WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED

SENATE BILL NO. 143

(By Mr. [Signature] and Mr. [Signature])

PASSED February 6, 1976

In Effect from Passage
ENROLLED

Senate Bill No. 143
(By Mr. Benson, Mr. Beall and Mr. Gilligan)

[Passed February 6, 1976; in effect from passage.]

AN ACT to amend and reenact section two, article two, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend chapter nineteen of said code by adding thereto a new article, designated article twelve-a, all relating to abolishing certain special revenue farm accounts in the state treasury; the creation of a farm management commission; providing a legislative purpose; establishing certain definitions; designating the chairman of the commission; quorum and requiring meetings of the commission; providing for the transfer of certain institutional farms to the commission; providing for the uninterrupted operation of the farms; prescribing powers, duties and responsibilities of the commission; providing for the appointment of a farm management director; qualification of the director; listing the powers and duties of the director; establishing the priority of distribution of farm products; providing a procedure for establishing the division lines between farms and institutions; providing for appeals to the commission; providing a remedy; employment of persons affected by the transfer of institutional farms; and establishing a penalty for violations.

Be it enacted by the Legislature of West Virginia:

That section two, article two, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted and that chapter nineteen of said code be amended by adding thereto a new article, designated article twelve-a, all to read as follows:
CHAPTER 12. PUBLIC MONEY AND SECURITIES.

ARTICLE 2. PAYMENT AND DEPOSIT OF TAXES AND OTHER AMOUNTS DUE THE STATE OR ANY POLITICAL SUBDIVISION.

§12-2-2. Itemized record of moneys received for deposit; credit to state fund; exceptions.

1 All officials and employees of the state authorized by statute to accept moneys due the state of West Virginia shall keep a daily itemized record of such moneys so received for deposit in the state treasury and shall deposit promptly with the state treasurer all moneys received or collected by them for or on behalf of the state for any purpose whatsoever. When so paid, such moneys shall be credited to the state fund and treated by the auditor and treasurer as part of the general revenue of the state, and shall not be used for any purpose whatsoever unless and until authorized and directed by the Legislature, except the following funds:

(a) All moneys received out of appropriations made by the Congress of the United States;
(b) All funds derived from the sale of farm and dairy products from farms operated by any agency of state government other than the farm management commission;
(c) All endowment funds, bequests, donations, executive emergency funds, and death and disability funds;
(d) All fees and funds collected at state educational institutions for student activities;
(e) All funds derived from collections from dormitories, boardinghouses, cafeterias and road camps;
(f) All moneys received from counties by institutions for the deaf and blind on account of clothing for indigent pupils;
(g) All insurance collected on account of losses by fire and refunds;
(h) All funds derived from bookstores and sales of blank paper and stationery, and collections by the chief inspector of public offices;
(i) All moneys collected and belonging to the capitol
building fund, state road fund, state road sinking funds, general school fund, school fund, state fund (moneys belonging to counties, districts and municipalities), state interest and sinking fund, state compensation funds, the fund maintained by the public service commission for the investigation and supervision of applications and licenses under article nine, chapter thirty-one of this code, and all funds and moneys payable to or received by the natural resources commission of West Virginia;

(j) All moneys collected or received under any act of the Legislature providing that funds collected or received thereunder shall be used for specific purposes.

All moneys, excepted as aforesaid, shall be paid into the state treasury in the same manner as collections not so excepted, and shall be carried in separate accounts to be used and expended only for the purposes for which the same are authorized to be collected by law. The gross amount collected in all cases shall be paid into the state treasury, and commissions, costs and expenses of collection authorized by general law to be paid out of the gross collection are hereby authorized to be paid out of the moneys collected and paid into the state treasury in the same manner as other payments are made from the state treasury.

The official or employee making such deposits in the state treasury shall prepare such deposit lists in triplicate in such manner and upon such report forms as may be prescribed by the commissioner of finance and administration. The original of this report shall accompany the deposit to the treasurer's office. Certified or receipted copies shall be immediately forwarded by the official or employee making such deposit to the state auditor and to the commissioner of finance and administration, and a copy shall be kept by the official or employee making the report and shall become a part of his permanent record.

CHAPTER 19. AGRICULTURE.

ARTICLE 12A. FARM MANAGEMENT COMMISSION.

§19-12A-1. Legislative purpose.

