations for easements or long-term lease agreements for structures that create servient estate easements subordinate to support overhead electrical transmission lines, to avoid compensation for restricted use of land, property taxes and ongoing liabilities associated with farming land burdened by such easements.

The power of eminent domain should not be used for economic development projects, state or national parks, wildlife refuges, recreational trails or other recreational projects, and should be used with restraint in other cases.

We support legislation to prohibit the use of eminent domain in all cases similar to that sanctioned by the United States Supreme Court's ruling in *Kelo vs. New London, Connecticut*.

The appraised value, legal description, and plat of any property proposed for acquisition by a public agency should be made available to the property owner during the initial phase of negotiations.

Individuals whose land is involved in state and federal condemnation proceedings often find their efforts to seek relief in the relevant courts seriously delay settlement and are exceedingly expensive. We support establishment of a civilian review board, independent of government agencies, to which property owners could appeal condemnation decisions prior to proceeding in court. In court proceedings challenging the authority of any agency to take property, or proceedings resulting in awards to the landowner in excess of compensation offered by the agency involved, the favorable decision should also reimburse the landowners more than fair market value for attorney's fees, appraisal costs, and other reasonable expenses.

#### 134. ADVERSE POSSESSION

The taking of another's land by occupation or fence construction is a violation of private property rights. West Virginia Farm Bureau supports repeal of all laws establishing adverse possession (squatter's rights).

#### 135. PROPERTY BOUNDARY LINES AND FENCES

West Virginia Farm Bureau supports that painted survey boundary lines be recognized for all legal purposes including trespass enforcement. Color, type and size of markings should be specified for uniformity.

We recommend all adjoining property owners be notified by the surveyor of the intent to survey and then be provided with the survey results upon request. We ask that surveyors be required to use clearly visible survey stakes of adequate height and marking to avoid damage to farm equipment.

We support legislation that requires the equal sharing of expenses to construct and maintain property boundary fence. WVFB recommends more stringent laws for punishing individuals, including individuals who are accessing rights of way, who damage fences or habitually leave gates open, showing a disregard for agriculture.

#### 136. MAINTENANCE CODES FOR RURAL AREAS

West Virginia Farm Bureau opposes any state or county maintenance codes for rural areas.

#### 137. EXEMPTION OF AGRICULTURE BUILDINGS FROM STATE BUILDING CODES

West Virginia Farm Bureau supports the exemption of agricultural structures from building codes and permit fees associated therewith.

#### 138. BURNING OF ABANDONED FARM BUILDINGS

We recommend that agricultural landowners be allowed to burn abandoned structures – i.e. barns and equipment sheds – on lands qualifying for "farm use" tax classification, provided that the structure is free of asbestos, asphalt, wiring and any other hazardous materials with proper notification of the fire department.

#### 139. GOVERNMENT SURPLUS LAND

West Virginia Farm Bureau recommends that the last private owner or their heirs, successors or assignees be given first option to repurchase any declared government surplus land.

#### 140. RAILROAD OPERATIONS

West Virginia Farm Bureau recommends that once damage or loss to a property owner resulting from railroad operations is reported to the railroad that a representative of the railroad should investigate within five days, a settlement satisfactory to both parties should be reached within 30 days and the railroad be held solely responsible for any legal fees or costs.

We oppose provisions of the National Trails System Act that permit abandoned rail property to be donated and/or used for nature trails, or other recreational purposes. When a railroad is abandoned, the rights of way should be returned or sold to the adjacent property owners within one year of date of abandonment.

If abandoned railroad rights-of-way are used for recreational purposes the agency owning or providing the recreational use shall, with the owner's consent, build and maintain a fence between the right-of-way and adjoining private property sufficient to discourage users from trespassing on the private property.

WVFB recommends that railroads place a whistle post at private crossings at the landowner's request and that the railroad maintain the right-of-way for a clear line of sight.

#### 141. LEGAL LIABILITY

West Virginia Farm Bureau supports reduced landowner liability for trespassers, hunters and utility companies.

WVFB supports reduced liability for landowners and livestock producers for loose livestock.

