

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Senate Bill 383

BY SENATORS CLEMENTS, SYPOLT, AND CLINE

[Originating in the Committee on Agriculture and
Rural Development; Reported on February 15, 2019]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §19-37-1, §19-37-2, §19-37-3, §19-37-4, §19-37-5, §19-37-6, and §19-37-7,
3 all relating to creating West Virginia Healthy Food Crop Block Grant Program; stating
4 findings; defining terms; creating fund; providing general revenue to fund grants for five
5 years; partnering with nonprofit food and farm organizations; establishing grant selection
6 committee and membership; providing method for allocating grants; limiting grants;
7 providing for rulemaking; and establishing program review reports.

Be it enacted by the Legislature of West Virginia:

ARTICLE 37. WEST VIRGINIA HEALTHY FOOD CROP BLOCK GRANT PROGRAM.

§19-37-1. Findings and purpose.

1 (a) The Legislature finds that it is an important public policy to promote access to fresh,
2 healthy, and local fruits and vegetables throughout West Virginia. Lack of access to affordable,
3 fresh, high-quality, nutritious produce is contributing to a large number of health problems in West
4 Virginia.

5 (b) Local, independent farmers have the capability and desire to grow and expand access
6 to fresh fruits and vegetables to the state's population. However, the market uncertainty and
7 financial risks that farmers face when growing and harvesting crops make local farmers hesitant
8 to grow crops such as fruits and vegetables.

9 (c) Therefore, the Legislature hereby establishes the West Virginia Healthy Food Crop
10 Block Grant Program for the purpose of providing incentives and financial support to eligible West
11 Virginia farmers who commit to growing healthy food that serves community health initiatives.

§19-37-2. Definitions.

1 As used in this article:

2 “Commissioner” means the Commissioner of Agriculture, or his or her designee.

3 “Department” means the Department of Agriculture.

4 “Health advocate” means a representative from a social service organization working on

5 healthy food access initiatives.

6 “Nonprofit food and farm organization” means a Title 26 U. S. C. § 501(c)(3) food and farm
7 organization that is involved in food production and farm development throughout the state.

8 “West Virginia farmer” means an eligible farmer located in West Virginia who meets the
9 grant criteria set forth by the grant committee or by rule.

§19-37-3. Amount of grant program: 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 Healthy Crop Block Grant Program Fund. The fund shall be administered by
3 the Department 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 Legislatures 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.

15 (c) Beginning in Fiscal Year 2020, and continuing for four years thereafter, the Legislature
16 shall appropriate \$200,000 into the West Virginia Healthy Food Crop Block Grant Program Fund.

17 (d) The Department may utilize up to 10 percent of the moneys remaining in the Fund at
18 the end of the preceding fiscal year for administrative use.

§19-37-4. West Virginia Healthy Food Crop Block Grant Program.

1 (a) The West Virginia Healthy Food Crop Block Grant Program is hereby established. The

2 purpose of this program is to provide incentives and funding to support eligible West Virginia
3 farmers who commit to growing healthy food that serves community health initiatives.

4 (b) The program shall be administered by the commissioner, or his or her designee. The
5 commissioner may, with the advice of the grant selection committee, select a nonprofit food and
6 farm organization to partner with for the implementation and administration of the program.

7 (c) Moneys may be awarded from the fund as either grants or loans.

§19-37-5. Healthy food crop block grant committee.

1 (a) The commissioner shall establish a Healthy Food Crop Block Grant committee for the
2 purpose of assisting in the administration of the program.

3 (b) The committee shall consist of nine members, selected by the commissioner. The
4 committee shall include:

5 (1) The commissioner, or his or her designee, who shall serve as chair;

6 (2) Two farmers from different regions of the state;

7 (3) One health care advocate;

8 (4) One representative of a not-for-profit organization that focuses on healthy food
9 initiatives;

10 (6) One member with a background in finance; and

11 (7) Three additional members, who may either be citizen members or who may be selected
12 by the commissioner for their expertise in additional areas.

13 (c) The committee shall:

14 (1) Review and evaluate applicants for grants, with preference given to local, independent
15 farmers in the state;

16 (2) Make recommendations to the commissioner for selection of recipients;

17 (3) Develop programming guidelines;

18 (4) Establish criteria for the awarding of grants; and

19 (5) Advise on other aspects of the program.

§19-37-6. Emergency and legislative rules.

1 The Commissioner of Agriculture may propose emergency and legislative rules for
2 approval by the Legislature in accordance with the provisions of §29A-3-1 et seq. of this code as
3 may be necessary to carry out the purposes of this article.

§19-37-7. Healthy food crop block grant program report.

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

NOTE: The purpose of this bill is to establish the West Virginia Healthy Food Crop Block Grant Program. The program will be administered by the Department of Agriculture and overseen by a nine-member selection committee. The program will award grants to farmers for producing food.

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