

2012 WEST VIRGINIA FARM BUREAU POLICIES

These policies were adopted by the voting delegates of the member county Farm Bureaus at the 92nd Annual Meeting of the West Virginia Farm Bureau, held at the Days Hotel Conference Center, Flatwoods, West Virginia, November 11-13, 2011.

THE DEVELOPMENT OF FARM BUREAU POLICY

West Virginia Farm Bureau is a voluntary, non-governmental organization, wholly controlled by its members. Financed by membership dues, it exists to provide a means by which farmers can work together toward the goals upon which they agree.

The policies printed in this booklet were developed through a process involving the participation of individual members in the study, discussion and action on recommendations from within their county Farm Bureaus. These recommendations were then considered by a state Resolutions Committee, made up of representatives from every county Farm Bureau. The recommendations are discussed, amended if deemed appropriate, and then voted on by the elected voting delegates from the member county Farm Bureaus at the Annual Meeting each year.

Policies regarding national and international issues are made in the form of recommendations to the Resolutions Committee and voting delegates to the Annual Meeting of the American Farm Bureau Federation. These policy recommendations are adopted by a majority vote of the voting delegates from member state Farm Bureaus.

These policies represent West Virginia Farm Bureau's public policy goals for 2012 and are deemed essential in attaining the long-term goal of better opportunities for farm families.

FARM BUREAU BELIEFS:

America's unparalleled progress is based on freedom and dignity of the individual, sustained by basic moral and religious concepts.

Economic progress, cultural advancement, ethical and religious principles flourish best where people are free, responsible individuals.

Individual freedom and opportunity must not be sacrificed in a quest for guaranteed security.

We believe in government by legislative and constitutional law, impartially administered, without special privilege.

We believe in the representative form of government – in a republic – as provided in our Constitution; in limitations on government power; in maintenance of equal opportunity; in the right of each individual to freedom of worship and in freedom of speech, press and peaceful assembly.

Individuals have a moral responsibility to help preserve freedom for future generations by participating in public affairs and by helping to elect candidates who share their fundamental beliefs and principles.

People have the right and the responsibility to speak for themselves individually or through organizations of their choice without coercion or government intervention.

Property rights are among the human rights essential to the preservation of individual freedom.

We believe in the right of every person to choose an occupation; to be rewarded according to his/her contribution to society; to save, invest or spend; and to convey his/her property to heirs. Each person has the responsibility to meet financial obligations incurred.

We believe that legislation and regulations favorable to all sectors of agriculture should be aggressively developed in cooperation with allied groups possessing common goals.

We support the right of private organizations to require membership as a prerequisite for member services.

West Virginia Farm Bureau 2012 Legislative Priority Issues

Agriculture and Agricultural Funding

- * Promote strategies/activities to maintain and grow West Virginia's agricultural economy while confronting the challenges posed by an ever aggressive DEP & EPA.
- * Maintain adequate funding for the predator control program.
- * Promote legislation that establishes a county response mechanism/livestock committee consisting of recognized farmers within each county to address complaints regarding inhumane livestock treatment.
- * Promote legislation to establish/define veterinary technician responsibilities.
- * Promote legislation to address loose animal standards.

Property Rights

- * Promote reasonable and responsible legislation regulating oil and gas exploration that will protect private property/surface owners' rights and the environment, while encouraging the development of our resources.
- * Promote legislation to absolve the landowner from any civil liability for injuries that may occur to a person or property on the landowner's property or surrounding property caused while hunting.
- * Promote trespasser responsibility legislation to strengthen and protect longstanding liability rules.
- * Ensure that antidegradation implementation procedures follow the interpretative rule set forth by DEP. [With the exception of streams in state and national parks and the limited number identified by the Wild and Scenic Rivers Act, any stream nominated for Tier 3 status must follow procedure – individual notification of landowner(s), current

scientific data, appeal process via EQB, etc.]

Rural Values/Public Issues

* Agricultural representation on the DEP Advisory Council.

Taxes/Tax Reform

* Maintain current farm use valuation status for real property in production agriculture, including the \$ 1,000 production standard, while eliminating non-farmer access to this tax classification.

* Support tax reform measures that have a positive effect on agriculture and oppose those measures that have a negative effect.

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AGRICULTURE

1. 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.

2. CREATION OF VET TECHNICIAN POSITION

Livestock owners are required by law to have various tests completed on certain livestock before transportation and/or exhibition, and large livestock need medical attention from time to time. In addition, it is a practice of good husbandry to vaccinate livestock on a timely basis, and large animal veterinarians are in short supply in West Virginia, making it difficult or impossible to acquire their services. Therefore, the West Virginia Department of Agriculture, and the West Virginia Legislature, and the West Virginia Board of Veterinary Medicine should create a position of "Vet Technician," with appropriate skills, to provide basic large animal assistance to West Virginia farmers.