1 The Legislature hereby finds and declares that in order to ensure economic and efficient land use, increase and
3 improve agricultural production and provide food for residents of state operated institutions, state-owned farms should be transferred to the state farm management commission as is provided by this article. The Legislature also finds and declares that the operation of all institutional farms under one management system with a single integrated farm plan is the most efficient method of providing the food needs of residents of state operated institutions and will promote the health and welfare of all citizens of this state.


1 For the purpose of this article:
2 "Agricultural products" means livestock and livestock products, poultry and poultry products, fruits and fruit products, vegetables and vegetable products, grains and hays and the products derived therefrom, tobacco, syrups, honey, and other products derived from the business of farming; including such other products as may be manufactured, derived, or prepared from agricultural products, raw or processed, which are used as food for man or animals.
3 "Commission" means the farm management commission as established by this article.
4 "Farm equipment" means any equipment used for agricultural production, owned by an institution and transferred to the commission as provided in this article.
5 "Farm facility" means any processing plant, milking parlor, farm equipment storage building, barn, silo, grain storage building, swinery or any other building owned by an institution, used in its farming operations and transferred to the commission as provided in this article.
6 "Institution" means any facility operated by the department of mental health or the state commissioner of public institutions for care, treatment, confinement or rehabilitation of residents.
7 "Institutional farm" means any land owned by the department of mental health or the state commissioner of public institutions which was formerly operated as a farm, is now being operated as a farm or could be converted to
§19-12A-3. Farm management commission created; composition; chairman; quorum; meetings.

There is hereby created within state government a farm management commission composed of three members who are the commissioner of agriculture, who shall be chairman, the commissioner of finance and administration and the dean of the West Virginia University college of agriculture and forestry. No business may be transacted by the commission in the absence of a quorum which consists of two members including the chairman. The farm management commission shall hold meetings at least once every two months, and on call of the chairman.

If a vacancy occurs on the commission, the farm management director, as provided in this article, shall act as a member of the commission until the vacancy is filled.

If a vacancy occurs in the office of the commissioner of agriculture, the members of the commission and the farm management director shall select, from among them, a chairman to serve until a commissioner of agriculture is appointed or elected and qualified.

§19-12A-4. Transfer of institutional farms, farm equipment, farm facilities, inventories and agricultural products to commission; utility continuance.

(a) On the first day of July, one thousand nine hundred seventy-six, the department of mental health shall transfer all institutional farms and all easements, mineral rights, appurtenances, farm equipment, agricultural products, inventories and farm facilities thereon, or attached thereto, to the commission as set forth below:

(1) The Colin Anderson institutional farm, located at St. Marys, Pleasants County, which shall include not less than six hundred fifty acres;

(2) The Huntington state hospital institutional farm, located at Barboursville, Cabell County, which shall include not less than six hundred ninety-seven acres;

(3) The Lakin state hospital institutional farm, lo-
(4) The Spencer state hospital institutional farm, located at Spencer, Roane County, which shall include not less than one hundred nine acres;

(5) The Weston state hospital institutional farm, located at Weston, Lewis County, which shall include not less than five hundred seventy acres; and

(6) The Roney's Point branch hospital institutional farm located at Triadelphia, Ohio County, which shall include not less than one hundred thirty acres.

(b) On the first day of July, one thousand nine hundred seventy-six, the state commissioner of public institutions shall transfer all institutional farms and all easements, mineral rights, appurtenances, farm equipment, agricultural products, inventories and farm facilities therein or attached thereto to the commission as set forth below:

(1) The Huttonsville correctional center institutional farm, located at Huttonsville, Randolph County, which shall include not less than five thousand two hundred acres, including all of the tract of land commonly known as Becky's Creek farm;

(2) The Hopemont state hospital institutional farm, located at Terra Alta, Preston County, which shall include not less than five hundred acres;

(3) The West Virginia industrial school for boys institutional farm, located at Pruntytown, Taylor County, which shall include not less than one thousand five hundred eighty-seven acres;

(4) The West Virginia prison for women institutional farm, located at Pence Springs, Summers County, which shall include not less than one hundred eighty acres;

(5) The Pinecrest state hospital institutional farm, located at Beckley, Raleigh County, which shall include not less than two hundred twenty acres;

(6) The West Virginia penitentiary institutional farm, located at Moundsville, Marshall County, which shall contain not less than one hundred forty-one acres;
(7) The Denmar state hospital institutional farm, located at Beard, Pocahontas County, which shall include not less than one hundred twelve acres;

(8) The Andrew S. Rowan memorial home institutional farm, located at Sweet Springs, Monroe County, which shall include not less than six hundred fifty acres;

(9) The West Virginia children's home institutional farm, located at Elkins, Randolph County, which shall include not less than one hundred fifty acres; and

(10) The West Virginia industrial home for girls institutional farm, located at Industrial, Harrison County, which shall include not less than twenty acres.