We recommend that statutory limits be established for liability awards for professional malpractice, landowner liability, owners and operators of farm machinery and liability of municipalities, and that attorney fees be capped in personal injury cases.

Often a person becomes a defendant in a liability suit through no neglect on his or her part. The statute should be changed to provide that the person bringing the legal action be accountable for all court costs and legal fees if the defendant is found not to be at fault. Toward these ends, the Farm Bureau shall cooperate with other groups and agencies to change liability law and procedures.

#### 142. CRIMES AND PUNISHMENT

West Virginia Farm Bureau supports strong punishment as a deterrent to crime. We also support fair and consistent administration of justice, and believe the punishment should fit the crime.

##### Property Damage

We recommend that the West Virginia Legislature:

- Adopt more severe penalties for violation of property rights and destruction of property and provide for restitution and reimbursement by the perpetrator
- Direct the Department of Public Safety (and other law enforcement officers) to give higher priority to the enforcement of laws pertaining to the protection of property
- Provide for mandatory sentences to be given to persons convicted of vandalism and breaking and entering
- Amend the law to prohibit drivers, owners, wrecker operators or law enforcement officials from leaving the scene of an accident in which a fence is damaged, allowing escape of livestock, until emergency repairs are performed and the landowner, tenant or lessee is notified of the incident and furnished the name and address of the person responsible for the damage

## Capital Punishment

We recommend that capital punishment be restored for wanton and deliberate murders and for murders performed in the commission of rape, robbery, or other heinous crimes. We recommend the date of execution not exceed six months following a conviction. We support the enactment of legislation that would impose the death penalty for peacetime espionage acts involving the passing of information that would constitute a serious threat to national security.

## Drugs

We support the right of employers and government to test for illegal drug use. We request that schools teach the dangerous effects of drugs and alcohol. We further support prosecuting attorneys and law enforcement officers' efforts to control the sale of drugs and alcohol. We oppose plea bargaining or other arrangements that allow reduced sentences in drug and alcohol-related cases.

WVFB recommends that the pharmaceutical and medical professions be actively engaged in addressing the drug problems in West Virginia.

In order to be more effective at apprehending drug and alcohol abusers, times and locations of sobriety checkpoints should not be publicized.

We also recommend that the Federal Drug Task Force make unannounced drug investigations without the knowledge of state or elected officials.

## Pornographic Media

We support legislation prohibiting the distribution of pornographic materials. We favor the efforts of the Federal Communications Commission to establish guidelines designed to prevent salacious television programs and pornographic material on the internet.

We urge Farm Bureau members to oppose the use of objectionable material through letters to, and personal contacts with, television stations, program sponsors, theater owners, motion picture production companies, publishers, and newsstand operators.

## Criminal Justice and Community Service

We oppose leniency in granting probation and suspended sentences. We support closer monitoring of persons given parole or placed on a work release program. We support and encourage cost-effective public works programs, such as CCC, for minimum-security prisoners, unemployed or delinquent youth.

Old cemeteries are part of our heritage, and are gradually deteriorating and disappearing. Farm Bureau suggests that the state use offenders who have been sentenced to community service to clean up old cemeteries. Cleaning up road banks and public stream banks adds beauty to the community and gives individuals work experience and self-respect.

Farm Bureau favors the passage of "Jessica's Law," which calls for a mandatory sentence of life imprisonment for the molestation of a child.

## Criminal Disclosure and Public Office

State criminal laws should be changed to allow public access to adult and juvenile criminal histories, including prison disciplinary records and transfers.

Victims, family members and police must be notified of escapes, impending paroles, furloughs, or other releases.

Sex-crime victims should be able to require that their assailants undergo blood tests to reveal any transmissible disease, and the victim should then be informed of the results.

WVFB supports legislation to require all sexual offenders to wear an electronic tracking device.

Legislation should be enacted that prohibits the appointment of a person convicted of a felony to any position of authority in state government. Legislation should also be enacted requiring the forfeiture of wages, salary, retirement pay and benefits of any elected or appointed public official who is convicted of a felony committed while serving in office.

#### Juvenile Justice

We recommend that the juvenile justice code be expanded to hold parents accountable for the damages committed by their children.

