

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Committee Substitute

for

Senate Bill 383

SENATORS CLEMENTS, SYPOLT, AND CLINE, *original*

sponsors

[Originating in the Committee on Finance; Reported

on February 20, 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; partnering with nonprofit food and farm
5 organizations; establishing grant selection committee and membership; providing method
6 for allocating grants; limiting grants; providing for rulemaking; and establishing program
7 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.

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

1 (a) There is created in the State Treasury a special revenue account to be known as the
2 West Virginia Healthy Food Crop Block Grant Program Fund. The fund is to be administered by
3 the Commissioner of Agriculture. Expenditures from the fund shall be for the purposes set forth
4 in this article and are authorized from collections but to be made in accordance with appropriation
5 by the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon
6 the fulfillment of the provisions set forth in §11B-2-1 *et seq.* of this code.

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

10 (c) The department may not use the grant funds for administrative expenses, as the
11 majority of the administrative duties are to be delegated to the nonprofit food and farm
12 organization partner. The funds shall be used exclusively for increasing fruit and vegetable crop
13 output from West Virginia farmers.

§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 (5) One member with a background in finance; and

11 (6) 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 rules pursuant to the provisions
2 of §29A-3-15 of this code as he or she may deem necessary to carry out the purposes of this
3 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.