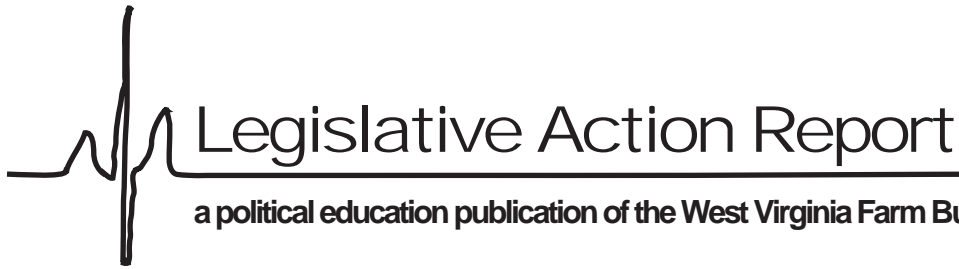


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# Legislative Action Report

a political education publication of the West Virginia Farm Bureau

ISSUE # 6

FEBRUARY 26, 2010

Bill updates are noted in bold.

Bills surfacing on our watch list during week one - January 13-15

S.B. 2 – By Senator Boley – Referred to Transportation and Infrastructure. The purpose of this bill is to expand the definition of all-terrain vehicles to include all-terrain utility vehicles. **WVFB MONITORING.**

S.B. 33 – By Senator Deem – Referred to Finance. The purpose of this bill is to limit classification of real property as managed timberland to prevent county property tax revenues from decreasing by more than four percent. **WVFB OPPOSES.**

S.B. 45 – By Senators Jenkins and Plymale – Referred to Transportation and Infrastructure, then Government Organization. The purpose of this bill concerns the registration of mini-trucks and their operation by municipalities. The bill exempts mini-trucks from title requirements. The bill also exempts sellers from any requirement to modify mini-trucks to comply with any federal law and from making certain disclosures to purchasers. The bill further defines the term “mini-truck.” **WVFB MONITORING.**

S.B. 57 – By Senator Bowman – Referred to Transportation and Infrastructure, then Finance. The purpose of this bill is to require timbering operations to repair and restore roads and rights-of-way damaged by their operations. It also provides civil and criminal penalties. **WVFB MONITORING.**

S.B. 59 – By Senator Barnes – Referred to Government Organization, then Finance. The purpose of this bill is to require individuals leasing subsurface property rights to be licensed under this act. **WVFB MONITORING.**

S.B. 60 – By Senator Barnes – Referred to Energy, Industry and Mining, then Judiciary. The purpose of this bill is to require lessors of subsurface rights to state with specificity what surface rights are also being acquired. The bill also provides that if no surface rights are being acquired, the lease or the contract to lease will so state. **WVFB MONITORING.**

S.B. 61 – By Senator Barnes – Referred to Energy, Industry and Mining, then Judiciary. The purpose of this bill is to require all contracts for the sale or lease of land over five acres to state with specificity the estates being transferred and, if any, the estates being reserved. The bill also requires that if no estate is reserved, the contract shall so state. **WVFB MONITORING.**

S.B. 68 – By Senators Minard, Unger, Oliverio and D. Facemire – Referred to Finance. The purpose of this bill is to include on the state personal income tax return a checkoff option to donate some or all of any tax refund to the “Jackson’s Mill 4-H Camp Checkoff Program” for the operation of the

camp. **WVFB SUPPORTS.**

S.B. 69 – By Senators McCabe, White, Foster, Unger, Palumbo and Chafin – Referred to Transportation and Infrastructure, then Finance. The purpose of this bill is to authorize the creation of a new tax credit for eligible expenditures incurred in placing in service residential or nonresidential energy efficient building property. The bill’s incentive will encourage the construction of energy efficient buildings, thereby reducing the total amount of energy consumed in the state. **WVFB MONITORING.**

S.B. 105 – By Senator White – Referred to Judiciary, then Finance. The purpose of this bill is to exempt owners, other than corporations or partnerships, of one hundred acres or less of contiguously connected real property from payment of increased valuation and assessment as natural resources property on reserve coal properties. The bill defines “small property owner” as an owner of one hundred or less acres of real property that is not a corporate entity or partnership. It also requires an affidavit from the property owner that the coal will not be mined or the interest therein transferred. If the coal is subsequently mined, the owner will be assessed the increased rate plus interest before mining may continue. **UPDATE - Passed Judiciary with Committee Substitute, presently in Finance.** **WVFB MONITORING.**