Because of the seriousness of juvenile crime, we recommend that a juvenile who commits a crime be held accountable for that crime. Juveniles who are thirteen years of age or older, who commit felonies, should be prosecuted as an adult.

We also recommend that the names of juveniles and the crimes committed not be withheld from the media.

#### 143. UNDERINSURED AND UNINSURED DRIVERS

To help alleviate the problem of uninsured drivers, West Virginia Farm Bureau believes a driver who wishes to cancel his insurance must first surrender his or her vehicle license tag and registration card to the state police or DMV. The state police should then issue a certificate of surrendered registration that the driver will be required to present to the insurance carrier before the insurance is cancelled.

West Virginia Farm Bureau recommends that the minimum amount of liability insurance required be 50/100/50.

Certificates of insurance should only be issued for the period of time paid for.

#### 144. IMMIGRATION

West Virginia Farm Bureau requests that the WV Legislature adopt a resolution demanding that the Congress and the President honor their Constitutional duty to protect the border of the United States from the flood of illegal immigration, and we also support any other state in their efforts to enforce existing immigration law.

With the increasing burden on taxpaying American citizens for social services, law enforcement and especially the likelihood of highly contagious and potentially pandemic diseases entering the country via the influx of illegal immigrants, this issue must be addressed.

#### 145. WV DEPARTMENT OF HEALTH & HUMAN RESOURCES PROCEDURE FOR ASSUMING CUSTODY OF CHILDREN DURING SCHOOL HOURS

West Virginia Farm Bureau strongly urges the WV Department of Health and Human Resources to work in cooperation with the school administration and law enforcement officials with regard to child custody issues in such a way that it does not further traumatize the child or cause classroom disruption.

#### 146. SOCIAL SECURITY

West Virginia Farm Bureau recommends that all income taxes on Social Security cease.

#### 147. NATUROPATHIC DOCTORS AND MEDICAL SCHOOLS

Naturopathic medicine emphasizes prevention and treatment through the use of therapeutic methods and substances that encourage self-healing.



West Virginia Farm Bureau believes legislation should be established to create accredited Naturopathic schools that meet federal and academic standards, and to permit Naturopathic doctors to practice in the state of West Virginia.

#### 148. HEALTH INSURANCE

West Virginia Farm Bureau is opposed to national health insurance in any form. We oppose any legislation on health insurance that would adversely impact the agricultural community and/or rural West Virginia.

#### 149. RIGHT TO WORK FOR CHILDREN

West Virginia Farm Bureau favors restoring the right of persons under age 14 to work on farms during non-school time, with the written consent of parent(s) or guardian.

#### 150. STRIKES OR WORK STOPPAGES BY PUBLIC EMPLOYEES

West Virginia Farm Bureau favors legislation to prohibit strikes by government employees. We recommend that the penalty be forfeiture of tenure and seniority rights.

#### 151. REPEAL OF DAVIS-BACON ACT

West Virginia Farm Bureau urges the repeal of the Davis-Bacon Act and similar state legislation. Prevailing wages are often artificially high and may be detrimental to local projects and contractors.

#### 152. DEMAND BILLING ON ELECTRICITY RATES

Electric companies use demand billing rather than power used basis on some meters, adversely affecting many customers who use certain meter facilities for very short periods during the year, causing billed amounts to exceed the power actually used.

West Virginia Farm Bureau requests that the Public Service Commission require the KW demand be reviewed every two years by the provider and adjusted based on most recent history of usage.

#### 153. UTILITY RATE HEARINGS

West Virginia Farm Bureau believes the PSC should continue to hold utility rate hearings within the affected communities.

#### 154. MANDATORY ENLISTMENTS OF PUBLIC WATER AND SEWAGE TREATMENT SYSTEMS

West Virginia Farm Bureau believes landowners who have adequate water and/or sewage systems should not be forced to accept public service or be charged for that service if not accepted.

#### 155. COUNTY REFERENDUMS

West Virginia Farm Bureau recommends legislation requiring that a referendum that is defeated in a county election cannot be placed on the ballot again for four years, and then must coincide with a General Election.

