

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 581**

By Senators Hamilton, Plymale, and Deeds

[Introduced February 07, 2023; referred  
to the Committee on Agriculture and Natural  
Resources; and then to the Committee on the  
Judiciary]

1 A BILL to amend and reenact §11-1A-3 of the Code of West Virginia, 1931, as amended; to amend  
 2 and reenact §19-1-4 of said code; to amend and reenact §19-2-5 of said code; to amend  
 3 and reenact §19-2C-1, §19-2C-6a, and §19-2C-10 of said code; to amend and reenact  
 4 §19-12-2 of said code; to amend and reenact §19-12D-3, §19-12D-4, and §19-12D-5 of  
 5 said code; and to amend and reenact §19-36-2 of said code, all relating generally to the  
 6 2023 Farm Bill; including definition of terms; transfer of land owned by the Department of  
 7 Agriculture; membership and compensation of the board of review; and promulgation of  
 8 rules.

*Be it enacted by the Legislature of West Virginia:*

**CHAPTER 11. TAXATION.**

**ARTICLE 1A. APPRAISAL OF PROPERTY.**

**§11-1A-3. Definitions.**

1 As used in this article, unless the context clearly requires a different meaning:

2 (a) "Assessed value" of any item of property is its assessed value after the certification of  
 3 the first statewide reappraisal and shall be 60 percent of the market value of ~~such~~ the item of  
 4 property regardless of its class or species, except as hereinafter specifically provided in this  
 5 article;

6 (b) "Base year" ~~shall have~~ has the meaning ascribed to that term by the provisions of  
 7 section two of this article;

8 (c) "Commission" ~~shall mean~~ means the West Virginia appraisal control and review  
 9 commission;

10 (d) "Commissioner" or "Tax Commissioner" ~~shall mean~~ means the chief executive officer of  
 11 the state Tax Department except in those instances where the context clearly relates to the West  
 12 Virginia appraisal control and review commission, in which case "commissioner" ~~shall mean~~  
 13 means any member of ~~such~~ the commission;

14 (e) "Designated agent" ~~shall mean~~ means a person, not directly employed by the Tax  
15 Commissioner, who is designated by the Tax Commissioner to perform reappraisal functions  
16 authorized or required by this article. ~~Such~~ That term shall include, but ~~not be~~ is not limited to,  
17 agents and independent contractors, and nothing in this article shall may be construed to alter the  
18 relationship of the State of West Virginia, or its officers, and such persons to create relationships  
19 not contemplated by agreements between the Tax Commissioner and such persons;

20 (f) "Farm" ~~shall mean~~ means and include land currently being used primarily for farming  
21 purposes, whether by the owner thereof or by a tenant, and which has been so used for at least  
22 seasonally during the year next preceding the then current tax year, but shall may not include  
23 lands used primarily in commercial forestry or the growing of timber for commercial purposes; and  
24 shall not include one acre surrounding the principal residence situate on a farm which shall be  
25 valued as a homesite in the same manner as surrounding homes and properties not situated on  
26 farmland, taking into consideration such variables as location, resale value and accessibility. The  
27 commissioner of agriculture shall formulate criteria upon which a parcel of land qualifies as a  
28 "farm." The county assessor may require the assistance of the commissioner of agriculture in  
29 making a determination of whether a parcel of land qualifies as a "farm".

30 (g) "Farming purposes" ~~shall mean~~ means the utilization of land to produce for sale,  
31 consumption or use, any agricultural products, including, but not limited to, livestock, as defined in  
32 §19-10B-2 of this code, poultry, fruit, vegetables, grains or hays or any of the products derived  
33 from any of the foregoing, tobacco, syrups, honey, and ~~any and~~ all horticultural and nursery stock,  
34 Christmas trees, all sizes of ornamental trees, sod, seed and ~~any and~~ all similar commodities or  
35 products including farm wood lots and the parts of a farm which are lands lying fallow, or in timber  
36 or in wastelands;

37 (h) "Property situate in this state" ~~shall mean~~ means:

38 (1) Property having legal situs in this state; or

39 (2) In the case of persons with a place of business located in this state and authorized to do

40 business in this state and one or more other states of the United States or any foreign country:

41 (A) Any tangible property brought into this state from time to time or otherwise ~~deemed~~  
42 determined to have situs in this state for purposes of ad valorem property taxation, and

43 (B) Any intangible property held by ~~such~~ the person, wherever evidence thereof is situate.