S.B. 183 – By Senator D. Facemire – Referred to Transportation and Infrastructure, then Judiciary. The purpose of this bill is to prohibit diesel powered motor vehicles from excessive idling; to provide exceptions to idling restrictions; to establish a misdemeanor offense of excessive idling; to provide criminal penalties; and to provide enforcement by the Department of Environmental Protection. **WVFB MONITORING. UPDATE - Passed Transportation and Infrastructure; presently in Judiciary.**

S.B. 195 – By Senators Jenkins and McCabe – Referred to Judiciary. The purpose of this bill is to allow Supreme Court justices to be elected on a nonpartisan ballot. **WVFB SUPPORTS.**

S.B. 211 – By Senators Browning and Foster – Referred to Natural Resources, then Energy, Industry and Mining. The purpose of this bill is to set up a regulatory scheme in which to regulate the use by owners and others of various waterways, lakes and watercourses. The bill contains provisions requiring persons to obtain permits before engaging in various activities that affect waterways, lakes, streams or watercourses. The bill contains civil enforcement provisions as well as a penalty for intentionally damaging waterways. **WVFB MONITORING.**

H.B. 2012 – By Delegate Cann – Referred to Judiciary, then Finance. The purpose of this bill is to prohibit increases in the assessed value of real property which is located in a county where a maximum excess levy is in effect, the property has not changed in tax classification and the increased value is more than two percent over the assessed value of the same property for the previous year. **WVFB MONITORING.**

H.B. 2030 – By Delegate Azinger – Referred to Judiciary, then Finance. The bill provides a three percent cap on any increase

in assessment on real property that is the primary residence of an individual in any one year. WVFB SUPPORTS.

H.B. 2106 – By Delegates Ireland, Hamilton, Romine and Miller, C. – Referred to Judiciary. The bill would make English the official language of West Virginia. WVFB SUPPORTS.

H.B. 2343 – By Delegates Michael, Hartman, Crosier, Argento, Williams and Poling, D. – Referred to Natural Resources, then Judiciary. The purpose of this bill is to regulate captive cervid farming as an agricultural enterprise in this state. The bill describes powers and duties of the WV Department of Agriculture. WVFB SUPPORTS.

H.B. 2358 – By Delegates Miley, Fragale and Iaquina – Referred to Agriculture, then Finance. (Bill is same as S.B. 68 – tax checkoff option for Jackson’s Mill 4-H Camp.) WVFB SUPPORTS.

H.B. 2488 – By Delegates Shaver and Williams – Referred to Roads and Transportation, then Judiciary. The purpose of this bill is to allow mini-trucks to be licensed in WV for limited use on public highways. WVFB MONITORING.

H.B. 2511 – By Delegate Border – Referred to Natural Resources, then Finance. (Bill is similar to S.B. 33, but targets five percent instead of four percent.) WVFB OPPOSES.

H.B. 2561 – By Delegates Sobonya, Stephens, Rowan, Morgan, Miller, C. and Reynolds – Referred to Roads and Transportation, then Judiciary. The bill provides that an applicant for a farm use exemption certificate may not be required to appear before any assessor for renewal. Passed House and introduced in Senate. - to Transportation and Infrastructure, then Judiciary. WVFB SUPPORTS.

H.B. 2578 – By Delegates Duke, Miller, J., Blair, Overington, and Doyle – Referred to Judiciary, then Finance. The bill provides a ten percent cap on any increase in assessment of real and personal property in any one year. WVFB SUPPORTS.

H.B. 2625 – By Delegates Evans, Rowan, Canterbury, Staggers, Doyle and Azinger – Referred to Agriculture, then Finance. Bill provides for aged or disabled farmers to continue to receive the benefit of having their farm land appraised as farm property after they cease farming. WVFB SUPPORTS.

H.B. 2680 – By Delegates Beach and Canterbury – Referred to Government Organization. Bill addresses increasing the environmental protection advisory council membership to nine members, specifying one member representing farming interests and one registered forester representing interests of private owners of forest land. WVFB SUPPORTS.

H.B. 2735 – By Delegates Martin, Argento and Eldridge – Referred to Agriculture, then Government Organization. Bill addresses changing the membership of the State Conservation Committee, as well as staffing and auditing requirements. WVFB OPPOSES.

H.B. 2907 – By Delegates Boggs, Cowles, Walker, Campbell, Argento, Smith and Ashley – Referred to Agriculture, then Judiciary. Bill addresses details/regulations relating to the sales of wine. WVFB MONITORING.

H.B. 2982 – By Delegate Ross – Referred to Judiciary. The purpose of this bill is to modify the definitions of “shallow” and “deep” wells to allow a shallow well to be drilled deeper and provide clarity to both definitions. WVFB MONITORING.

