

## Description of SB171

A BILL to amend and reenact §7-1-3 and §7-1-3ff of the Code of West Virginia, 1931, as amended, all relating to **prohibiting county commissions from adopting any ordinance, rule, license requirement, or other authorization that exceeds state law, rule, or regulation regarding agricultural operations**; revoking any ordinance, rule, or regulation previously adopted by county commissions that exceeds state law, rule, or regulation regarding agricultural operations; prohibiting county commissions from adopting any ordinance, rule, regulation, or other authorization **that prohibits or alters permissible use of federal or state pesticides, herbicides, or insecticides**; prohibiting county commissions from adopting ordinances that **regulate dwellings or other buildings on agricultural land or operations**; and requiring **appointment of at-large member on county enforcement agency** to have background or knowledge of agricultural operations

### §19-19-2. Definitions.

For the purposes of this article:

1. "Agriculture" shall mean the production of food, fiber and woodland products, by means of cultivation, tillage of the soil and by the conduct of animal, livestock, dairy, apiary, equine or poultry husbandry, and the practice of forestry, silviculture, horticulture, harvesting of silviculture products, packing, shipping, milling, and marketing of agricultural products conducted by the proprietor of the agricultural operation, or any other legal plant or animal production and all farm practices.
2. "Agricultural land" shall mean any amount of land and the improvements thereupon, **used or usable** in the production of food, fiber or woodland products of an annual value of \$1,000 or more, by the conduct of the business of agriculture, as defined in subsection (a) of this section.
3. "Agricultural operation" shall mean any facility utilized for agriculture.

## Senate Bill 171

BY Senators Hamilton, Smith, Taylor, Oliverio, Deeds, Swope, Rucker and Woodrum  
[Introduced January 10, 2024]

Passed unanimously on 3rd day of session 32 YEA, 0 NAY, 2 ABSENT.

Senate President Craig Blair says, "We're moving at the speed of business."

Whose business?

This bill applies to a county commission's ability to regulate within its own county:

- (1) agricultural operations,
- (2) permissible use of federal or state pesticides, herbicides, or insecticides,
- (3) dwellings or other buildings on agricultural land or operations and
- (4) appointment of an at-large member on county enforcement agency who has a background or knowledge of agricultural operations

### History of the bill

Similar bills in 2023: HB3313 passed the House, Senate added Hamilton amendments, House refused to concur. SB585 passed the Senate but died in House committee.

## So, what does the bill do?

- It restricts the ability of county commissions to regulate agricultural land use, including buildings and dwellings, in their own county.
- It ignores the wishes of local landowners by prohibiting counties from adopting stricter regulations than state or federal regulations..
- It would force landowners to accept the use of chemicals that they believe are not warranted or perhaps toxic.
- If federal rules are too strict or too lax for the local culture, that doesn't matter—federal laws prevail.
- It would mandate methods of food production—both plant and animal—from soil to table, as well as methods of forest maintenance and building requirements.
- It would permit Big Government, Big Business, Big Chemical, and Big Money to control farms and land that belong to private owners.
- It imposes the wishes of faraway state or federal agencies and bureaucrats upon the people who live, work and rear their families on the land.
- Remember—They don't need to own it; They only want to *control* it.

## Beyond Agriculture—What are the implications of this power grab?

We are a nation of limited government, created for self-governing individuals.

Do these legislators respect that? Can we expect them to protect our freedom to make our own health decisions? Or ANY decisions? To protect us from the WHO Amendments that will replace local/state/federal laws with international/global ones?

Are we not capable of taking care of ourselves? Do we not know what is best for our community and family?

These legislators are a threat to liberty in every facet of our lives!

## WHY Does West Virginia Need This Bill? What are the imagined benefits?

This paper is based on my research and opinions. Questions, additions, corrections or discussion?  
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