44 In the case of assessment of ~~such~~ the intangible property for ad valorem property taxation after the  
45 first statewide reappraisal only ~~such~~ the part thereof as may be determined by applicable law or  
46 regulation to be subject to ~~such~~ taxation shall be ~~deemed~~ determined to be situate in this state;

47 (i) "Value," "market value" and "true and actual value" ~~shall have~~ has the same meaning  
48 and ~~shall mean~~ means the price at or for which a particular parcel or species of property would sell  
49 if it were sold to a willing buyer by a willing seller in an arm's length transaction without either the  
50 buyer or the seller being under any compulsion to buy or sell: *Provided*, That in determining value,  
51 primary consideration shall be given to the trends of price paid for like or similar property in the  
52 area or locality wherein ~~such~~ the property is situate over a period of not less than three nor more  
53 than eight years next preceding the base year and in the case of a farm or farms shall be  
54 determined assuming ~~such~~ the land is being used for farming purposes. In addition, the  
55 commissioner may, for purposes of appraisal of any tract or parcel of real property, or chattels,  
56 real or other species of property, real or personal, take into account one or more of the following  
57 factors: (1) The location of ~~such~~ the property; (2) its site characteristics; (3) the ease of alienation  
58 thereof, considering the state of its title, the number of owners thereof, and the extent to which the  
59 same may be the subject of either dominant or servient easements; (4) the quantity of size of the  
60 property and the impact which its sale may have upon surrounding properties; (5) if purchased  
61 within the previous eight years, the purchase price thereof and the date of each such purchase; (6)  
62 recent sale of, or other transactions involving comparable property within the next preceding eight  
63 years; (7) the value of ~~such~~ the property to its owner; (8) the condition of ~~such~~ the property; (9) the  
64 income, if any, which the property actually produces and has produced within the next preceding  
65 eight years; and (10) any commonly accepted method of ascertaining the market value of any

66 such property, including techniques and methods peculiar to any particular species of property if  
67 such technique or method is used uniformly and applied to all property of like species.

**CHAPTER 19. AGRICULTURE.**

**ARTICLE 1. DEPARTMENT OF AGRICULTURE.**

**§19-1-4. Duties of commissioner.**

1 The Commissioner of Agriculture shall perform the following duties:

2 (a) Devise means of advancing the agricultural interests of the state and, in the  
3 performance of such duty, he or she shall have authority to call upon any state department, or  
4 officer of the state or county, to cooperate in promoting the agricultural interests of the state. It shall  
5 ~~be~~ is the duty of any such department, or officer, upon request of the commissioner to render the  
6 assistance desired;

7 (b) Promote and encourage the organization of such societies and associations as have  
8 for their object the improvement and development of the state’s agricultural, horticultural and  
9 kindred interests, especially in production, processing for market, and distribution;

10 (c) Conduct cooperative work with the United States Department of Agriculture in  
11 inspecting and determining the grade and condition of farm produce at collecting centers,  
12 receiving centers, and shipping points;

13 (d) Induce the investment of capital in, and immigration into, this state by the dissemination  
14 of information relative to the soil, climate, health, natural resources, market opportunities, and  
15 advantages of the state;

16 (e) Investigate and report upon the kinds, conditions, and extent of the mineral products of  
17 the state and their value;

18 (f) Take charge of the museum of the Department of Agriculture, collect, preserve and  
19 exhibit therein specimens of agricultural, horticultural and kindred products, products of the  
20 forests, minerals, flora, and fauna of the state;

21 (g) Publish and distribute, from time to time, such reports and bulletins concerning  
22 agriculture, horticulture, and kindred subjects as may be of value to the farmers of the state and,  
23 as conditions may demand, publish a handbook giving the resources of the several counties of the  
24 state, the varieties of soil and products, both mineral and vegetable, and the adaptability of the  
25 different sections of the state to the different branches of agriculture, horticulture, and kindred  
26 interests;

27 (h) Submit a biennial report to the Governor and Legislature containing such information as  
28 to the operations of the department as may be helpful to the agricultural interests of the state,  
29 together with an itemized statement of all receipts and disbursements during the biennial period  
30 covered thereby and giving the name of every person employed during ~~such~~ the period, the time  
31 employed, and the amount paid each employee;