H.B. 3023 – By Delegates Brown, Martin, Argento, Paxton, Poling, M., Poling, D., Moyer, Moore, Fleischauer, Manypenny and Rodighiero – Referred to Energy, Industry and Labor, Economic Development and Small Business, then Judiciary. (Oil and Gas Surface Owner’s Bill of Rights) WVFB MONITORING.

H.B. 3096 – By Delegate Guthrie – Referred to Agriculture, then Finance. Bill provides tax credits for the sale of locally grown produce. WVFB MONITORING.

H.B. 3254 – By Delegates Manypenny, Beach, Frazier and Fleischauer – Referred to Government Organization, then Judiciary. Bill would require county commissions to adopt and implement county farmland protection programs. WVFB MONITORING.

## Bills surfacing on our watch list during week two – January 18-22

Action has increased during week two of the 2010 Regular Session. A majority of the new bills added to our watch list deal with proposed regulations/rules from government agencies.

S.B. 236 – By Senator Williams – Referred to Agriculture, then Economic Development. The purpose of this bill is to setup the beginning stages of aquaculture development in West Virginia; giving the Department of Agriculture power over such developments and creation of an Aquaculture advisory board. Committee Substitute passed, presently in Economic Development. On Second Reading 2-12-10 - **UPDATE - Passed House Agriculture; presently in Judiciary.** WVFB MONITORING.

S.B. 239 – By Senators Minard, Fanning, Prezioso, Unger, Boley and K. Facemyer – referred to Judiciary. The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to Requirements Governing Ground Water Standards. WVFB MONITORING.

S.B. 241 – By Senators Minard, Fanning, Prezioso, Unger, Boley and K. Facemyer – referred to Agriculture, then Judiciary. The purpose of this bill is to authorize the Commissioner of Agriculture to promulgate a legislative rule relating to Animal Disease Control. Passed Agriculture, presently in Judiciary. WVFB MONITORING.

S.B. 242 – By Senators Minard, Fanning, Prezioso, Unger, Boley and K. Facemyer – referred to Agriculture, then Judiciary. The purpose of this bill is to authorize the Commissioner of Agriculture to promulgate a legislative rule relating to Integrated Pest Management Programs in Schools and Child Care Centers and Facilities. Passed Agriculture, presently in Judiciary. WVFB MONITORING.

S.B. 243 – By Senators Minard, Fanning, Prezioso, Unger, Boley and K. Facemyer – referred to Agriculture, then Finance and Judiciary. The purpose of this bill is to authorize the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Shellfish. Passed Agriculture with amendment, presently in Finance, then Judiciary. **UPDATE - Passed Finance with amendment; presently in Judiciary.** WVFB MONITORING.

S.B. 255 – By Senators Minard, Fanning, Prezioso, Unger, Boley and K. Facemyer – referred to Government Organization, then Judiciary. The purpose of this bill is to authorize the Conservation Agency to promulgate a legislative rule relating to the Operation of the West Virginia State Conservation Committee and Conservation Districts. Passed Government Organization with amendment, presently in Judiciary. WVFB SUPPORTS.

S.B. 277 – By Senators Minard, Fanning, Prezioso, Unger, Boley and K. Facemyer – referred to Judiciary. The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to the National Pollutant Discharge Elimination System (NPDES) Program. Passed Judiciary. WVFB MONITORING.

S.B. 278 – By Senators Minard, Fanning, Prezioso, Unger, Boley and K. Facemyer – referred to Finance, then Judiciary. The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to Water Pollution Control Permit Fee Schedules. **UPDATE - Passed Finance, presently in Judiciary.** WVFB MONITORING.

S.B. 280 – By Senators Minard, Fanning, Prezioso, Unger, Boley and K. Facemyer – referred to Judiciary. The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to Monitoring Wells. Was referred to Energy, Industry and Mining and passed; presently in Judiciary. WVFB MONITORING.

S.B. 281 – By Senators Minard, Fanning, Prezioso, Unger, Boley and K. Facemyer – referred to Judiciary. The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to Monitoring Wells Design Standards. Was assigned to Energy, Industry and Mining, and passed. Presently in Judiciary. WVFB MONITORING.

S.B. 302 – By Senators Minard, Fanning, Prezioso, Unger, Boley and

K. Facemyer – referred to Natural Resources, then Judiciary. The purpose of this bill is to authorize the Division of Natural Resources to promulgate a legislative rule relating to Deer Hunting. Passed Natural Resources, presently in Judiciary. WVFB MONITORING.

H.B. 4049 – By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya – referred to Agriculture, then Judiciary. Purpose – see S.B. 240. WVFB MONITORING.

H.B. 4065 – By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya – referred to Agriculture, then Judiciary. Purpose – see S.B. 242. Passed Agriculture, presently in Judiciary. **UPDATE - Reported in Committee Substitute for H.B. 4108 (authorizing miscellaneous agencies and boards to promulgate legislative rules).** WVFB MONITORING.

