

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 572

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AND PLYMALE

[Originating in the Committee on Agriculture and
Rural Development; Reported on February 21, 2018]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, §19-36-5, and §19-36-6, all relating
3 to creating the West Virginia Farm-to-School Grant Program; defining terms; providing
4 method for allocating grants; limiting grants; authorizing rulemaking; and requiring
5 program review and reports.

Be it enacted by the Legislature of West Virginia:

ARTICLE 36. WEST VIRGINIA FARM-TO-SCHOOL GRANT PROGRAM.

§19-36-1. Findings and purpose.

1 The Legislature finds that it is an important public policy to promote fresh, healthy, and
2 local agricultural products in public schools and to provide an incentive for farmers to sell local
3 foods to public schools in this state by providing a competitive grant program. Therefore, the
4 Legislature hereby establishes the West Virginia Farm-to-School Grant Program.

§19-36-2. Definitions.

1 As used in this article:

2 “Department” means the Department of Agriculture;

3 “Local school” means a public secondary school operating in West Virginia; and

4 “Local foods” means fresh and nutritious fruits, vegetables, beef, poultry, pork, fish, milk,
5 bread, or other edible product raised or grown in West Virginia that is appropriate for public school
6 food programs.

§19-36-3. Amount of grant program; creation of fund.

1 (a) There is created in the State Treasury a special revenue account to be designated the
2 West Virginia Farm-to-School Grant Program Fund. The fund shall be administered by the
3 Commissioner of Agriculture. Expenditures from the fund:

4 (1) May be made only for the purposes set forth in this article;

5 (2) Are to be made in accordance with appropriation by the Legislature; and

6 (3) Shall be made in compliance with the provisions of §12-3-1 et seq. of this code and
7 upon the fulfillment of the provisions set forth in §11B-2-1 et seq. of this code.

8 (b) All moneys received and collected pursuant to this article shall be deposited into the
9 fund. The fund may receive any appropriations, gifts, grants, contributions, or other money from
10 any source that is designated for deposit into the fund.

11 (c) Administrative expenses of the department may not exceed 10 percent of the funds
12 deposited in any fiscal year: *Provided*, That the department's administrative expenses shall not
13 exceed \$25,000 for any fiscal year. The remainder shall be used exclusively for implementation
14 of the program.

15 (d) No more than \$275,000 of grant money may be allocated to the department in any
16 fiscal year.

§19-36-4. Farm-to-School Grant Program.

1 The commissioner shall award \$25,000 grants, or one tenth of the available grant money
2 after subtracting department administrative expenses, whichever is greater, for the following:

3 (1) Each of the top five public schools that purchases the largest percentage of local foods
4 in comparison to the student population, with no more than one school per county eligible for the
5 grant award; and

6 (2) Each of the top five county school districts that purchases the largest percentage of
7 local foods in comparison to the district's student population.

§19-36-5. Legislative rules.

1 The Commissioner of Agriculture may propose rules for legislative approval, in
2 consultation with the Department of Education, in accordance with the provisions of §29A-3-1 et
3 seq. of this code that may be necessary to carry out the purposes of this article.

§19-36-6. Program review report.

1 Beginning on the first day of the second taxable year after the passage of this article and
2 every two years thereafter, the department shall submit to the Governor, the President of the

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- 3 Senate, and the Speaker of the House of Delegates a program review and accountability report
- 4 evaluating the effectiveness of the grant program during the most recent two-year period for which
- 5 information is available.