32 (i) Perform such other duties and exercise such other powers as are provided in this  
33 chapter and by general law;

34 (j) Enter into an agreement with the Secretary of the Department of Veterans' Assistance to  
35 transfer without consideration all or part of the approximately 17 acres of Department of  
36 Agriculture property in Beckley, West Virginia, located adjacent to the Jackie Withrow Hospital  
37 which was formerly known as Pinecrest Hospital, for construction of a veterans skilled nursing  
38 facility;

39 (k) Propose rules, including regulatory standards, for legislative approval in accordance  
40 with the provisions of §29A-3-1 *et seq.* of this code for the purpose of carrying out the  
41 requirements of this chapter; ~~and~~

42 (l) Cooperate with the State Resiliency Office to the fullest extent practicable to assist that  
43 office in fulfilling its duties;

44 (m) Notwithstanding any provision of this code to the contrary, transfer to the Village of  
45 Barboursville, without consideration, all of the approximately 250 acres of land known as the  
46 Huntington State Hospital institutional farm, located at Barboursville, Cabell County, for the

47 purpose of providing public services; and

48 (n) Notwithstanding any provision of this code to the contrary, transfer to the City of  
49 Ellenboro, without consideration, all of the lots owned by the Department of Agriculture located in  
50 the City of Ellenboro, for public services.

**ARTICLE 2. MARKETING AGRICULTURAL PRODUCTS.**

**§19-2-5. Inspection and grading of agricultural products; charges.**

1 The commissioner may comply with the request of any person for official inspection of  
2 agricultural products and he or she or his or her agents ~~shall have authority to~~ may inspect and  
3 determine the grade and quality of agricultural products at public markets, concentration points,  
4 packing, grading, and processing plants and other places where agricultural products are  
5 assembled for distribution; the commissioner ~~shall~~ may establish and publish a schedule of  
6 charges for ~~such~~ the inspection and grading service; and ~~it shall be his duty and he shall have~~  
7 ~~authority to~~ may collect ~~such~~ the charges for ~~such~~ the inspection and grading services, which  
8 moneys shall be paid into the state Treasury and reappropriated to the Department of Agriculture  
9 for the administration of this article.

**ARTICLE 2C. AUCTIONEERS.**

**§19-2C-1. Definitions.**

1 ~~For the purposes of this article:~~

2 (a) "Absolute auction" means the sale of real or personal property at auction whereby  
3 every item offered from the block is sold to the highest bidder without reserve and without the  
4 requirements of a minimum bid or other conditions which limit the sale other than to the highest  
5 bidder.

6 "Auction" means any sale of real or personal property in which offers or bids are made by  
7 prospective purchasers by means of verbal exchange, physical gesture, or written  
8 communication, whether bids are made in person or via mail or electronically, the property is sold

9 to the highest bidder, and there is no fixed or predetermined time for the auction to end, as the  
 10 close of the auction is determined by either the auctioneer or the persons bidding on the item or  
 11 items. The term "auction" includes public auctions.

12 (b) "Auctioneer" means a person who sells goods or real estate at public auction for  
 13 another on commission or for other compensation.

14 (c) "Commissioner" means the Commissioner of Agriculture of West Virginia.

15 (d) "Department" means the West Virginia Department of Agriculture.

16 (e) "Escrow account" means a separate custodial or trust fund account maintained by the  
 17 auctioneer.

18 (f) "Estate auction" means the sale at auction of property of a specified deceased person or  
 19 the property of a specified living person's estate. Estate auctions may contain property other than  
 20 that of the specified living or deceased person. However, the inclusion of additional property must  
 21 be included in all advertising and auction announcements.

22 (g) "In this state" means that an auction satisfies one of the following criteria:

23 (1) The auctioneer performed the auction within the borders of the State of West Virginia;

24 (2) The auctioneer is selling items for a person located in the State of West Virginia;

25 (3) The auctioneer is auctioning real or personal property located in the State of West  
 26 Virginia;

27 (4) The auctioneer delivers purchased property to a location in the State of West Virginia;

28 or

29 (5) The auctioneer is otherwise subject to the laws, including taxation authority, of the State  
 30 of West Virginia.