3. 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.

4. 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 consequences of failure to apply good science, which can be the passage of inadequately considered laws and regulations, have 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.

5. 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.

6. 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.

7. SUPPORT OF WV YOUNG FARMERS

WVFB actively encourages the support of younger farmers 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) to access 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) who is interested in purchasing an existing farm to begin or expand an agricultural operation

8. 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 maintain adequate laboratory personnel to return soil test results in a timely manner.

9. FUNDING FOR STATE LIME INCENTIVE PROGRAM

We recommend the continuation of adequate funding for the WV Lime Incentive.

10. 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.

11. EQUINE INDUSTRY

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

The 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.

The 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.

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

12. INTERSTATE SHIPMENT OF MEAT

WVFB supports the implementation of the 2008 Farm Bill provisions that support the interstate shipment of meat.

13. 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.

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.

14. 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

15. 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 red meat, and causes considerable misunderstanding among consumers.

We recommend 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.

16. AGROTERRORISM AND BIOTERRORISM

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

17. 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. The 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.

18. ANIMAL AND PLANT DISEASES

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.

19. CONTROL OF INJURIOUS INSECTS

Farm Bureau recommends that the State Department of Agriculture, working with the Agricultural Experiment Station, devise and use effective controls over Gypsy Moth, Japanese Beetle, Tent Caterpillar, Grasshoppers, Emerald Ash Borer, Asian Long horned Beetle, Brown Marmorated Stink Bug 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.

20. NOXIOUS WEEDS AND PLANTS

Labor is the biggest expense in eradication. We recommend 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.

21. CONTROL OF RABIES AND ADMINISTRATION OF VACCINE

Farm Bureau recommends more strict 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).

22. LYME DISEASE & WEST NILE VIRUS

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.

23. USE OF TRAPS

We oppose 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.

24. WEST VIRGINIA DOG LAW

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

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

25. 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, be it resolved that the State of West Virginia and any county that wishes shall 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

26. PROTECTING THE HEALTH AND WELFARE OF AGRICULTURAL LIVESTOCK

Establish 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.

27. TIMBER THEFT AND SUBSEQUENT COSTS

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).

28. AQUACULTURE IN WEST VIRGINIA

Currently in West Virginia, aquaculture is a small industry with gross sales of approximately one million dollars per year. West Virginia could experience growth to a potential of ten million dollars in gross sales. Current impediments to growth are an inadequate and confusing flow of information from lawmakers, governmental agencies and other organizations.

The poor flow of information impedes the start-up and expansion of aquaculture operations. Inadequate and incomplete information related to natural resources rights (i.e. water) and the understanding of the aquaculture industry by financial institutions for operating loans further deters growth. These issues could be addressed with the development of an Aquaculture Development Act and improved interagency communication and cooperation.

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.

CONSTITUTIONAL AMENDMENTS

29. 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 in case the office is vacated, and should complete the existing term.

30. TERM LIMITATIONS FOR ELECTED OFFICIALS

Farm Bureau supports term limitations for the members of the U.S. Congress and the WV 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.

(STATE)

31. OFFICE OF LIEUTENANT GOVERNOR AND ELECTION OF STATE OFFICIALS

Farm Bureau is opposed to the creation of the office of Lieutenant Governor. The state population, tax base, and requirements of this office would not justify the creation of another executive position.

We further recommend that all of the present state elective offices be continued as such and that the Executive Branch of Government not be expanded.

32. 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.

33. REVISION OF STATE CONSTITUTION

Farm Bureau opposes the holding of a State Constitutional Convention for general redrafting of the existing Constitution.

34. AMENDMENTS FOR BOND ISSUES

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

35. WORDING ON BALLOTS

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 be confusing to the voter.

36. RECALL OF PUBLIC OFFICIALS

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

37. SELECTION OF JUDGES IN THE SYSTEM OF COURTS IN WV

Farm Bureau supports changing the system of selection of justices and judges in West Virginia's courts to a nonpartisan ballot.

(FEDERAL)

38. 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.

Farm Bureau believes that the United States flag is a symbol of freedom and liberty unequaled 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.

39. BALANCED FEDERAL BUDGET

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

40. FINANCIAL EDUCATION

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

41. ABSTINENCE EDUCATION

Farm Bureau supports Community-Based Abstinence Education (CBAE). CBAE is a federally funded grant program 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.

42. BASIC EDUCATION

Farm Bureau recommends a thorough and efficient education, stressing competence in reading comprehension, writing, science, technology and math be provided for students of our state.

To achieve this goal, we support:

- 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

43. WEST VIRGINIA STUDIES REQUIREMENT

We support 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.

44. SCHOOL FUNDING

The state 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, 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 added to rural county budgets to offset high costs of rural transportation.

