

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 259

FISCAL
NOTE

BY SENATORS SYPOLT, AZINGER, BEACH, BOSO,
CLEMENTS, HAMILTON, MAYNARD, RUCKER, SMITH,
STOLLINGS, WOELFEL, CLINE, JEFFRIES, TARR, AND
MARONEY

[Introduced January 11, 2019; Referred
to the Committee on Agriculture and Rural Development;
and then to the Committee on Finance]

1 A BILL to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating
 2 to expanding the Coyote Control Program by providing for an assessment on breeding
 3 cows; providing an option for owners of breeding cows not to participate in the program;
 4 requiring notice; and setting forth a purpose.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.

§7-7-6e. Coyote Control Program; purpose; assessment on breeding age sheep, goats, and cows; participation; notice.

1 (a) Coyotes that roam forests, cities and suburbs of the eastern states of the nation have
 2 been problems to owners of livestock in West Virginia. However, it has been reported that the
 3 problem is about to become worse as those animals have begun interbreeding with wolves. As
 4 the coyotes become more wolf-like, increasing in size and veracity, the threat to the state's
 5 livestock will increase significantly. In order to combat this problem, it is necessary to expand the
 6 Coyote Control Program statewide.

7 ~~After June 30, 2005, it shall be the duty of~~ (b) in order to fund our ability to better protect
 8 the state's livestock the county assessor and his or her deputies of each county within the state,
 9 at the time they are making assessments of the personal property within such county, to assess
 10 and collect an assessment of \$1 on all breeding age sheep, ~~and~~ \$1 on all breeding age goats,
 11 and \$1 on all breeding age cows: *Provided*, That payment of the assessment on breeding age
 12 cows is voluntary at the option of the cow owner: *Provided, however*, That a cow owner who
 13 chooses not to pay the assessment is not eligible to participate in the Coyote Control Program.

14 (c) The assessor collecting the assessment on breeding age sheep and goats shall be
 15 allowed a commission of 10 percent upon all ~~such taxes~~ monies collected and shall send the
 16 Commissioner of Agriculture ninety percent of ~~such taxes~~ ~~so~~ the assessment collected, who shall
 17 deposit the same in a special account in the State Treasury to be known as the "Integrated
 18 Predation Management Fund." Expenditures from the Fund shall be for the purposes set forth in

19 this section and are not authorized from collections but are to be made only in accordance with
20 appropriation by the Legislature and in accordance with the provisions set forth in §12-3-1 *et seq.*
21 of this code and upon the fulfillment of the provisions set forth in §11B-2-1 *et seq.* of this code.
22 ~~Provided, That for the fiscal year ending June 30, 2006, expenditures are authorized from~~
23 ~~collections rather than pursuant to an appropriation by the Legislature~~

24 (d) The money in the fund shall be used by the commissioner solely to enter into a
25 cooperative service agreement with the United States Department of Agriculture Animal and Plant
26 Health Inspection Service (APHIS) and Wildlife Services (WS) to expand the Coyote Control
27 Program statewide.

28 ~~Any person who does not pay this assessment is not eligible for the services provided by~~
29 ~~this cooperative agreement.~~

30 (e) If a cow owner elects to participate in the Coyote Control Program, within 30 days of
31 such election, the cow owner shall provide written notice of his or her participation in the program
32 to any landowner from whom the cow owner leases property to graze cattle and whose property
33 may be affected by the cow owner's participation in the program.

NOTE: The purpose of this bill is to the intent and policy of the Legislature that common law corporate "veil piercing" claims may not be used to impose personal liability on a member or manager of a limited liability company. The bill nullifies the West Virginia Supreme Court of Appeals decision in *Joseph Kubican v. The Tavern, LLC*, 232 W.Va. 268, 752 S.E. 2d 299 (2013).

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.