31 ~~(h) "Public auction" or "auction" means any public sale of real or personal property in any~~  
 32 ~~manner, whether in person, via written offers or bids, or online, when offers or bids are made by~~  
 33 ~~prospective purchasers and the property sold to the highest bidder.~~

**§19-2C-6a. Investigation of complaints; board of review.**

1 (a) The Department of Agriculture may, upon its own action, and shall upon the verified  
2 written complaint of any person, investigate the actions of any auctioneer, apprentice auctioneer,  
3 any applicant for an auctioneer's or apprentice auctioneer's license, or any person who assumes  
4 to act in that capacity, if the complaint, together with other evidence presented in connection with  
5 it, establishes probable cause. Upon verification of the complaint, the department shall present the  
6 complaint to the board of review. The board of review shall consider all of the facts of the complaint  
7 and recommend a course of action to the commissioner.

8 (b) The board of review shall be appointed by the Governor, by and with the advice and  
9 consent of the Senate, and shall consist of ~~three~~ five members, each appointed for a staggered  
10 three-year term. ~~Two~~ Three members of the board of review shall be licensed auctioneers in West  
11 Virginia, one of which has experience performing auctions, and residents of this state and shall  
12 have been licensed and been practicing the profession of auctioneering for five years immediately  
13 preceding their appointment. ~~The third~~ One member shall be a lay person from the commercial or  
14 agricultural community who has utilized services of auctioneers for at least three years, and one  
15 member shall be a citizen member. No more than ~~two~~ three board members shall be from any one  
16 congressional district and no more than ~~two~~ three members shall be from the same political party.

17 (c) Board members shall receive ~~no compensation for their service on the board, but shall~~  
18 ~~be entitled to~~ compensation for each day or portion of a day engaged in the discharge of official  
19 duties, which compensation may not exceed the amount paid to members of the Legislature for  
20 their interim duties as recommended by the Citizens Legislative Compensation Commission and  
21 authorized by law, and shall be entitled to reimbursement for expenses in accordance with the  
22 Department of Agriculture travel regulations.

23 (d) ~~There shall be no limit on the number of consecutive terms a member may serve on the~~  
24 ~~board~~ Appointed members may be reappointed for up to two additional terms. All appointed  
25 members serve until their successor has been appointed and qualified. The Governor is  
26 ~~authorized to~~ may fill a vacancy when it occurs on the board for any reason. An appointment to fill a

27 vacancy shall be for the remainder of the existing term of the vacant position.

**§19-2C-10. Advertising.**

1           (a) In advertising an auction sale by any licensed auctioneer, the principal auctioneer or  
2 auctioneers who physically conduct the sale shall be listed prominently in such advertising as  
3 used by said auctioneer or auctioneers. The individual auctioneer or auctioneers who conduct the  
4 sale shall be the person or persons who call for, accept and close bids on the majority of items  
5 offered for sale.

6           (b) Any apprentice auctioneer who advertises, as provided in this section, shall indicate in  
7 his or her advertisement the name of the sponsoring auctioneer under whom he or she is licensed.

8           The auctioneer's name and license number shall be displayed in equal prominence with  
9 the name of the apprentice auctioneer and license number in ~~such~~ the advertisement.

10           (c) Nothing in the provisions of this article shall may be construed so as to prohibit any  
11 other auctioneer, licensed pursuant to this article, from assisting with any auction, notwithstanding  
12 the failure to list the name of the other auctioneer in any advertising associated with such auction.

13           (d) Advertising prohibitions:

14           (1) It is unlawful to conduct or advertise that an auction is absolute if minimum opening bids  
15 are required or other conditions are placed on the sale that limit the sale other than to the highest  
16 bidder.

17           (2) No property other than the property of a specified deceased person or the property of a  
18 specified living person's estate may be sold at auction if the auction is conducted or advertised  
19 only as an estate auction. However, property other than that of the specified estate may be sold at  
20 the sale if all advertisements for the sale specify that items will be sold that do not belong to the  
21 estate and those items are identified at the sale.

22           (3) It is unlawful for a sale to be advertised as an auction that does not satisfy the definition  
23 of an auction set forth in this article.

**ARTICLE 12. INSECT PESTS, PLANT DISEASES AND NOXIOUS WEEDS.**

**§19-12-2. Definitions.**

1           The following definitions shall apply in the interpretation and enforcement of this article. All  
2 words shall be construed to import either the plural or the singular, as the case demands:

3           (a) "Certificate" means a document issued or authorized by the commissioner indicating  
4 that a regulated article is not contaminated with a pest.