H.B. 4066 – By Delegates Brown, D. Poling, Miley and Talbott – referred to Agriculture, then Judiciary. Purpose – see S.B. 243. Passed Agriculture with amendment, presently in Judiciary. **UPDATE - Reported in Committee Substitute for H.B. 4108 (authorizing miscellaneous agencies and boards to promulgate legislative rules).** WVFB MONITORING.

H.B. 4077 – By Delegates Brown, D. Poling, Miley and Talbott – referred to Natural Resources, then Judiciary. Purpose – see S.B. 255. Passed Natural Resources, presently in Judiciary. **UPDATE - Reported in Committee Substitute for H.B. 4108 (authorizing miscellaneous agencies and boards to promulgate legislative rules).** WVFB MONITORING.

H.B. 4091 – By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya – referred to Judiciary. Purpose – see S.B. 277. WVFB MONITORING.

H.B. 4092 – By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya – referred to Judiciary. The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to Requirements Governing Ground Water Standards. WVFB MONITORING.

H.B. 4093 – By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya – referred to Judiciary. Purpose – see S.B. 278. WVFB MONITORING.

H.B. 4095 – By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya – referred to Judiciary. Purpose – see S.B. 280. WVFB MONITORING.

H.B. 4096 – By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya – referred to Judiciary. Purpose – see S.B. 281. WVFB MONITORING.

H.B. 4104 – By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya – referred to Roads and Transportation, then Judiciary. The purpose of this bill is to authorize the Commissioner of Highways to promulgate a legislative rule relating to the Use of State Road Rights of Way and Adjacent Areas. Passed Roads and Transportation, presently in Judiciary. WVFB MONITORING.

H.B. 4110 – By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya – referred to Natural Resources, then Judiciary. Purpose – see S.B. 302. Passed Natural Resources, presently in Judiciary. **UPDATE - Passed House and communicated to Senate.** WVFB MONITORING.

### Bills surfacing on our watch list during week three – January 25 -29

Senate Concurrent Resolution No. 9 (By Senators Tomblin and Caruth, by request of the Executive) - This Resolution passed unanimously expressing the will of the Legislature to oppose the adoption of a national cap and trade program for carbon dioxide and greenhouse gas emissions that is unduly burdensome to the State of West Virginia and to support measures that encourage investments in technology to address carbon dioxide and greenhouse gas emissions, and requesting that West Virginia’s congressional delegation resist and oppose efforts to adopt a national cap and trade program that is detrimental to our state.

S.B. 369 – By Senators Minard, Green and Helmick – Referred to Energy, Industry and Mining, then Finance. The purpose of this

bill is to modify the definitions of “shallow” and “deep” wells to allow a shallow well to be drilled deeper and provide clarity to both definitions. WVFB MONITORING.

S.B. 401 – By Senators McCabe, Wells, Prezioso, K. Facemyer, Boley, Plymale, Fanning, Minard, Edgell and Jenkins – Referred to Finance. Bill addresses ad valorem property taxes. **UPDATE - Committee Substitute reported and passed Senate; presently in House Finance.** WVFB MONITORING.

H.B. 4001 – By Delegates Fleischauer, Manypenny, Marshall, Mahan, Doyle, Martin, Beach, Shook, Lawrence, Longstreth and Hatfield – Referred to Government Organization, then Judiciary. The purpose of this bill is to require the West Virginia Department of Environmental Protection to develop specific standards to control levels of total dissolved solids in the state’s rivers and streams. WVFB MONITORING.

H.B. 4201 – By Delegates Eldridge, Butcher, Stowers, Louisos, Border, Lawrence, Williams, Varner, Evans and Kominar – Referred to Agriculture, then Judiciary. The purpose of this bill is to create the Livestock Care Standards Board to prescribe standards for livestock care and well being that endeavor to maintain food safety, encourage locally grown and raised food, and protect West Virginia farms and families. Passed Agriculture with amendments, presently in Judiciary. **UPDATE - Passed Judiciary.** WVFB SUPPORTS.

H.B. 4218 – By Delegates Barker and Ross – Referred to Natural Resources, then Judiciary. See S.B. 369. WVFB MONITORING.

H.B. 4224 – By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya – Referred to Agriculture, then Judiciary. Bill addresses best management practices for land application of waste products. Passed Agriculture, presently in Judiciary. **UPDATE - Reported in Committee Substitute for H.B. 4108 (authorizing miscellaneous agencies and boards to promulgate legislative rules).** WVFB MONITORING.