#### 156. SIGNATURE REQUIREMENT FOR IMPOSITION OF COUNTY FEES

West Virginia Farm Bureau believes that the signature requirement to impose a fee for services at the county level, which is 10% of voters who have voted in the last election, should be equal to or greater than the signature requirement necessary to force a ballot vote, which is 20% of voters who have voted in the last election.

#### 157. COUNTY RECORDS

Information now available in the County Clerk's records includes deaths, births, marriages, sex, marital status, and names of children. West Virginia Farm Bureau recommends that the name of the cemetery where a deceased person is buried or method of interment be added to these records.

#### 158. SUPPORT OF VOLUNTEER FIRE DEPARTMENTS & EMERGENCY MEDICAL SQUADS

Volunteer fire departments and emergency medical squads are struggling to stay in operation because of lack of volunteers; unreasonable and unfunded state mandates; inadequate reimbursements for services rendered and high workers' compensation rates. Therefore, West Virginia Farm Bureau recommends the following:

- Tax credits for volunteer first responders
- Reduction in required number of training hours for volunteers
- County and/or state reimbursement to volunteers for expenses incurred for mandated training
- Reduction of mandates to respond to non-fire-related calls
- State funding for state mandates
- Legally enforceable ability for VFDs and EMSs to collect reimbursements, including from insurance companies, for services rendered on all types of calls
- Reduction in rate per man hour VFDs and EMSs must pay for worker's compensation

#### 159. STATE POLICE SUPPORT

West Virginia Farm Bureau supports legislation to provide support and protection for law enforcement officers and adequate State Police protection in all WV counties.

WVFB recommends that state police training classes be scheduled annually.

#### 160. GAMBLING

West Virginia Farm Bureau urges our state lawmakers to reject any efforts to implement or expand casino gambling, slot machines, sports book gambling and other new forms of gambling in West Virginia.

However, existing animal racing should be maintained in such a way to support agricultural economic impact.

#### 161. PROMOTING FARM TOURISM IN WV

West Virginia Farm Bureau supports farm tourism programs to increase farm income and provide urban dwellers the opportunity to spend their vacation in a restful, rural atmosphere. Landowners should receive a payment or tax credit for maintaining a restful atmosphere that attracts tourism to our state.

#### 162. REGISTRATION OF FIREARMS

The Constitution of the United States guarantees a citizen the right to keep and bear arms. West Virginia Farm Bureau believes state or federal registration of firearms would be an infringement on the rights of citizens; therefore, we oppose any legislation that would require the registration, taxation or licensure of firearms.

#### 163. CONCEALED WEAPONS

West Virginia Farm Bureau supports the right of adults 21 years of age and older to carry a concealed weapon as long as the person has received certified training and a concealed weapon permit.

#### 164. FEDERAL BANKRUPTCY LAWS

West Virginia Farm Bureau supports bankruptcy legislation that provides severe penalties to persons who fraudulently declare bankruptcy.

We also recommend that anyone found to have fraudulently declared bankruptcy be barred from owning an interest in any business entity for a period of ten or more years.

#### 165. APPALACHIAN REGIONAL COMMISSION

West Virginia Farm Bureau recommends that federal and state leaders continue to support and fund the Appalachian Regional Commission.

#### 166. DISCLOSURE OF PUBLIC FUNDS

West Virginia Farm Bureau supports a searchable database of government spending in the state in which any funded line item could be easily examined.

#### 167. FOREIGN INVESTMENT

West Virginia Farm Bureau is concerned by increased foreign investment in the United States. Congress should eliminate any tax advantages available to foreign investors in the United States.

#### 168. LEGALIZED MARIJUANA

West Virginia Farm Bureau opposes legalization of recreational marijuana and supports mandatory sentences for possession and/or sale.

### Highways

#### 169. AGRICULTURE VEHICLE EXEMPTION

West Virginia Farm Bureau believes agriculture vehicles (tractors, wagons, trucks, combines) should be exempt from West Virginia Code §17C-17-6 requirements prohibiting the load from dropping, sifting, leaking or otherwise escaping therefrom, so long as the material lost is biodegradable and the volume does not pose a hazard to other users of the highway; and no municipalities may infringe upon or otherwise restrict this exemption.

