

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 173

FISCAL
NOTE

BY SENATORS BLAIR, HAMILTON, RUCKER, AND FACEMIRE

[Introduced January 9, 2020; referred

to the Committee on Agriculture and Rural

Development; and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §19-38-1, §19-38-2, §19-38-3, and §19-38-4, all relating to creating the West
 3 Virginia Farm-to-School Grant Program; setting out findings and purpose; creating the
 4 fund; providing method for allocating grants; limiting grants; authorizing rulemaking; and
 5 requiring program review and reports.

Be it enacted by the Legislature of West Virginia:

ARTICLE 38. WEST VIRGINIA FARM-TO-SCHOOL GRANT PROGRAM.

§19-38-1. 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.

§19-38-2. Creation of fund.

1 (a) There is hereby created in the State Treasury a special revenue account to be known
 2 as the West Virginia Farm-to-School Grant Program Fund. The fund shall be administered by the
 3 Commissioner of Agriculture and shall consist of all moneys made available for the program for
 4 the purposes of this article, from any source, including, but not limited to, all fees, civil penalties
 5 and assessed costs, all gifts, grants, bequests or transfers from any source, any moneys that may
 6 be appropriated and designated for the program by the Legislature, and all interest or other return
 7 earned from investment of the fund.

8 (b) Expenditures from the fund shall be for the purposes set forth in this article and are not
 9 authorized from collections but are to be made only in accordance with appropriation by the
 10 Legislature and in accordance with the provisions of §12-3-1 et seq. of this code and upon the
 11 fulfillment of the provisions set forth in §11B-2-1 et seq. of this code. Any balance, including
 12 accrued interest and other returns remaining in the fund at the end of each fiscal year, shall not

13 revert to the General Revenue Fund but shall remain in the fund and be expended as provided
 14 by this section.

§19-38-3. Farm-to-School Grant Program; legislative rules.

1 The commissioner shall propose rules for legislative approval, in consultation with the
 2 Director of Child Nutrition of the Department of Education, in accordance with the provisions of
 3 §29A-3-1 et seq. of this code that may be necessary to carry out the purposes of this article,
 4 including rules regarding the award of moneys under this program to the county school districts.

§19-38-4. Program review report.

1 Beginning on the first day of the third taxable year after the passage of this article and
 2 every two years thereafter, the Department of Agriculture shall submit to the Governor, the
 3 President of the Senate, and the Speaker of the House of Delegates, a program review and
 4 accountability report evaluating the effectiveness of the grant program during the most recent two-
 5 year period for which information is available.

NOTE: The purpose of this bill is to create the West Virginia Farm-to-School Grant Program. The bill makes findings and purpose. The bill creates the fund. The bill provides a method for allocating grants. The bill limits grants. The bill authorizes rulemaking and requires program review and reports.

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