45. CONTROL OVER COUNTY SCHOOL SYSTEMS

West Virginia is a diverse state and our county school systems reflect that diversity with different strengths and needs.

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. The Farm Bureau objects to the forced consolidation of grade schools in West Virginia.

46. PLEDGE OF ALLEGIANCE AND PRAYER IN SCHOOL

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

47. SCHOOL CODES

Farm Bureau recommends appropriate and decent 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 and students alike follow the same rules regarding food, beverage and cell phone usage in the classroom. Cell phones should not be used in the classroom at all.

48. BACKGROUND CHECKS OF SCHOOL PERSONNEL AND HANDLING OF EMPLOYEES UNDER INVESTIGATION FOR SEXUAL MISCONDUCT

WVFB requests that a thorough and in-depth background investigation be required for all school employees 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 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.

We recommend that any employee who is being investigated for sexual or criminal misconduct be put immediately 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 any certification be withdrawn.

49. SECURITY IN PUBLIC SCHOOLS

Given the rise of violence in U.S. schools, 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.

50. RANDOM DRUG TESTING

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

Specifically, we recommend all personnel and teachers, including those employed by institutions of higher education, be subjected to a random drug test annually.

51. DISCIPLINE IN PUBLIC SCHOOLS

To create the optimum learning environment, 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.

52. AGRICULTURAL EDUCATION, VOCATIONAL-TECHNICAL SCHOOLS, 4-H, NATIONAL FFA & FCCLA

National FFA Association, 4-H Clubs and Family, Career and Community Leaders of America have been, and will continue to be, vital tools for development of talent and leadership needed in family resources, agricultural and ecological industries. We recommend continued support for vocational agriculture 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
- Farm Bureau recommends continued support for vocational-technical schools

53. 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.

54. WVU EXTENSION SERVICE

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. Prior to the demolition of the present livestock facilities, a new multipurpose facility should be built so that 4-H and FFA activities, shows and sales can continue uninterrupted.

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.

55. WVU DAVIS COLLEGE OF AGRICULTURE, NATURAL RESOURCES AND DESIGN

Our 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.

Our 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.

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.

56. 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.

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 insure that those plans do not have a negative impact on educational programs and opportunities for students.

57. 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 state institutions of higher education.

We support 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.

58. WVU ADMINISTRATIVE COSTS

Farm Bureau is gravely concerned by the exorbitant 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.

59. POTOMAC STATE AGRICULTURAL PROGRAMS

We recommend the continuation of the

Agricultural programs of Potomac State College. Farm Bureau opposes the sale of the lower farm. We also recommend extending the agricultural programs to include alternative types of agriculture.

60. FARMERS ON WV HIGHER EDUCATION POLICY COMMISSION

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

We petition the Governor of West Virginia to appoint and maintain a farmer on the WV Higher Education Policy Commission.

61. SCHOOL OF OSTEOPATHIC MEDICINE

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

62. INCREASED TUITION FOR NON-RESIDENT STUDENTS & PRISONERS

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

63. WV DEPARTMENT OF AGRICULTURE

Realizing that in excess of one-half billion dollars of West Virginia's annual income is derived from agriculture and allied industries, 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.

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.

We strongly support preserving the position of an elected Commissioner of Agriculture. We also oppose the reduction of authority and responsibilities of that office.

NATURAL RESOURCES AND ENVIRONMENT

64. OIL AND GAS EXPLORATION

Farm Bureau supports reasonable and responsible legislation to regulate the rapidly expanding oil and gas industry that offers great economic potential for our state. It is essential that such legislation protects private property/surface owners' rights and addresses environmental concerns.

Farm Bureau maintains the following components must be addressed in legislation:

- Thirty-day notice to property/surface owners prior to initial entry onto the land for surveying, seismic activity, and any land disturbance
- No wells shall be within 650 horizontal feet of an occupied dwelling, agricultural building (poultry houses, dairy barns, etc.) or existing water wells without the written consent of the owner
- Water management plan requirement that ensures the quantity and quality of surface and groundwater systems are protected. Replacement of lost water in accordance with WV Code 22-3-24
- Ensure that legislation does not revise, repeal or otherwise modify the common law doctrine of riparian rights in West Virginia law
- Require that an erosion and sediment control plan, meeting the requirements of the most current WV Erosion and Sediment Control Manual, accompany each application for a well work permit for 1 acre or more. The erosion sediment control plan should be designed and implemented to meet the NPDES permit requirements for commercial land disturbance (i.e., shopping center, residential development, commercial development). The plan will be prepared by a Professional Engineer certified in E&S control practices
- Language requiring the operator to submit certification from the DOH to the DEP secretary that the operator has entered into a road maintenance agreement with the DOH
- Fee structure for new permits, permit renewals and permit modifications sufficient to provide for adequate inspection and fulfillment of new

rules governing oil and gas exploration

65. ABANDONED PIPELINE RIGHTS-OF-WAY

Land rights-of-way for pipelines and any other public or private utilities abandoned for two or more years shall revert to the surface landowner.