#### 170. FARM VEHICLE REGULATIONS

Farmers in West Virginia are being stopped and ticketed for violations of commercial vehicle regulations. The DMV, DOT, PSC, and State Police have conflicting rules and regulations for commercial motor vehicles, or conflicting interpretations of these rules and regulations. West

Virginia Farm Bureau recommends that the entities involved pursue reciprocity with their counterparts in adjoining states.

Farm Bureau recommends that farmers be exempt from commercial motor vehicle regulations, provided that the motor vehicle is:

- Controlled and operated by a farmer/employee for private use
- Not being used as a for-hire motor carrier being used to transport:
  - Livestock, crops or other agricultural products to or from a farm
  - Vehicles, machines, materials or supplies to be used on a farm
  - Not carrying hazardous materials of a type or quantity that requires a hazardous materials placard

#### 171. IMPACT OF NEW HIGHWAYS ON AGRICULTURE LANDS

West Virginia Farm Bureau recommends that the Division of Highways, when planning new highways, be required to include the impact upon agricultural lands of such highways. Special emphasis should be devoted to drainage onto adjacent lands, re-vegetation, seeding and mulching of road banks.

The state should be responsible for erection and maintenance of fencing on interstate and limited access road systems and assume liability for failure to comply

#### 172. HIGHWAY IMPROVEMENTS

One of the major problems affecting the economic growth of West Virginia is the lack of interstate highways. West Virginia Farm Bureau supports the construction of the Little Kanawha River Parkway from I-79 at Burnsville, via Glenville, Grantsville, and Elizabeth to I-77 at Mineral Wells.

We also support the construction of an interstate highway from I-77 in Mercer County to I-64 near Huntington to replace U.S. Route 52, and the upgrading of W.V. Route 2 to a 4-lane highway.

We strongly recommend that Corridor H be completed as soon as possible.

We support the upgrading of US Route 250 from Corridor H at Norton to US Route 50 in Taylor County using the most feasible course, intersecting with Route 50 between Grafton and Clarksburg. We support the upgrading of Route 50 between Grafton and Clarksburg and the completion of 4-lane highway from the Charles Town Route 340 by-pass to the Virginia state line.

We recommend that Interstate 68 be extended from Morgantown to intersect with WV Route 2. As highways are built/improved, we support the continued inclusion of rumble strips.

#### 173. PASSING LANES ON PRIMARY ROADS

West Virginia Farm Bureau commends the State Division of Highways for establishing passing lanes and straightening of curves on many long hills on primary roads, and recommends that this policy be continued.

#### 174. REMOVAL OF TOLL AT U.S. RT. 19 & I-77

West Virginia Farm Bureau recommends removing the toll located at the junction of U.S. Rt. 19 and I-77. This toll is a burden to local citizens who use this highway. Farm Bureau recommends removing the toll on I-77 and opposes any increase of tolls on I-77.

We recommend no tolls be added to any additional roads. In lieu of removal, we recommend the state continue the use of the special rate for West Virginia residents with the EZ Pass.

#### 175. FLASHING LIGHTS

West Virginia Farm Bureau recommends a uniform system of coordinated flashing lights for stop lights on all four-lane highways and all major arteries at grade intersections to indicate a stop ahead, with a sign stating that vehicles should be prepared to stop when lights are flashing.

#### 176. RURAL ROAD SIGNS - FARM VEHICLES

Because of the increase in traffic on rural roads, West Virginia Farm Bureau recommends the DOH post signs on rural roads notifying drivers of slow-moving agricultural vehicles and livestock movement areas. In addition, we recommend the state erect signs to advise motorists that horse-drawn vehicles may be encountered, as there are currently a significant number of such vehicles.

#### 177. SUBDIVISION ROADS

West Virginia Farm Bureau believes that the Division of Highways should provide specifications for subdivision roads and those developers should be compelled to construct such roads according to these requirements

#### 178. RAILROAD CROSSINGS

Because of the excessive number of accidents that occur at railroad crossings, West Virginia Farm Bureau recommends all railroads be required to install a signal at each public crossing and maintain crossings in a smooth and safe condition.