5           (b) "Commissioner" means the commissioner of agriculture of the State of West Virginia  
6 and his or her duly authorized representatives.

7           (c) "Compliance agreement" means a written agreement between the department and any  
8 person engaged in growing, handling or moving articles, plants or plant products regulated under  
9 this article, wherein the person agrees to comply with stipulated requirements.

10           (d) "Dealer" means any person who buys, receives on consignment or otherwise acquires  
11 and has in his or her possession nursery stock which that person has not grown from propagative  
12 material such as tissue culture plants, cuttings, liners, seeds or transplanted nursery stock for the  
13 purpose of offering or exposing for sale, reselling, reshipping or distributing same. Each separate  
14 location shall constitute a dealership.

15           (e) "Department" means the Department of Agriculture of the State of West Virginia.

16           (f) "Genetically modified organism" means any organism altered or produced through  
17 genetic modification from a donor, vector or recipient organism using modern molecular  
18 techniques.

19           (g) "Host" means any plant or plant product upon which a pest is dependent for completion  
20 of any portion of its life cycle.

21           (h) "Infested area" means any area of uncontrolled growth of insects, plant diseases,  
22 noxious weeds or other plant pests.

23           (i) "Noxious weed" means any living plant, or part thereof, declared by the commissioner,  
24 ~~after public hearing,~~ to be detrimental to crops, other desirable plants, waterways, livestock, land,  
25 or other property, or to be injurious to public health or the economy.

26 (j) "Nursery" means any grounds or premises on or in which nursery stock is being  
27 propagated or grown for sale or distribution, including any grounds or premises on or in which  
28 nursery stock is being fumigated, treated, packed, or stored or otherwise prepared or offered for  
29 sale or movement to other localities.

30 (k) "Nurseryman" means and includes any person who owns, leases, manages, or is in  
31 charge of a nursery.

32 (l) "Nursery stock" means all trees, shrubs and woody vines, including ornamentals, bush  
33 fruits, grapevines, fruit trees and nut trees, whether cultivated, native or wild, and all buds, grafts,  
34 scions, fruit pits, and cuttings from such plants. It also means sod, including sod plugs and sod-  
35 producing plants, and such herbaceous plants, including strawberry plants, narcissus plants and  
36 narcissus bulbs as the commissioner declares by rule to be so included whenever he or she  
37 considers control of the movement of such plants and bulbs necessary for the control of any  
38 destructive plant pest. Florists' or greenhouse plants for inside culture or use, unless declared  
39 otherwise by the commissioner, as herein authorized, shall not be considered nursery stock,  
40 except that all woody plants, whether greenhouse or field grown, if for outside planting, are hereby  
41 defined as nursery stock.

42 (m) "Permit" means a document issued or authorized by the commissioner to provide for a  
43 movement of regulated articles to restricted destinations for limited handling, utilization or  
44 processing.

45 (n) "Person" means any individual or combination of individuals, partnership, corporation,  
46 company, society, association, governmental organization or other business entity and each  
47 officer, agent or employee thereof.

48 (o) "Plant and plant products" means trees, shrubs, vines; forage, fiber, cereal plants, and  
49 all other plants; cuttings, grafts, scions, buds, and lumber and all other parts of plants and plant  
50 products; and fruit, vegetables, roots, bulbs, seeds, and wood.

51 (p) "Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails,

52 protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants, or reproductive  
 53 parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any  
 54 infectious substances, and any genetically modified organisms for which there is reason to believe  
 55 may directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any  
 56 processed, manufactured, or other products of plants.

57 (q) "Quarantine" means a legal declaration by the commissioner which specifies:

- 58 (1) The plant pest or noxious weeds.
- 59 (2) The articles to be regulated.
- 60 (3) Conditions governing movement.
- 61 (4) The area or areas quarantined.
- 62 (5) Exemptions.

63 (r) "Regulated article" means any article of any character, as described in quarantine or  
 64 other order of the commissioner carrying or capable of carrying a pest.

**ARTICLE 12D. WEST VIRGINIA NOXIOUS WEED ACT.**

**§19-12D-3. Definitions.**

1 As used in this article:

2 (a) "Certificate" means a document issued by the commissioner indicating a regulated  
 3 article is free of noxious weeds.