Removal of abandoned equipment and material must be the responsibility of the utility or company of ownership.

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

66. LAND USE PLANNING

WV 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.

67. FARMLAND PROTECTION

WVFB desires the preservation of agricultural land for future generations' production of food and fiber. WVFB supports 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 appropriate federal and state legislative changes to the Farmland Protection Program to allow a county option for timber harvesting and the exploration of oil and gas on protected lands as long as it requires a minimal footprint or maintains the integrity of the land. 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.

68. CONTROL OF WILDLIFE AND COMPENSATION FOR WILDLIFE DAMAGE

Damage by deer and other wildlife has become a problem throughout our state and the over population of deer is a serious highway safety hazard. Coyote, mountain lion, bear, and other predatory animals have caused tremendous economic loss to the livestock industry in West Virginia. The indiscriminate damage caused by these animals greatly exceeds that of dogs, making state and federal assistance imperative.

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 predatory animals. Nuisance bear must be destroyed. Farmers shall be allowed to destroy or halt predatory animals on site.

Removal of coyotes from active grazing lands is imperative. 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.

Continuation of the issuance of crop damage permits. The crop damage permit category should include pasture and meadowlands. 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 reviewed every two years and should be adjusted to more accurately reflect current market prices.

69. DEER HERD REDUCTION

Farm Bureau recommends reduction of the deer herd to 18 deer per square mile. In order to accomplish this we support:

- An additional black powder season from Nov. 1- 15
- An increase in the season bag limit
- Requiring all hunters to bag an antlerless deer before bagging a second buck

70. DEER DAMAGE STUDIES

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

- A study by the Division of Forestry detailing impacts on the timber industry
- A study by the Department of Agriculture and West Virginia University detailing losses to farm products, grasslands, nursery products, agro forestry, gardens, landscaping, orchards, fences and any other property damage caused by deer
- 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.

71. INTRODUCTION AND/OR REINTRODUCTION OF SPECIES, INCLUDING ELK

We support a diverse environment rich in wildlife and plant life; however, we believe that before any person or government entity introduces or reintroduces any plant or animal species to this state that a full agricultural, economic and environmental impact study must be undertaken at the proponent's expense.

If the studies reveal that the introduction or reintroduction may have a negative impact on agriculture, the environment or the safety and well-being of the citizens of this state, the plans for the introduction or reintroduction should cease. If the species is introduced or reintroduced, the governmental agency and/or person responsible for the introduction or reintroduction of the species must assume full responsibility for any damage caused by the species.

72. WILD BIRDS

Farm Bureau recommends that the definition of wild birds be as follows: Wild birds means all birds except domestic poultry (chickens, ducks, geese, guinea fowl, pea fowls, and turkey) members of the family Psittacidae (parrots and parakeets), other foreign cage birds such as the common canary, exotic finches, ring doves and pen raised game birds such as pheasant, quail, waterfowl, turkeys and chuckar partridge. The term wild bird shall include only those birds that are hatched in the wild and at no time of their lives pen raised.

The population of resident geese has expanded in some states as migratory patterns have changed. This increase results in added crop damage, yet state fish and game authorities are unable to combat the problem due to federal jurisdiction. We support efforts by the U.S. Fish and Wildlife Service (FWS) and regional migratory waterfowl councils to control the excessive populations and associated crop damage. We recommend that bag limit for geese be doubled and the hunting season for resident geese hunting be extended. In addition, we believe an agricultural

producer has the right to protect their animals, by any means necessary, in the event of an attack by the black-headed vulture without penalty.

73. BEAR SANCTUARIES

Division of Natural Resources estimates of the black bear population, coupled with the increase in livestock losses by local farmers, indicate that there are sufficient black bear and that protected areas are no longer necessary to maintain that population.

Therefore, Farm Bureau urges the West Virginia Division of Natural Resources to rescind bear sanctuary status in West Virginia.

74. BEAR SEASON

Because of the overpopulation of black bear, hunting season for the animal should be extended. We recommend that the opening of bear season coincide with opening of white-tailed deer hunting season, at which time it would be unlawful to use dogs, and have the season remain open through the end of the calendar year.

Farm Bureau recommends there be a special season the first week of September for private landowners to hunt bear.

75. TRESPASS & HUNTING LAW ENFORCEMENT

Farm Bureau recommends that trespass and hunting laws be strictly enforced and that minimum trespass penalties be increased to \$500.

76. PALESTINE BASS HATCHERY

We recommend that the West Virginia Division of Natural Resources (DNR) continue to use and upgrade the Palestine Hatchery located in Wirt County.

