

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 3045**

By Delegates Ward, Jennings, Hillenbrand, Crouse,  
Phillips, Street, Zatezalo, Brooks, DeVault, Ridenour,  
and Coop-Gonzalez

Introduced February 28, 2025; referred to the  
Committee on Energy and Public Works then Finance

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §19-40-1, §19-40-2, §19-40-3, and §19-40-4, relating to creating the Farmer  
3 Protection Act and providing for its administration.

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

**ARTICLE 40. THE FARMER PROTECTION ACT.**

**§19-40-1. Legislative Findings.**

1 The Legislature of West Virginia finds that:

2 (1) In the past two decades, farmers worldwide have fed an ever-growing global population  
3 by increasing their crop yields by more than 50%, while simultaneously helping reduce  
4 agriculture's share of global emissions.

5 (2) The number of U.S. farms continues to decline, and small-scale farm operators, which  
6 comprise 89% of U.S. farmers, now typically rely on off-farm employment for most of their income.

7 (3) Activists have made clear that agriculture emissions targets for food-and-beverage  
8 companies "must cover scope 3 emissions", which are emissions from suppliers, or in other  
9 words, farmers. Food-and-beverage companies that set these targets must then force farmers to  
10 measure, report, and reduce their emissions, which may put small, struggling farmers out of  
11 business for good.

12 (4) ESG activists have announced that the food-and-beverage industry must reduce its  
13 land-based emissions by 85%, while admitting that farmers will have to increase food yields by  
14 56% from 2010 levels in order to feed nearly 10 billion people in 2050.

15 (5) ESG activists acknowledge that food security may be a "tradeoff" for emissions  
16 mitigation. Decreases in food production and corresponding increases in food prices invariably  
17 have the biggest impact on the poorest people.

18 (6) ESG activists have declared that the United States must cut its beef consumption in half  
19 and that "global per capita meat consumption must be reduced to around 1.5 burgers per person  
20 per week by 2050 to align with a 1.5°C scenario". This could lead to the loss of 19 million livestock

21 jobs worldwide, including many in the United States, which is the top producer of beef and the  
22 largest exporter of agricultural goods globally.

23 (7) Three billion people are alive today because of nitrogen fertilizer, yet ESG activists want  
24 to reduce its use. Their proposed "green fertilizer" will be more expensive, leading to millions of  
25 people going hungry or dying worldwide. Already, the United Nations Environmental Programme's  
26 (UNEP) demands for reduced use of nitrogen fertilizer helped push Sri Lanka to stop using  
27 chemical fertilizer, leading to a devastating crop yield decrease, skyrocketing food prices, and an  
28 economic and humanitarian disaster. UNEP has informed banks that it will review their emissions  
29 reduction targets for agriculture.

30 (8) America's six biggest banks joined the Net-Zero Banking Alliance in 2021, which  
31 means they all must set UN-approved agriculture targets for their portfolios by 2024 at the latest.  
32 Net-Zero Banking Alliance members control more than 40% of global banking assets.

33 (9) ESG activists demand "zero emissions on-farm machinery" but ignore that electric  
34 heavy farm machinery would be far larger than diesel counterparts, would require extensive  
35 charging infrastructure on farms to meet harvesting demands, may struggle in cold weather, and  
36 simply "isn't feasible".

37 (10) Farmers in West Virginia depend on the availability of financing, and consumers  
38 depend on farmers for food. Reducing financing, restricting fertilizer usage, or forcing farmers to  
39 purchase electric farm machinery may put farmers out of business and raise food prices for  
40 consumers; and

41 (11) State governments should take steps to ensure that finance companies do not unfairly  
42 discriminate against agriculture producers.

**§19-40-2. Definitions.**

1 (a) "Agriculture producer" means a natural person or company engaged in the production  
2 of goods derived from plants or animals including, but not limited to, the growing of crops, animal  
3 husbandry, or the production of livestock or dairy products.

4 (b) "Company" means a for-profit organization, association, corporation, partnership, joint  
5 venture, sole proprietorship, limited partnership, limited liability partnership, or limited liability  
6 company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or  
7 affiliate of those entities or business associations.

8 (c) "Denies or restricts" means refusing to provide services, terminating existing services,  
9 or otherwise restricting or burdening the scope or nature of services offered or provided.

10 (d) "Discriminate in the provision of financial services" means to directly or indirectly deny  
11 or restrict services and thereby decline to provide full and equal enjoyment in the provision of  
12 financial services.

13 (e) "ESG commitment" means:

14 (1) A public or private commitment by:

15 (A) The financial institution,

16 (B) A subsidiary or affiliate of the financial institution,

17 (C) The financial institution's board of directors, or

18 (D) The financial institutions officers.