#### 179. NATURAL GAS LINE INSTALLATION NEAR HIGHWAYS

West Virginia Farm Bureau recommends that all existing and newly installed gas pipelines and utility lines placed on state road property be buried in accordance with state and federal codes.

#### 180. ALL TERRAIN VEHICLES

West Virginia Farm Bureau supports the use of ATVs, RTVs, UTVs, mini-trucks and vans for agriculture, oil and gas operators and utilities on public roads from one property to another.

We support voluntary attendance and completion of a safety course by all riders. Farm Bureau recommends the elimination of liability for qualified instructors who offer agricultural ATV, RTV, UTV, mini-truck and van safety training, provided that a waiver of liability is signed by the participant and/or participant's guardian.

WVFB supports the use of ATVs, RTVs, UTVs, mini-trucks and vans as farm use vehicles or implements of husbandry, as well as the legal classification of these vehicles as such, when operated by bona fide farmers for agriculturally related purposes. All other ATV, RTV, UTV, mini-truck and van use, on public roads only, except for farmers, oil and gas operators and utilities, must comply with all DMV/municipality regulations for licensing, insurance, helmets and titling.

#### 181. USE OF SALT ON HIGHWAYS

The use of salt for snow and ice removal damages vehicles, roads, bridges and plant life. West Virginia Farm Bureau recommends the use of salt, calcium chloride or other corrosive materials

cease and be replaced with noncorrosive materials such as limestone, sand or noncorrosive brine.

#### 182. USE OF TIRE STUDS

West Virginia Farm Bureau opposes banning the use of studded tires during the winter months.

#### 183. ROAD MAINTENANCE

West Virginia Farm Bureau recommends the West Virginia Division of Highways establish preventive maintenance and corrective quality assurance programs for rural roads in West Virginia to insure the best roads at reasonable costs. We also recommend an increased share of highway funding be dedicated to the improvement of secondary roads.

We recommend the increase of bonds significantly from \$250,000 to an amount sufficient to cover damage to secondary roads by the oil & gas industry.

We also recommend a larger share of highway funding be used to improve secondary roads.

We further recommend that all Department of Highways rights-of-way which have not been used by the public or maintained by the DOH for the last five years be declared null and void.

#### 184. REMOVAL OF ROAD KILL

West Virginia Farm Bureau recommends passage of a law requiring the West Virginia Division of Highways to remove all animals killed by motor vehicles from state highway property and to dispose of such in a sanitary manner.

#### 185. WV DIVISION OF HIGHWAYS SPRAYING

West Virginia Farm Bureau recommends that the West Virginia Division of Highways use best management practices in accordance with Department of Agriculture regulations when using herbicides along highway rights-of-way.

#### 186. RECYCLING OF MATERIAL FOR HIGHWAYS

West Virginia Farm Bureau recommends that the West Virginia Division of Highways initiate action to recycle surfacing material for use in construction and/or repair of roads.

We further recommend that the West Virginia Division of Highways initiate action to utilize rubber from recycled tires in the construction of and/or maintenance of roads.

### Taxes

#### 187. GENERAL TAX POLICY

Taxation is used to share the costs of government in areas which government can best serve the common good of all citizens. Taxation should never be used to provide revenue to replace individual initiative and the free enterprise system. Taxation should be fair and equally distributed with attention to the effect upon citizens and various segments of the economy. West Virginia Farm Bureau recommends that the 'user of services pays' concept should be utilized whenever possible.

Governments do not produce wealth. A stable and broad-based tax program affords stability of business activities. Existing government programs should respect, preserve, and encourage wealth-producing activities such as agriculture, manufacturing, mining, exploration, research and

development, upon which individual wealth, employment and responsible growth are based. Farming is a business with large capital investments. Every effort must be made to consolidate government agencies and minimize the negative impact of bureaucracy.

#### 188. EXCISE FUEL TAXES

West Virginia Farm Bureau recommends the removal of all excise fuel taxes.