4 (b) "Commissioner" means the commissioner of agriculture of the State of West Virginia  
 5 and his or her duly authorized representatives.

6 (c) "Infested" means the establishment of a noxious weed or exposure to such ~~such~~ the weed in  
 7 a way creating reasonable certainty that establishment will occur.

8 (d) "Move" means to ship, offer for shipment, receive for transportation, carry, or otherwise  
 9 transport, move or allow to be moved.

10 (e) "Noxious weed" means any living plant, or part thereof, declared by the commissioner;  
 11 ~~after public hearing,~~ to be detrimental to crops, other desirable plants, waterways, livestock, land

12 or other property, or to be injurious to public health or the economy.

13 (f) "Permit" means a document issued by the commissioner to provide for movement of  
14 regulated articles to restricted destinations for limited handling, utilization, processing, or for  
15 scientific purposes.

16 (g) "Person" means any individual or combination of individuals, partnership, corporation,  
17 company, society, association, firm, or other business entity and each officer, agent or employee  
18 thereof; the state and federal government and any department, agency, or subdivision thereof; or  
19 any other entity.

20 (h) "Quarantine" means a legal declaration by the commissioner specifying:

21 (1) The common and scientific name of the noxious weed.

22 (2) The articles to be regulated.

23 (3) The conditions governing movement.

24 (4) Exemptions.

25 (i) "Regulated article" means any article of any character which is transporting or which is  
26 capable of transporting any noxious weed.

27 (j) "Reasonable notification" means at least 48 hours.

**§19-12D-4. Administration of article; promulgation of regulations rules.**

1 (a) The commissioner shall administer and enforce the provisions of this article and shall  
2 have authority to issue regulations rules ~~after a public hearing following due notice to all interested~~  
3 ~~persons~~ in conformance with the provisions of the state administrative procedures set forth in  
4 chapter 29A of this code.

5 (b) In issuing such regulations rules, the commissioner shall give consideration to pertinent  
6 research findings and recommendations of other agencies of the state, the federal government,  
7 and other reliable sources.

**§19-12D-5. Surveys for noxious weeds; multiflora rose.**

1 (a) The commissioner shall make surveys for noxious weeds and when it is determined

2 that an infestation exists within the state he or she may, by ~~regulation rule~~, ~~after public hearing held~~  
3 ~~in accordance with procedures set forth in chapter twenty-nine-a of this code~~ declare the weed to  
4 be noxious.

5 (b) Multiflora rose, *Rosa multiflora*, is a detriment to agriculture in West Virginia and is  
6 hereby declared to be a noxious weed.

## **ARTICLE 36. AGRITOURISM RESPONSIBILITY ACT.**

### **§19-36-2. Definitions.**

1 Unless the context of usage clearly requires otherwise:

2 "Agritourism" activity means any lawful activity carried out on a farm or ranch that allows  
3 members of the general public for recreational, entertainment, or educational purposes to view or  
4 enjoy rural activities.

5 "Agritourism business" means any person, fiduciary, firm, association, partnership, limited  
6 liability company, corporation, unit of government, or any other group or entity which is engaged in  
7 the business of providing one or more agritourism activities, whether or not for compensation.

8 "Agritourism professional" means owners, operators, employees, and volunteers working  
9 for or under the direction of the operators of an agritourism business.

10 "Farm" or "ranch" means an area of land used for the production, cultivation, growing,  
11 harvesting, or processing of agricultural products, including horticulture, grazing, and livestock as  
12 defined in §19-10B-2 of this code.

13 "Inherent risks of agritourism activity" are those dangers or conditions that are part of an  
14 agritourism activity including certain hazards, natural conditions of land and terrain, vegetation,  
15 and waters, the behavior of wild or domestic animals, and ordinary dangers of structures or  
16 equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity  
17 also include the potential of a participant to act in a negligent manner that may contribute to injury  
18 to the participant or others, including failing to follow instructions given by the agritourism  
19 professional or failing to exercise reasonable caution while engaging in the agritourism activity.

20 "Participant" as used in this article means any person, other than the agritourism  
21 professional, who engages in an agritourism activity.

NOTE: The purpose of this bill is to amend provisions to the 2023 Farm Bill, including definition of terms, transfer of land owned by the Department of Agriculture, membership and compensation of the board of review, and promulgation of rules.

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