19 (2) To use its:

20 (A) Market position,

21 (B) Market power,

22 (C) Influence, or

23 (D) Ability to withhold or provide business or credit.

24 (3) To eliminate, reduce, offset, or disclose greenhouse gas emissions or achieve other  
25 environmental standards or objectives beyond those imposed by applicable laws;

26 (4) A financial institution's decision to join any initiative or organization that has a purpose  
27 for its signatories' or members' customers to be aligned with any environmental, social, or political  
28 goals.

29 (f) "Financial institution" means a company that:

- 30           (1) Offers financial services,  
31           (2) Has total assets over \$100 billion, including the assets of any subsidiaries and affiliate  
32 companies, and  
33           (3) Financial services account for at least 10% of the company's revenues.  
34           (g) "Financial service" means any product or service that is of a financial nature including,  
35 but not limited to, banking services, lending, credit card or debit card services, investment banking  
36 services, securities brokerage or securities dealing, investment advice, insurance, electronic  
37 payment services, or money transfer services.

**§19-40-3. Prohibition on unlawful discrimination in agriculture financing.**

- 1           (a) A financial institution shall not discriminate in the provision of financial services to an  
2 agriculture producer based, in whole or in part, upon the agriculture producer's greenhouse gas  
3 emissions, use of fossil-fuel derived fertilizer, or use of fossil-fuel powered machinery.  
4           (b) If a financial institution has made any ESG commitment, there shall be a rebuttable  
5 presumption that the institution's denial or restriction of a financial service to an agriculture  
6 producer is a violation of §19-40-1 et seq. of this code.  
7           (c) Evidence of an ESG commitment includes, but is not limited to, any of the following:  
8           (1) Advertising;  
9           (2) Public or private statements, resolutions, explanations, reports, memoranda or other  
10 communications ; and  
11           (3) Participation in, affiliation with, or status as a signatory to, any coalition, initiative, joint  
12 statement of principles, or agreement, the purpose of which is to use business activity to further  
13 environmental, social, or political goals.  
14           (c) A financial institution may overcome the rebuttable presumption in subsection (b) by  
15 demonstrating, through clear and convincing evidence, that its denial or restriction of a financial  
16 service was based solely on a documented ordinary business purpose, and not on any ESG  
17 commitment. "Ordinary business purpose" does not include any purpose to further environmental,

18 social, or political interests.

**§19-40-4. Enforcement.**

1 (a) This article may be enforced by the Attorney General. Any violation of this article shall  
2 constitute a violation of West Virginia civil rights law, and the Attorney General may investigate and  
3 seek remedies as provided in that law. Any violation of this article also shall constitute an unfair act  
4 in violation of §46A-6-104 of this code, and the Attorney General may investigate and seek  
5 remedies as provided in that law.

6 (b) This article also may be enforced by the Commissioner of Agriculture.

7 (1) If the Commissioner of Agriculture has reasonable cause to believe that a financial  
8 institution has engaged in or is engaging in a violation of this act, the Commissioner of Agriculture  
9 may:

10 (A) Require the financial institution to file on forms the Commissioner of Agriculture  
11 prescribes a statement or report in writing, under oath, as to all the facts and circumstances  
12 concerning the violation, as well as other data and information the Commissioner of Agriculture  
13 deems necessary;

14 (B) Examine under oath any person in connection with the violation; and

15 (C) Examine any record, book, document, account, or paper the Commissioner of  
16 Agriculture deems necessary.

17 (D) The Commissioner of Agriculture may conduct hearings, make recommendations,  
18 issue orders, and adopt such rules and regulations, pursuant to §29A-1-1 *et seq.* of this code, as  
19 the commissioner determines are reasonable and necessary to accomplish the purpose and intent  
20 of this act.

21 (E) The Commissioner of Agriculture may conduct statistical studies or surveys in order to  
22 collect data related to the existence and impact of ESG commitments or ESG policies that are  
23 related to agriculture, and may prepare and disseminate the information thus gathered, or any  
24 other information related to the existence and impact of those ESG commitments or ESG policies,

25 in a manner of his or her choosing.

26 (c) The Commissioner of Agriculture may bring a civil action for preventive relief, including  
27 an application for a permanent or temporary injunction, restraining order, or other order as is  
28 necessary to enforce the requirements of this act and civil penalties of up to \$10,000 per violation.

29 (d) This act shall become effective upon passage.

NOTE: The purpose of this bill is to create the Farmer Protection Act and to provide guidance for the act's administration.

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