#### 189. SHIFTING BROAD-BASED TAXES

West Virginia Farm Bureau opposes shifting the burden of any broad-based tax to real property owners. Therefore, WVFB opposes legislation that eliminates agriculture or managed forest land exemptions.

#### 190. AD VALOREM TAXES ON OIL & GAS ROYALTIES

West Virginia Farm Bureau supports a simplified actual production-based property tax appraisal on an as-occurring basis on net receipts for oil & gas ad valorem taxes.

WVFB believes the rate for appraisal of oil & gas reserves should be the same for oil & gas operators and for mineral rights owners.

#### 191. SPECIAL CHARGES FOR MUNICIPAL SERVICES

West Virginia Farm Bureau recommends the repeal of WV Code 8-13-13 and clarification that the authority to collect fees ends when the law is repealed. We recommending replacing the repealed law with legislation that:

- Reduces rate per man hour VFDs and EMSs must pay for worker's compensation
- Provides legal ability for VFDs and EMSs to collect reimbursements, including from insurance companies and other parties, for services rendered on all types of calls
- Provides representation for people who are assessed taxes by county commissions, city councils, public service commissions, etc.
- Allows rural and municipal VFDs to receive taxes equally
- Provides fair and equal taxation of all taxpayers – cities cannot charge more outside of city limits than inside of city limits
- Keeps taxes on a particular type of property in proportion to the type of call (e.g., a city cannot finance 90% of their budget from fire taxes on structures if only 5% of their calls are structure fires)

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#### 192. AGRICULTURAL LAND & REAL ESTATE TAXATION

Real estate taxation should be fair and in conformity with existing constitutional limitations. It is fundamental to remember that property owners also pay all other taxes. The farmer is especially vulnerable to unfair property tax or assessments because of the amount of land necessary to farm.

West Virginia Farm Bureau endorses the statewide review of taxation, but believes the fair treatment of owner-occupied residences and farmland is essential to stable rural communities and must remain so. Dwellings that are not owner occupied are taxed at the Class III rate, even if the dwellings do not generate any income. We recommend that all non-income producing dwellings be taxed at the Class II rate.

Agricultural land and managed forestland should be valued as a tool in the production of food and fiber – not on a speculative or other potential use basis. We oppose any change in West Virginia’s property tax methodology, particularly for farmland and managed timberland, which would depart from the “present-use” method of arriving at value.

Property taxes are slowly, but constantly, increasing each year. The WV State Tax Department is pressuring local assessors to increase property tax assessments. Reassessment is limited to occur once every ten (10) years. Only elected officials should be able to raise taxes, not appointed officials who are not held accountable to taxpayers.

Taxes from farm and forestland, presently and historically, generate much more in tax revenue than they demand in services compared to suburban and urban acreage. Therefore, we support the pursuit of a fair and equitable property tax law, for rural landowners.

When farm use valuation has been established by meeting federal guidelines, we recommend automatic renewal unless use or ownership changes. WVFB recommends that the State Tax Department enforce its current farm use valuation policy uniformly across the state.

Timber from farm woodlots should be considered an agricultural crop for the purposes of farm use valuation at the Class 2 Farm Use tax rate. In the year that a timber sale occurs and income from timber sales from farm woodlots exceeds other agricultural production, timber sales should be pro-rated or averaged by the number of years since the last harvest, rather than on an annual basis when determining farm use valuation.

We oppose any excess acreage tax as negatively affecting agriculture or economic development. We further recommend that retired farmers or farmers approaching retirement age be encouraged through tax incentives favorable with respect to the landowner to keep their farmland in production.

Farm Bureau supports legislation that would allow property taxes to be paid on a monthly installment basis at the option of the landowner.

Property tax shall not be assessed against private individuals for any land used exclusively for drilling, mineral extraction or utilities, including pads, rights-of-way, roads and pipelines.

### 193. IMPACT FEES

West Virginia Farm Bureau believes impact fees should be used in growth counties for necessary infrastructure and for farmland protection programs. The application of impact fees should not be included in property taxes.

### 194. FOOD TAX

West Virginia Farm Bureau supports reinstating the food tax as a broad-based tax.