H.B. 4226 – By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya – Referred to Judiciary. Bill addresses oil and gas wells, and other wells. WVFB MONITORING.

### Legislative Update – February 5, 2010

The pace has slowed for bills on our watch list. However, several pieces of legislation are still in the draft process. Week four of the Session provided the backdrop for our annual legislative partnership activity with Farm Credit. On Tuesday, February 2, leaders from Farm Credit and Farm Bureau joined forces to provide lunch for all legislators and selected VIPs. Following the delivery of lunches and accompanying educational materials from our respective organizations, the group dined with Delegate Bill Hartman, Delegate “Woody” Ireland, Deputy Ag Commissioner Steve Hannah, and Assistant Ag Commissioner Bob Tabb. These individuals shared legislative insights and discussed issues impacting agriculture. The afternoon concluded with targeted visits to legislators. The day was most productive and gave agriculture, as well as our respective organizations, some excellent visibility.

### Bills surfacing on our watch list during week four - February 1-5:

S.B. 403 – By Senators Minard, Snyder, Prezioso, Unger, Boley and K. Facemyer – Referred to Agriculture, then Judiciary. The purpose of this bill is to authorize the Commissioner of Agriculture to promulgate a legislative rule relating to Best Management Practices for Land Application of Waste Products from Aquaculture Facilities. Passed Agriculture, presently in Judiciary. WVFB MONITORING,

S.B. 421 – By Senator Williams – Referred to Transportation and Infrastructure, then Judiciary. The purpose of this bill is to permit the sale and use of mini-trucks. The bill authorizes the Division of Motor Vehicles to title, register and establish ownership documentation requirements for mini-trucks. The bill also addresses numerous other issues – exempting mini-trucks from federal safety and emission standards, requiring a seller to provide to prospective purchasers full disclosure on whether a mini-truck conforms to certain federal safety and environmental standards, etc. WVFB MONITORING.

S.B. 426 – By Senator Kessler – Referred to Natural Resources, then

Finance. The purpose of this bill is to exempt owners, other than corporations or partnerships, of one hundred acres or less of contiguously connected real property from payment of increased valuation and assessment as natural resources property on reserve coal properties. The bill defines “small property owner” as an owner of one hundred or less acres of real property that is not a corporate entity or partnership. It also requires an affidavit from the property owner that the coal will not be mined or the interest therein transferred. If the coal is subsequently mined, the property will be assessed the increased rate and that amount, plus interest, must be paid before mining may continue. WVFB MONITORING.

S.B. 484 – By Senators Sypolt, Hall, Stollings, D. Facemire, Williams, Yost, Helmick and Fanning – Referred to Judiciary. The bill limits landowners’ civil liability for certain hunting injuries. WVFB SUPPORTS.

SCR 20 (By Senators Boley, Barnes, Hall, Deem, Caruth, Sypolt, K. Facemyer and Guills) was to be introduced Friday, February 5. The Resolution reasserts West Virginia’s Sovereignty under the Tenth Amendment. WVFB SUPPORTS.

H.B. 4144 – By Delegates Morgan, Stephens, Swartzmiller, Talbott, Hartman, Givens, Martin, T. Walker, Rowan, C. Miller and Manypenny – Referred to Government Organization. The purpose of this bill is to update the law governing the practice of veterinary medicine. Passed House, presently in Senate Government Organization. WVFB MONITORING.

H.B. 4333 – By Delegates Mahan, Beach, Flesichauer, Overington, Guthrie, and D. Poling – Referred to Agriculture, then Judiciary. The purpose of this bill is to protect dogs by creating regulations for commercial dog breeding operations. WVFB MONITORING.

## Legislative Update – February 12, 2010

Several new bills have been added to our watch list. Two key bills are also anticipated next week, addressing animal issues and landowner issues relative to oil and gas extraction. Week five of the Session found members from Farm Bureau and the West Virginia Forestry Association converging on the Capitol for our Annual Legislative Day and Taste of West Virginia Reception that followed at the Charleston House Holiday Inn. In spite of challenging weather, we had an excellent turnout of legislators. Prior to the reception, Farm Bureau members were treated to candid and enlightening remarks at their annual legislative briefing. Farm Bureau friends sharing legislative insights included Senator Walt Helmick, Senator Bob Williams and Delegate Larry Border.

## Bills surfacing on our watch list during week five - February 8-12:

S.B. 505 – By Senator Fanning – Referred to Natural Resources, then Finance. The purpose of this bill is to update the Logging Sediment Control Act, including an exclusion for ten acres or less of privately-owned land, establishing biennial licensure and fee, and making technical corrections. **UPDATE - Passed Natural Resources, presently in Finance.** WVFB MONITORING.