77. SUNDAY HUNTING

West Virginia Farm Bureau is opposed to hunting on Sunday.

78. NONRESIDENT HUNTING & FISHING LICENSES

West Virginia Farm Bureau supports the concept that landowners, the children 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.

79. 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 content of runoff water should be applied to ALL contributors. West Virginia Farm Bureau will not condone the intentional pollution of any water sources.

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.

80. WATER USE AND RIGHTS

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

81. WETLANDS

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.

It is recommended by Farm Bureau 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.

82. USE OF FERTILIZERS & NITRATES FOR ICE REMOVAL

Agricultural producers are continually accused of using excessive amounts of fertilizers and nitrates that pollute the ground water. However, federal, state and local governments are purchasing and using tremendous quantities of nitrates, especially urea, to clear roads and airport runways of ice accumulation. These materials are flushed directly into the waterways, not filtered through the soil as are agriculturally spread materials. Farm Bureau recommends that all government agencies and/or private contractors be held accountable for the impact on water quality from their excessive use of these materials.

83. SOIL EROSION AND SEDIMENT CONTROL

Public anxiety about the environment is resulting in a rash of legislation at both the state and national levels, without thorough investigation of the consequences of such legislation.

Farm Bureau supports programs that establish and maintain voluntary best management practices that reduce erosion from disturbed lands.

84. EROSION CREATED BY RIVER NAVIGATION

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 locks and dams.

85. NATURAL DISASTER DAMAGE

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

86. WATER PROJECTS BY U.S. ARMY CORPS OF ENGINEERS

Farm Bureau opposes land-consuming projects proposed by the U.S. Army Corps of Engineers. Large downstream 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.

We favor flood control through alternative methods.

87. FLOOD CONTROL ON THE GREENBRIER RIVER

Farm Bureau opposes construction of dams on the main stem of the Greenbrier River and/or its major tributaries.

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

88. INTERSTATE COMMISSION ON POTOMAC RIVER BASIN

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.

89. WILD AND SCENIC RIVERS

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.

90. ARMY CORPS OF ENGINEERS

The Army Corps of Engineers was given authority to control non-navigable and navigable streams and rivers in 1977. 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.

91. SOLID WASTE DISPOSAL

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.

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.

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.

92. ENERGY

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 are installed at existing dams and that the feasibility of hydro-generation be considered at new impoundments.

West Virginia's coal industry and the potential use of hydroelectric generators on existing dams

should be given priority status in meeting production demands.

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

93. SUBSIDENCE DAMAGE CAUSED BY MINING

The 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.

94. NATURAL GAS ROYALTY DISTRIBUTION

Farm Bureau recommends that a royalty for all gas and constituents thereof, including all liquid, solid or gaseous substances produced and saved from any sand or sands and/or formation or formations on the owners royalty, an amount equal to at least one-eighth (1/8) of the price be received from the sale of such gas and constituents thereof. Payment for royalty for gas produced and marketed during any calendar month is to be made within ninety (90) days from the end of the month of production.

Gas royalty shall not be less than one-eighth (1/8) for the month such gas is produced, without deductions. All gas produced shall be measured by a meter set at the wellhead and the royalty shall be paid on the volume measured accurately at that point. If royalty payments are less than \$25, they will be paid annually.

95. THEFT OF OIL, GAS, COAL

Because there have been and continue to be

thefts of significant amounts of oil, gas and coal, 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.

Farm Bureau requests that the WV Legislature enact legislation specifying that the theft of oil, gas, or coal be crimes and that the same financial guidelines be used to determine the amounts that would make the crimes misdemeanors or felonies.

96. TIMBER MANAGEMENT AND HARVESTING

Farm Bureau opposes any changes in current law that would restrict the ability of the landowner to harvest timber and manage their woodland.

97. NATIONAL FOREST TIMBER

The federal government owns a major portion of our standing timber. 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.

98. HARVESTING OF DEAD TREES IN STATE FORESTS

Much of the state owned forests contain dead trees. This situation is caused, largely, by gypsy moth 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. 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.

99. EXEMPTION FROM CERTIFICATION/ LICENSING FOR TIMBER OPERATIONS FOR LANDOWNERS

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.

100. GINSENG PRODUCTION, HARVESTING AND SALE

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

101. DEPOSIT ON BEVERAGE CONTAINERS

Because of the enormous expense of cleaning litter from highways and fields, 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.

PUBLIC ISSUES

102. FORCED POOLING OF HORIZONTAL GAS WELLS

Farm Bureau supports negotiations between the mineral rights owner and those requesting a lease. Farm Bureau regards forced pooling to be a violation of private property rights. Therefore, we are opposed to any language in legislation that would promote such activity.

103. DISTRICTING PATTERN FOR THE WV HOUSE OF DELEGATES

WV 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.”

