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SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



# ENROLLED

HOUSE BILL No. 2111

(By ~~##~~ Del. Murphy + Shores )



Passed March 27, 1989

In Effect From Passage

**ENROLLED**  
**H. B. 2111**

(By DELEGATES MURPHY AND SHORES)

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[Passed March 27, 1989; in effect from passage.]

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AN ACT to amend and reenact section six, article twelve-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to permitting the director of the farm management commission the discretion to give surplus foods to nonprofit charitable organizations.

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

That section six, article twelve-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 12A. FARM MANAGEMENT COMMISSION.**

**§19-12A-6. Appointment of farm management director; qualifications; powers and duties.**

1       The commission shall appoint a farm management  
2       director who, in addition to qualifications established by  
3       the commission, shall have owned, operated or managed  
4       a farm for at least five years within ten years im-  
5       mediately prior to his appointment. The farm management  
6       director is the chief executive officer of the commission  
7       and is responsible for conducting the operations of the  
8       farms. He shall prepare an annual report of the farming  
9       operations, including a listing of all receipts and  
10      expenditures and shall present it to the commission and  
11      the Legislature at the end of each fiscal year.

12 As authorized or directed by the commission, he shall  
13 also:

14 (1) Prepare the annual budget request for the oper-  
15 ation of the farm management commission and submit  
16 it to the commission for approval and submission to the  
17 commissioner of finance and administration.

18 (2) Receive and approve all requisitions for farm  
19 supplies and equipment.

20 (3) Supervise the operation of all canneries and  
21 determine what foods are to be canned.

22 (4) Recruit and approve assistant farm managers to  
23 supervise each farm.

24 (5) Implement all orders of the commission.

25 (6) Supervise all other employees of the commission.

26 (7) Transfer farm supplies, farm equipment, farm  
27 facilities, food stuffs and produce from one farm to  
28 another to promote efficiency and improve farm  
29 management.

30 With the approval of the commission, the farm  
31 management director may rent or lease additional land  
32 for farm use.

33 From the total amount of food, milk and other  
34 commodities produced by the farm management com-  
35 mission, the farm management director shall provide  
36 each of the institutions under the control of the  
37 department of health and the state commissioner of  
38 corrections, at no cost, a proportionate amount of these  
39 products based on the population and dietary needs of  
40 each institution and each of these institutions shall use  
41 the food, milk and commodities provided by the farm  
42 management director for their annual food require-  
43 ments. By the thirtieth day of September each year,  
44 each institution shall present to the farm management  
45 director a requisition request for the food, milk and  
46 other commodities the institution will need during the  
47 next fiscal year.

48 If, during the year, an institution finds that it needs

49 other or additional food, milk or commodities not  
50 included in the requisition request for the year, the  
51 institutional superintendent shall forward a supplement-  
52 tal request for the additional or other food, milk or  
53 commodities to the farm management director at least  
54 thirty days before the farm management director is to  
55 deliver such other or additional food, milk or commod-  
56 ities to the institution. An institution may purchase food,  
57 milk or commodities from other sources if the farm  
58 management director certifies in writing that he will be  
59 unable to supply the needed food, milk or commodities  
60 at the time such food, milk or commodities will be  
61 needed by the institution. If the farm management  
62 commission produces more food, milk and other com-  
63 modities than can be consumed by the institutions, the  
64 farm management director first shall sell this surplus  
65 to other state agencies which request it at the wholesale  
66 fair market price for the products. If any surplus  
67 remains after sales to other state agencies, the director  
68 may give such surplus foods to any nonprofit, religious  
69 or charitable organizations which are exempt from  
70 taxation under 26 U.S.C. §501(c)(3) or (4), or the director  
71 may sell the surplus on the open market. All revenues  
72 derived from the sale of any farm product shall be  
73 deposited by the farm management director in the  
74 general revenue fund of the state.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Frederick L. Parker*  
Chairman Senate Committee

*Bernard V. Kelly*  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Jedd C. Willh*  
Clerk of the Senate

*Donald L. Stopp*  
Clerk of the House of Delegates

*Ray A. Turner*  
President of the Senate

*[Signature]*  
Speaker of the House of Delegates

The within *is approved* this the *24<sup>th</sup>*  
day of *April*, 1989.

*Gaston Caperton*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/3

Time 9:00