S.B. 508 – By Senator Fanning – Referred to Natural Resources, then Government Organization. The purpose of this bill is to transfer certain powers from the Division of Natural Resources to the Division of Forestry. The bill creates the Office of the Director of the Division of Forestry. The bill permits the Division of Forestry to sell timber and sets forth the requirements of those sales. The bill also permits the Division of Forestry to assist in timber sales by private landowners provided the landowner pays the costs of the Division’s assistance. (NOTE: There is presently no cost for that service.) The bill also establishes a cooperative agreement between the Division of Forestry and the Division of Natural Resources. **UPDATE - Committee substitute reported from Natural Resources; presently in Finance; then to Government Organization.** WVFB OPPOSES.

S.B. 529 – By Senator Edgell – Referred to Energy, Industry and Mining, then Judiciary. The purpose of this bill is to create the “Surface Owners’ Rights Recognition Act.” WVFB MONITORING. (NOTE: We anticipate an additional new bill, content-wise, to be introduced next week, at which time we will determine where our support will be. **Contrary to rumors that are circulating, Farm**

## **Bureau has not endorsed S.B. 529 or the companion House Bill – 4408.)**

S.B. 542 – By Senators Stollings, Williams, Fanning, Chafin and D. Facemire – Referred to Transportation and Infrastructure. The purpose of this bill is to provide uniformity in the definitions of all-terrain vehicles and to include a definition for recreational off-highway vehicles. WVFB MONITORING.

H.B. 4099 – By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya – Referred to Health and Human Resources, then Judiciary. The purpose of this bill is to authorize the Department of Health and Human Resources to promulgate a legislative rule relating to Grade “A” Pasteurized Milk. **UPDATE - Passed Health and Human Resources, presently in Judiciary.** WVFB SUPPORTS.

H.B. 4358 – By Delegates Cowles, Stowers, Eldridge, Rodighiero, J. Miller, C. Miller, Blair, Michael, Evans and Hall – Referred to Finance. The purpose of this bill is to exempt special fuels and propane gas that are used for home heating purposes from the motor fuel excise tax. WVFB SUPPORTS.

H.B. 4390 – By Delegates Ross, Hartman, Martin, D. Poling, Cann, Ireland, Andes, Longstreth, Williams, Hamilton and Iaquinta – Referred to Political Subdivisions, then Finance. The purpose of this bill is to provide that the report of information to be obtained from landowners by assessor and corrections in landbook of the previous year with regard to reporting requirements of farm property be made every five years instead of every year. The bill provides an exception if the farm property is sold during the five-year period. In that case, the new owner must inform the assessor of the change in ownership in order to have the real property assessed as farm property. **UPDATE - Passed Political Subdivisions with amendment, presently in Finance. Status change to WVFB MONITORING. During the past week reasonable concerns have been registered regarding the inability to compile ag statistics on an annual basis if this legislation passes. Local assessors have also noted concerns with the legislation.**

H.B. 4401 – By Delegate Martin – Referred to Roads and Transportation, then Judiciary. The purpose of this bill is to update the requirements to obtain and retain a commercial driver’s license to comply with recent changes in federal law and rule. **UPDATE - Passed Roads and Transportation, presently in Judiciary.** WVFB MONITORING.

H.B. 4402 – By Delegates Williams, Beach and Shaver – Referred to Roads and Transportation, then Judiciary. The purpose of this bill is to permit the sale and use of mini-trucks. The bill authorizes the Division of Motor Vehicles to title, register and establish ownership documentation requirements for mini-trucks. The bill establishes where mini-trucks may be operated and specific equipment that must be on a mini-truck. The bill also permits annual safety inspections of mini-trucks to be waived if certain conditions are met and requires operators to have proofs of insurance and financial responsibility on a mini-truck. The bill exempts mini-trucks from federal safety and emission standards. The bill further requires a seller to provide to prospective purchasers full disclosure on whether a mini-truck conforms to certain federal safety and environmental standards. The bill establishes the registration class and fee for a mini-truck. The bill defines the term “mini-truck” and redefines the term “all-terrain vehicle.” WVFB MONITORING.

H.B. 4408 – By Delegates Manypenny, Fleischauer, Hutchins, Martin, T. Walker, Susman, Shook, Moye, Moore and Paxton – Referred to Judiciary, then Finance. Purpose – See S.B.529. WVFB MONITORING.

H.B. 4435 – By Delegate White – Referred to Judiciary, then Finance. The purpose of this bill is to reestablish the West Virginia estate tax, pursuant to establishment or reestablishment, in the year 2010, of the credit against federal estate tax for payment of state death taxes. WVFB MONITORING.