### 195. ROLL-BACK TAXES

West Virginia Farm Bureau is opposed to any roll-back taxes.

### 196. VALUE-ADDED TAXES

West Virginia Farm Bureau opposes value-added taxes.

### 197. DEATH TAX

West Virginia Farm Bureau supports the permanent repeal of the Inheritance Tax (also known as Death Tax or Estate Tax) at the state and federal level.



#### 198. AGRICULTURAL OPERATIONS & INCOME & SALES TAX

West Virginia Farm Bureau supports continuation of the Sales and Use Tax Exemption for Agriculture. When materials and/or equipment are consumed in the production of food and fiber they should be exempt from sales and use taxes, and motor vehicle tax.

Farmers are being unfairly assessed taxes on the purchase of ATVs/UTVs/RTVs for farming purposes. We recommend the following change to WV Code 11-15-3c, subsection F (Exemptions), adding an 11th exemption: The tax imposed by this section does not apply to the registration of an all-terrain vehicle owned and titled in the name of a resident of this state who is a farmer, if the applicant is purchasing the all-terrain vehicle for use in his/her farming operations. The farmer shall be required to show a copy of his/her tax-exempt certificate from the prior year and provide his/her tax number from their farm business in order to qualify for the exemption.

#### 199. WEST VIRGINIA SALES AND SERVICE TAX AND USE TAX EXEMPTION CERTIFICATE

Currently the West Virginia Sales and Service Tax and Use Tax Exemption certificate is completed by the consumer and kept on file by the supplier for all exempt sales on or after July 1 biennially. West Virginia Farm Bureau recommends the law be changed to require completion of this certificate every five years, rather than every two years.

#### 200. SEVERANCE & EXCISE TAXES

West Virginia Farm Bureau believes severance taxes and excise taxes should be reviewed with respect to necessity as a source of revenue. All timber severance and excise taxes should be dedicated to the Division of Forestry rather than general revenue. Timber excise tax should include a \$15,000 tax exemption for small producers.

#### 201. HIGHWAY USER TAXES

West Virginia Farm Bureau believes highway user taxes should only be allocated for highway maintenance and construction, not paved bicycle and walking trails.

#### 202. HOMESTEAD TAX EXEMPTION

West Virginia Farm Bureau favors the Homestead Tax Exemption be limited to senior citizens, and to those legally disabled as determined by the Social Security Administration and/or Veterans Administration, and who have been residents for at least five years. We support increasing the exemption to \$40,000 and adjusting it periodically for inflation.

#### 203. STATE INCOME TAX EXEMPTIONS

West Virginia Farm Bureau asks that the state income tax be amended so personal exemptions and deductions are the same as in the federal law.

#### 204. TAX ON FLAVORED MILK

West Virginia Farm Bureau considers flavored milk an agricultural commodity, not a soft drink, and favors amending the state soft drink tax law to exempt flavored milk.

#### 205. AGRICULTURAL USE STRUCTURES

West Virginia Farm Bureau supports a real property tax exemption on structures used for agricultural production facilities.

#### 206. UNEMPLOYMENT COMPENSATION TAX ON PRODUCERS OF AGRICULTURAL COMMODITIES

West Virginia Farm Bureau opposes the extension of the unemployment tax on the producers of agricultural products, whether or not such products are used or sold by the producer in their natural or processed state.

#### 207. TAX-FREE PROPERTIES

Much wealth has been accumulated by tax-exempt charitable organizations, religious sects and educational foundations, many of whom engage in for-profit activity.

West Virginia Farm Bureau believes that property actually used for religious or charitable purposes should be free from taxation, and income-producing property should be taxed.

#### 208. STATE PAYMENTS IN LIEU OF TAXES

Many rural West Virginia counties have large amounts of land that are owned by the state and federal government. These counties should receive payment in lieu of taxes.

West Virginia Farm Bureau supports legislation that will require the state and federal government to pay to each county annually an amount of money equal to taxes paid on private land of similar character.

#### 209. PUBLIC TAX DOLLARS FOR POLITICAL CAMPAIGNS

West Virginia Farm Bureau opposes the use of tax dollars to support candidates for office.