WV 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.

104. ANNEXATION

Because of a recent change in the annexation

law, a municipality can annex a roadway to a parcel of land, and annex that parcel of land, leaving other property along the way out of the annexation. These 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 the law that provides for such annexation.

105. MARRIAGE

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

106. CELL PHONE USAGE

West Virginia Farm Bureau supports legislation banning the use of hand-held cell phones for any purpose while operating a motor vehicle on a public highway.

107. DHHR RECIPIENTS

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 woman’s 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

108. 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.

We recommend 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.

109. PRIVATE PROPERTY RIGHTS

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 from 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.

Oil and Gas Extraction

A significant number of landowners have split estates, not owning their minerals. Therefore, Farm Bureau urges the Legislature to enact appropriate legislation to address issues identified by our membership. We recommend legislation that will require those drilling and/or operating oil and gas fields –both shallow and deep, including storage fields - to pay to the owner of the surface a yearly fee for each producing well and /or capped well and/or storage areas and for all environmental damages. Since coal bed methane is a gaseous fossil fuel, it should be administered as such, and not construed as part of the solid coal, and thus be owned by the owner of the oil and gas resources. Furthermore, we believe compensation to the landowner for damage sustained from drilling or transport operations should be based on actual losses versus a set fee. In order to accomplish this, we support the following but not limited to:

- Giving a 30-day notification to the landowner

- before any surface operations begin
- Compensation for timber at three times the market value
- Compensation for pasture and crops
- Returning soil and nutrients to at least the previous level of production
- Replenishing water sources in both quantity and quality
- Replacing, maintaining and/or repairing fences and roads throughout the operation
- Providing free gas to surface owners or equivalent compensation
- Nuisance payment/inconvenience fee
- Compensation for pipelines and other structures

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.

Proposals for acquisition of easements on private lands, other than by eminent domain, are in direct violation of the fifth amendment of the United States Constitution.

Regulatory Taking/Restrictions

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.

The recording of a plat showing rights-of-way for ingress and egress shall not constitute the dedication of rights-of-way for public utility companies.

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.

Utility companies should notify landowners prior to entering, other than in a case of an emergency, for clearing rights-of-ways and other work. Any brush cut must be placed in a manner that is acceptable to the landowner. Any land disturbing activities must be reclaimed in such a way that is acceptable to the landowner. 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.

110. 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 federal condemnation proceedings often find their efforts to seek relief in the federal 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.

111. ADVERSE POSSESSION

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

112. PROPERTY BOUNDARY LINES AND FENCES

Farm Bureau recommends 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.

113. MAINTENANCE CODES FOR RURAL AREAS

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

114. 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.

115. GOVERNMENT SURPLUS LAND

We recommend that the last private owner or their

heirs, successors or assignees be given first option to repurchase any declared government surplus land.

116. RAILROAD RIGHTS-OF-WAY

Farm Bureau recommends that once damage or loss to a property owner resulting from railroad rights-of-way 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 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.

117. LEGAL LIABILITY

We recommend that statutory limits be established for liability awards for professional malpractice, landowner liability 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.

118. CRIMES AND PUNISHMENT

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

State Police Support

WVFB supports legislation to provide support and protection for law enforcement officers and adequate State Police protection in all WV counties.

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 that 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.

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

We oppose the legalization of marijuana and support mandatory sentences for possession and/or sale. We recommend that drug dealers who are indicted and found guilty be severely punished.

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 to prohibit the mail distribution of pornographic materials and the advertising of such 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.

119. UNINSURED DRIVERS

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

Farm Bureau recommends that the minimum amount of liability insurance required be increased from 20/40/10 to 50/100/50.

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

120. IMMIGRATION

We request 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.

121. WV DEPARTMENT OF HEALTH & HUMAN RESOURCES PROCEDURE FOR ASSUMING CUSTODY OF CHILDREN

DURING SCHOOL HOURS

We strongly urge the WV Department of Health and Human Resources to amend their procedures for seizing custody of children bound for foster care directly from the classroom. If it is deemed necessary to take a child into custody during school hours, it should be done in cooperation with the school administration, and in such a way that it does not further add to the child's trauma or interrupt the classroom environment.

122. SOCIAL SECURITY

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

123. HEALTH INSURANCE

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.

124. RIGHT TO WORK

Farm Bureau recommends that the West Virginia Legislature place the right to work issue on the ballot.

125. RIGHT TO WORK FOR CHILDREN

Farm Bureau favors amending the Fair Labor Standards Act to restore the right of persons under age 14 to work on farms during non-school time, with the written consent of parent(s) or guardian.

126. STRIKES OR WORK STOPPAGES BY PUBLIC EMPLOYEES

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

127. REPEAL OF DAVIS-BACON ACT

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.

128. DEMAND BILLINGS 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.

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.