H.B. 4439 – By Delegates Cann, Pethtel, Ross, Perry, Michael, Hatfield, Williams and Campbell – Referred to Judiciary. The purpose of this bill is to require applications for farmland valuation every five years unless the property is sold. WVFB SUPPORTS.

H.B. 4477 – By Delegates Talbott, Crosier and Williams – Referred to Natural Resources, then Judiciary. Purpose – See S.B. 508. WVFB OPPOSES.

## Legislative Update – February 19, 2010

The pace of bills being introduced has increased in the House as the forty-first day of the Session nears – February 22 (last day to introduce bills in the Senate and the House, but does not apply to originating or supplementary appropriation bills or Senate or House resolutions or concurrent resolutions). Committee action is also on the increase.

## Bills surfacing on our watch list during week six - February 15-19:

S.B. 181 – By Senator Caruth – Referred to Economic Development, then Government Organization. Purpose – See H.B. 4505 below. WVFB SUPPORTS.

S.B. 225 – By Senators Kessler, Snyder, Barnes, Stollings and Laird – Referred to Judiciary, then Finance. The bill creates a spay neuter assistance fund. Passed Judiciary, presently in Finance. WVFB OPPOSES.

S.B. 536 – By Senator Fanning – Referred to Natural Resources, then Finance. Purpose – See H.B. 4473 below. **UPDATE - Committee substitute reported from Natural Resources; presently in Finance.** WVFB MONITORING.

H.B. 4407 – By Delegates Guthrie, Butcher and Manypenny – Referred to Agriculture, then Judiciary. The purpose of this bill is to update the law regarding the rabies vaccinations of dogs and cats. Passed Agriculture with amendment, presently in Judiciary. WVFB MONITORING.

H.B. 4473 – By Delegates Talbott, Crosier and Williams (By Request of the Division of Forestry) – Referred to Natural Resources, then Judiciary. The purpose of this bill is to establish industrial and commercial permits and fee. The bill further clarifies permitted and prohibited fires, the misdemeanor penalty for violating the section, and makes technical corrections. **UPDATE - Passed Natural Resources; presently in Judiciary.** WVFB MONITORING.

H.B. 4477 – By Delegates Talbott, Crosier and Williams (By Request of the Division of Forestry) – Referred to Natural Resources, then Judiciary. Purpose – See S.B. 508. WVFB OPPOSES.

H.B. 4501 – By Delegates Evans, Azinger, Rowan, Schadler, Craig, T. Walker, Hamilton, Hartman, Ross, Shaver and Hall – Referred to Roads and Transportation, then Judiciary. The purpose of this bill is to permit farm use vehicles to travel on public highways to and from stockyards and farm supply stores that are within a fifty-mile radius of the owner's farm. WVFB SUPPORTS.

H.B. 4505 – By Delegate Hall – Referred to Political Subdivisions, then Judiciary. The purpose of this bill is to provide that Chapter 8A does not authorize an ordinance, rule or regulation preventing the complete use of natural resources by the owner outside of urban areas. WVFB SUPPORTS.

H.B. 4511 – By Delegates Williams and Manypenny – Referred to Agriculture, then Finance. The purpose of this bill is to specify that, notwithstanding imposition of the sales tax on other sales of tangible personal property sold by a farmer or farmer's family member, the exemption for sales of livestock, poultry or other farm products in their original state that are sold by the producer or a member of the producer's immediate family will remain in effect. WVFB SUPPORTS.

H.B. 4513 – By Delegates Manchin, Beach, Capito, Fleischauer, Iaquina, Longstreth, Mahan, Manypenny, Marshall and Perdue – Referred to Judiciary. The purpose of this bill is to establish requirements relating to water used in Marcellus gas well drilling operations. WVFB MONITORING.

H.B. 4514 – By Delegate McGeehan – Referred to Finance. The purpose of this bill is to abolish the sales tax on food by July 1, 2012. WVFB OPPOSES.

H.B. 4524 – By Delegates Martin, Kominar, Reynolds, D. Walker and

Morgan – Referred to Roads and Transportation, then Government Organization. The purpose of this bill is to provide uniformity in the definitions of all-terrain vehicles and to include a definition for recreational off-highway vehicles. (Similar to S.B. 2) **UPDATE - Passed House and communicated to Senate.** WVFB MONITORING.

H.B. 4527 – By Delegates Morgan, C. Miller, Canterbury, Williams and Campbell – Referred to Judiciary. The purpose of this bill is to limit the liability of apiary owners and operators. WVFB MONITORING.

H.B. 4546 – By Delegates D. Poling, Hartman, Azinger, Evans, Ross, Williams, Hamilton, Smith, Ellem and Border – Referred to Agriculture, then Judiciary. The purpose of this bill is to provide a procedure for livestock that are in dire or extreme condition. WVFB SUPPORTS.

