

HB 4201

2010 APR -1 PM 4:27

CLERK OF THE HOUSE
WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4201**

(By Delegates Eldridge, Butcher, Stowers,
Louisos, Border, Lawrence, Williams,
Varner, Evans and Kominar)



Passed March 13, 2010

In Effect Ninety Days From Passage

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H. B. 4201

(BY DELEGATES ELDRIDGE, BUTCHER, STOWERS,
LOUISOS, BORDER, LAWRENCE, WILLIAMS,
VARNER, EVANS AND KOMINAR)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-1C-1, §19-1C-2, §19-1C-3, §19-1C-4, §19-1C-5 and §19-1C-6, all relating to establishing the Livestock Care Standards Board; defining terms; specifying conditions of membership and the qualifications, terms and compensation of members; authoring legislative rulemaking; and providing for meetings of the board.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §19-1C-1, §19-1C-2, §19-1C-3, §19-1C-4, §19-1C-5 and §19-1C-6, all to read as follows:

ARTICLE 1C. CARE OF LIVESTOCK.

§19-1C-1. Legislative findings.

1 (a) The Legislature finds that the following are important
2 to protect the health and welfare of the citizens of West
3 Virginia:

4 (1) Establishing standards governing the care and well-
5 being of livestock in this state;

6 (2) Maintaining food safety;

7 (3) Encouraging locally grown and raised food; and

8 (4) Protecting West Virginia farms and families.

9 (b) Therefore, to protect the public interest, the
10 Legislature finds that it is necessary to create a Livestock
11 Care Standards Board.

§19-1C-2. Definitions.

1 For the purposes of this article:

2 (1) "Board" means the Livestock Care Standards Board.

3 (2) "Livestock" has the same definition as set out in
4 subsection (d), section two, article ten-b of this chapter.

§19-1C-3. Livestock Care Standards Board.

1 (a) On July 1, 2010, there is hereby created the Livestock
2 Care Standards Board.

(b) Prior to July 1, 2010, the Governor shall appoint, by
and with the advice and consent of the Senate, the following
eleven members:

6 (1) One member who is a veterinarian licensed in this
7 state engaging in large animal practice, for a term of two
8 years;

9 (2) The dean of the agriculture department of a college or
10 university located in this state, for a term of three years;

11 (3) One member representing a county humane society
12 that is organized under state law, for a term of four years;

13 (4) One member who is knowledgeable about food safety
14 in this state, for a term of five years;

15 (5) Two members of the public representing West
16 Virginia consumers, one for a term of two years and one for
17 a term of four years;

18 (6) Two members representing state agricultural
19 organizations that represent farmers, one of whom must be a
20 member of the largest organization in the state representing
21 farmers for a term of three years, and the other must be a
22 member of a statewide livestock organization, for a term of
23 five years; and

24 (7) Three members representing family farms engaged in
25 animal production, at least two of whom are family farmers,
26 for the following terms: one for three years, one for four
27 years and one for five years.

28 (c) After the initial appointment terms, the appointment
29 term is five years. Appointed members may be reappointed
30 for additional terms.

31 (d) Commencing July 1, 2010, the board consists of the
32 following thirteen members:

33 (1) The Commissioner of the Department of Agriculture
34 or his or her designee, ex officio non-voting, who is the
35 chairperson of the board;

36 (2) The Director of the Animal Health Division, ex
37 officio non-voting;

38 (3) One member who is a veterinarian licensed in this
39 state engaging in large animal practice;

40 (4) The dean of the agriculture department of a college or
41 university located in this state;

42 (5) One member representing a county humane society
43 that is organized under state law;

44 (6) One member who is knowledgeable about food safety
45 in this state;

46 (7) Two members of the public representing West
47 Virginia consumers;

48 (8) Two members representing state agricultural
49 organizations that represent farmers, one of whom must be a
50 member of the largest organization in the state representing
51 farmers, and the other must be a member of a statewide
52 livestock organization; and

53 (9) Three members representing family farms engaged in
54 animal production, at least two of whom are family farmers.

55 (e) All members must be residents of this state during
56 their terms. No more than seven members of the board may
be of the same political party and no more than five may be
from the same congressional district at any given time.

59 (f) All appointed members serve until their successor has
60 been appointed and qualified. Vacancies shall be filled in the
61 same manner as the original appointment for the remainder
62 of the unexpired term.

§19-1C-4. Powers and duties of the board.

1 (a) The board has the following powers and duties to:

2 (1) Establish standards governing the care and well-being
3 of livestock in this state;

4 (2) Maintain food safety;

5 (3) Encourage locally grown and raised food; and

6 (4) Protect West Virginia farms and families.

7 (b) The board is also authorized to establish standards by
8 legislative rule, pursuant to the provisions of article three,
9 chapter twenty-nine-a of this code, governing the care and
10 well-being of livestock in this state, including:

11 (1) The agricultural best management practices for the
12 care and well-being of livestock and poultry in this state;

13 (2) Biosecurity, disease prevention, animal morbidity and
14 mortality data;

15 (3) Food safety practices; and

16 (4) The protection of local, affordable food supplies for
17 consumers.

18 (c) The Department of Agriculture shall administer and
19 enforce the standards established by the board that are
20 approved by the Legislature.

§19-1C-5. Compensation of board members.

1 (a) The ex officio members of the board may not receive
2 compensation for serving on the board.

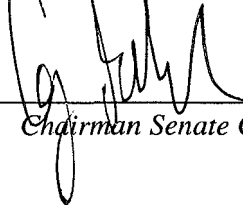
3 (b) The appointed members of the board shall receive
4 compensation for each day or portion of a day engaged in the
5 discharge of official duties, which compensation may not
6 exceed the amount paid to members of the Legislature for
7 their interim duties as recommended by the Citizens
8 Legislative Compensation Commission and authorized by
9 law.

10 (c) Each member of the board shall be reimbursed actual
11 and necessary expenses incurred for each day or portion of a
12 day engaged in the discharge of official duties in a manner
13 consistent with the guidelines of the Travel Management
14 Office of the Department of Administration.

§19-1C-6. Meetings of the board.

1 The board shall meet at least annually, and the
2 chairperson may call additional meetings of the board upon
3 the written request of three members.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



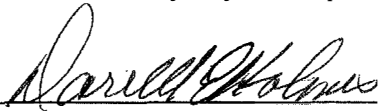
Chairman Senate Committee



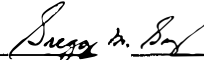
Chairman House Committee

Originating in the House.

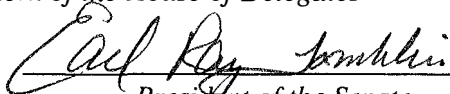
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



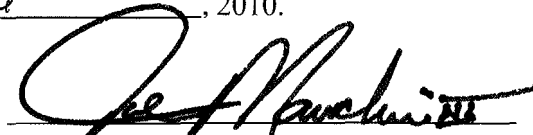
Speaker of the House of Delegates

OFFICE OF THE CLERK
SENATE OF THE STATE OF IOWA

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FILED

The within is approved this the 18th
day of April, 2010.



Governor

PRESENTED TO THE
GOVERNOR

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