129. UTILITY RATE HEARINGS

Utility rate increase and policy change hearings are currently held only in Charleston. Farm Bureau recommends that these hearings be held in the communities affected by the proposed increase.

130. MANDATORY ENLISTMENTS OF PUBLIC WATER AND SEWAGE TREATMENT SYSTEMS

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.

131. ELECTIONS AND RESIDENCY

In the event of disputes over residency, Farm Bureau recommends the recipient of the majority of votes hold office until a decision is reached through the court system.

WVFB supports legislation which requires all state and county candidates to reside in the district they propose to represent prior to filing for office.

132. COUNTY REFERENDUMS

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.

133. SIGNATURE REQUIREMENT FOR IMPOSITION OF COUNTY FEES

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.

134. COUNTY RECORDS

Information now available in the County Clerk's records includes deaths, births, marriages, sex, marital status, and names of children. Farm Bureau recommends that the name of the cemetery where a

deceased person is buried or method of interment be added to these records.

135. SUPPORT OF VOLUNTEER FIRE DEPARTMENTS & EMERGENCY MEDICAL SQUADS

Volunteer fire departments and emergency medical squads are the first line of defense in cases of fire, flood, and other emergencies. Well-trained and well-equipped personnel save lives and property. Farm Bureau recommends that the WV Legislature and county commissions continue to support volunteer fire departments and emergency medical squads, and to establish them where needed.

136. GAMBLING

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 into West Virginia.

137. PROMOTING FARM TOURISM IN WV

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.

138. REGISTRATION OF FIREARMS

The Constitution of the United States guarantees a citizen the right to keep and bear arms. 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.

139. CONTROL OF FOOD PRICES

Farm Bureau opposes efforts to control food prices by increasing food imports. Instead of attacking the food industry and current price levels, government should be assisting consumers in understanding the nutritional value of foods, and the economics of the food industry. We object to the government targeting the food industry as a major source of inflation.

140. FEDERAL BANKRUPTCY LAWS

We support 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.

141. APPALACHIAN REGIONAL COMMISSION

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

142. EXPANSION OF NAFTA

We oppose the expansion of the North American Free Trade Agreement.

143. DISCLOSURE OF PUBLIC FUNDS

We encourage the legislature to adopt a companion act of the United States Senate proposal Bill 2950 to be similarly titled State Funding Accountability and Transparency Act. This legislation would create a searchable database of government spending in the state in which any funded line item could be easily examined online.

144. FOREIGN INVESTMENT

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.

145. DISCLOSURE BY ORGANIZATIONS SOLICITING DONATIONS

Farm Bureau supports disclosure of receipts and expenditures by religious and charitable organizations soliciting from the public.

We recommend that the West Virginia Solicitation Law be amended to require financial reports from evangelists and churches.

146. SWEEPSTAKES AND SALES SOLICITATIONS

Citizens are being victimized by mail, telephone, personal and electronic sweepstakes and sales solicitations.

Farm Bureau demands stricter enforcement of existing regulations implemented to protect vulnerable citizens from such activity.

HIGHWAYS

147. 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.

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 either:
 - Livestock, crops or other agricultural products to or from a farm
 - Vehicle, 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

148. IMPACT OF NEW HIGHWAYS ON AGRICULTURE LANDS

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, revegetation, 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.

149. HIGHWAY IMPROVEMENTS

One of the major problems affecting the economic growth of West Virginia is the lack of interstate highways. 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.

150. CONTINENTAL ONE TRADE CORRIDOR

Because of the negative impact on agriculture, Farm Bureau opposes the Continental One Trade Corridor concept.

This plan involves the building of a 4-lane superhighway adjacent to the existing U.S. Rt. 219. Instead, we favor improvements to the existing road.

151. PASSING LANES ON PRIMARY ROADS

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.

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

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.

153. FLASHING LIGHTS

Farm Bureau recommends the installation of coordinated flashing 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.

154. RURAL ROAD SIGNS - FARM VEHICLES

Because of the increase in traffic on rural roads, Farm Bureau recommends the DOH post signs on rural roads notifying drivers of slow moving agricultural vehicles and livestock movement areas.

155. SUBDIVISION ROADS

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.

156. RAILROAD CROSSINGS

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

We further recommend that new bridges near railroad crossings be raised so the trains will pass under the bridge.

157. NATURAL GAS LINE INSTALLATION NEAR HIGHWAYS

Farm Bureau recommends that all existing and newly installed gas pipelines and utility lines placed on state road property be buried at a safe depth for maintaining the highway.

158. ALL TERRAIN VEHICLES

We support the use of ATVs, RTVs, UTVs, mini-trucks and vans for agriculture and oil and gas operators and utilities on public roads from one property to another.

We support the 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 regulations for licensing, insurance, helmets and titling.