H.B. 4566 – By Delegates Ireland, C. Miller, Longstreth, Manypenny, Romine and Hamilton – Referred to Energy, Industry and Labor, Economic Development and Small Business, then Judiciary. The bill provides guidelines for an appropriate relationship between oil and gas extractors and the owners of surface rights and mineral interests. WVFB SUPPORTS.

## Legislative Update – February 26, 2010

It has been an interesting week as mixed messages have been floating around regarding WV Farm Bureau's positioning on legislation impacting landowners affected by oil and gas extraction. Make no mistake, Farm Bureau has been working diligently with members, industry and key legislators over the past two years to address landowner concerns. Industry responded with their Good Neighbor Policy (detailing their responsibilities and commitment to landowners), an informative doorhanger (providing answers to frequently asked questions by landowners about the drilling of natural gas) and recently, provided initial funding to launch an educational outreach program through the WVU Extension Service. Several bills are floating around the Legislature that address member concerns. We were involved in the development and endorse House Bill 4566 and Senate Bill 668, providing guidelines for an appropriate relationship between oil and gas extractors and the owners of surface rights and mineral interests. Unlike other surface owners rights legislation proposed earlier in the Session, HB 4566 and SB 668 address specifics such as valuation of timber, secondary road inspection, landowner's right of redemption of minerals, reflection of mineral ownership in deeds, supervision of contractors, and notification of landowners before any work can begin.

This update covers action through February 25. Bills are due out of committees in their house of origin by February 28 to ensure three full days for readings, with March 3 being the last day to consider a bill on third reading in its house of origin. This does not include budget or supplementary appropriation bills.

## Several new bills have surfaced on our watch list this week:

S.B. 658 – By Senator White – Referred to Energy, Industry and Mining; then Natural Resources. The purpose of this bill is to establish reporting requirements relating to water used in Marcellus shale gas well drilling operations. WVFB MONITORING.

S.B. 668 – By Senator Sypolt – Referred to Natural Resources, then Energy, Industry and Mining. The purpose of this bill is to provide guidelines for an appropriate relationship between oil and gas extractors and the owners of surface rights and mineral interests. WVFB SUPPORTS.

H.B. 4624 – By Delegates Manypenny, Guthrie, Brown, Beach and Susman – Referred to Agriculture, then Finance. The purpose of this bill is to create the "Genetically Engineered Food Right to Know Act." The bill makes legislative findings, sets forth labeling requirements regarding the sale of foods containing genetically engineered materials or foods produced with genetically engineered materials. The bill also provides for exceptions, testing, civil penalties and civil suits by the Commissioner of Agriculture and suits by citizens. The bill further defines terms and provides rulemaking authority. WVFB MONITORING.

H.B. 4625 – By Delegates Manypenny, Guthrie and Susman – Referred to Agriculture, then Finance. The purpose of this bill is to create the "Genetically Engineered Organism Liability Act." The

bill makes legislative findings. The bill establishes liability for injuries arising from the release of genetically engineered organisms into the environment and that liability is nonwaivable. The bill also defines a term. WVFB MONITORING.

H.B. 4626 – By Delegates Manypenny, Guthrie, Brown, Beach and Susman – Referred to Agriculture, then Finance. The purpose of this bill is to create the “Genetically Engineered Crop and Animal Farmer Protection Act.” The bill makes legislative findings, sets forth information requirements regarding the sale of genetically engineered seeds, plants and animals, identifies certain contractual provisions to be against public policy and prevents noncompetitive practices involving technology fees. The bill also sets forth measures to be taken to avoid cross pollination of genetically engineered plants and seeds and requires genetically engineered seeds to be so labeled. The bill further prohibits loan discrimination. Also, the bill provides for civil and citizen suits. The bill defines terms and provides rulemaking authority. WVFB MONITORING.

H.B. 4651 – By Delegates Manypenny, Fleischauer, Hamilton, Hunt, Beach and Martin – Referred to Energy, Industry and Labor, Economic Development and Small Business, then Judiciary. The purpose of this bill is to permit surface owners to purchase the mineral interests that lay below the property when the mineral interest becomes subject to tax lien. The bill provides that the price to substitute the surface owner for the tax lien purchaser would be twice the amount owed by the mineral interest owner. The bill sets forth the procedure for clerks and deputy commissioners and establishes a nonrefundable \$20 administrative fee to be paid by surface owners. The bill provides a procedure if more than one surface owner desires to purchase the delinquent mineral interest. The bill modifies the notices to redeem that are sent to property owners by identifying the additional rights available to surface owners. WVFB MONITORING.