159. MOTOR VEHICLES, BICYCLES & JOGGERS

We recommend that the laws governing noise and

speed of motor vehicles (especially motorcycles) be enforced.

We support programs that educate, promote and define the safe use of bicycles. Joggers should be made aware of safety hazards present, and the use of headphones by bikers and joggers should be prohibited on public highways.

160. USE OF SALT ON HIGHWAYS

The use of salt for snow and ice removal damages vehicles, roads, bridges and plant life. Farm Bureau recommends the use of salt, calcium chloride or other corrosive materials cease and be replaced with noncorrosive materials such as limestone or sand or noncorrosive brine.

161. USE OF TIRE STUDS

We oppose the banning of the use of studded tires during the winter months.

162. ROAD MAINTENANCE

Farm Bureau recommends the West Virginia Division of Highways establish a preventive maintenance and corrective quality assurance programs for rural roads in West Virginia to insure the best roads at reasonable costs.

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

163. REMOVAL OF ROAD KILL

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

164. WV DIVISION OF HIGHWAYS SPRAYING

Farm Bureau recommends that the West Virginia Division of Highways use caution in using herbicides along highway rights-of-ways.

165. AGRICULTURAL EXEMPTION FROM FMCS REGULATIONS

Farm Bureau supports changes in the Federal Motor Carrier Safety (FMCS) Regulations that would exempt farmers from regulations, provided that they do not travel more than 250 air miles from the farm.

166. RECYCLING OF MATERIAL FOR

HIGHWAYS

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

167. 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. WVFB 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.

168. AGRICULTURAL LAND & REAL ESTATE TAXATION

Real estate taxation should be fair, equal, 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.

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.

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. 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 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.

169. IMPACT FEES

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 values.

170. FOOD TAX

WVFB supports keeping the food tax as a broad based tax.

171. ROLL-BACK TAXES

Roll-back taxes should only be implemented as a means of funding farmland protection programs. The maximum time period roll-back taxes should be assessed is five years.

172. VALUE-ADDED TAXES

We oppose value-added taxes.

173. DEATH TAX

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

174. AGRICULTURAL OPERATIONS & INCOME & SALES TAX

WVFB supports continuation of the Sales and Use Tax Exemption for Agriculture. When materials and/or equipment are consumed in the production of wealth in the form of food and fiber they should be exempt from sales and use taxes.

Farmers are being unfairly assessed taxes on the purchase of ATVs for farming purposes. We recommend the following change to WV Code 11-15-36, subsection F (Exemptions), adding a ninth 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."

175. WEST VIRGINIA SALES AND SERVICE TAX AND USE TAX EXEMPTION CERTIFICATE

Currently this certificate is completed by the consumer and kept on file by the supplier for all exempt sales on or after July 1 biennially. We recommend the law be changed to require completion of this certificate every five years, rather than every two years.

176. SEVERANCE & EXCISE TAXES

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.

177. AGRICULTURE & B&O TAXES

WVFB supports the repeal of all B&O taxes.

178. HIGHWAY USER TAXES

Highway User Taxes should only be allocated for highway maintenance and construction, not paved bicycle and walking trails.

179. HOMESTEAD TAX EXEMPTION

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

180. STATE INCOME TAX EXEMPTIONS

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

181. COUNTY FIRE BOARDS

West Virginia Farm Bureau supports the formation of county fireboards and the elimination of surcharges on insurance policies.

182. TAX ON FLAVORED MILK

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.

183. AGRICULTURAL USE STRUCTURES

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

184. UNEMPLOYMENT COMPENSATION TAX ON PRODUCERS OF AGRICULTURAL COMMODITIES

We oppose 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.

185. 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.

Farm Bureau believes that the part actually used for religious or charitable purposes should be free of taxation, and income-producing property should be taxed.

186. STATE PAYMENTS IN LIEU OF TAXES

Many rural West Virginia counties have large amounts of land that are owned by the state government. These counties receive very little revenue from those properties.

Farm Bureau supports legislation that will require the state government to pay to each county annually an amount of money equivalent to a percentage of the appraised value of the state owned property.

187. CONTRACTOR'S LICENSING LAW

Farm Bureau recommends that agriculturally related construction be exempted from the Contractors' Licensing Law.

188. PUBLIC TAX DOLLARS FOR POLITICAL CAMPAIGNS

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

189. MIGRANT & SEASONAL WORKERS PROTECTION ACT & H-2 WORKERS PROGRAM DEDUCTIONS

West Virginia law limits the amount of deductions employers may deduct from an employee's wages, including voluntary or contracted deductions. Under the H-2 (foreign) workers program, employers are required to deduct a percentage of the worker's wages and deposit it in a bank account in the worker's name and home country. The mandatory or contracted deductions under the H-2 program should be exempt from West Virginia deductions.