(c) In the event a water supply system, a sewage disposal system or any other utility or service facility involved in the operation of an institution is hereby transferred to the commission, an easement is hereby granted to the institution affected to enable the institution to continue, uninterrupted, the water supply system, the sewage disposal system or the utility or service facility so transferred.

If an institutional farm is dependent upon a water supply system, a sewage disposal system or any other utility or service facility located on the property of an institution, an easement is hereby granted to the commission to enable the commission to continue, uninterrupted, the water supply system, the sewage disposal system or the utility or service facility involved.

In all cases where an institution and a farm under the control of the commission are jointly dependent on the same water supply system, sewage disposal system, utility or service facility, the cost shall be prorated on the basis of the amount used by the institution and the institutional farm.

(d) In order to provide for the uninterrupted operation of institutional farms, the commission shall, before the twenty-fifth day of June, one thousand nine hundred seventy-six, meet and establish a farm management plan.

Before the twenty-fifth day of June, one thousand nine hundred seventy-six, the commission shall employ a farm
The purpose of the commission is to manage institutional farms for the most efficient production of food products for residents of state institutions. The commission has full power and authority over the institutional farms, farm management, farm employees and farm production. It is the responsibility of the commission to implement the intent of the Legislature. The commission shall confer with the West Virginia college of agriculture and forestry in implementing and adjusting its farm management plan. The commission may promulgate rules and regulations relating to farm management. When and if requested by the commissioner of public institutions, the farm management commission may use inmates from adult correctional institutions for farm labor. The commissioner of public institutions shall be responsible for the selection, direction and supervision of the inmates and the farm management director shall assign the work to be performed by inmates.
commission, shall have owned, operated or managed a farm for at least five years within ten years immediately prior to his appointment. The farm management director is the chief executive officer of the commission and is responsible for conducting the operations of the farms. He shall prepare an annual report of the farming operations, including a listing of all receipts and expenditures and shall present it to the commission and the Legislature at the end of each fiscal year.

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

(1) Prepare the annual budget request for the operation of the institutional farms and submit it to the commission for approval and submission to the commissioner of finance and administration.

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

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

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

(5) Implement all orders of the commission.

(6) Supervise all other employees of the commission.

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

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

From the total amount of food, milk and other commodities produced on institutional farms, the farm management director shall provide each of the institutions under the control of the department of mental health and the state commissioner of public institutions, at no cost, a proportionate amount of these products based on the population and dietary needs of each institution and each of these institutions shall use the food, milk and commodities provided by the farm management director for their annual food requirements. By the thirtieth day of
September each year, each institution shall present to the
farm management director a requisition request for the
food, milk and other commodities the institution will need
during the next fiscal year.

If, during the year, an institution finds that it needs
other or additional food, milk or commodities not included
in the requisition request for the year, the institutional
superintendent shall forward a supplemental request for
the additional or other food, milk or commodities to the
farm management director at least thirty days before the
farm management director is to deliver such other or
additional food, milk or commodities to the institution. An
institution may purchase food, milk or commodities from
other sources if the farm management director certifies
in writing that he will be unable to supply the needed
food, milk or commodities at the time such food, milk or
commodities will be needed by the institution. If institu-
tional farms produce more food, milk and other com-
modities than can be consumed by the institutions, the
farm management director first shall sell this surplus to
other state agencies which request it at the wholesale fair
market price for the products. If any surplus remains
after sales to other state agencies, he may sell the surplus
on the open market. All revenues derived from the sale
of any farm product shall be deposited by the farm
management director in the general revenue fund of the
state.

§19-12A-7. Farm division lines to be established; appeal to
commission; remedy.

1 The farm management director shall, immediately after
being appointed, employ a surveyor to establish the
division line between the farms being transferred to the
commission and the property remaining under the control
and authority of the department of mental health and the
state commissioner of public institutions. In establishing
the division line, the director of the department of mental
health, the state commissioner of public institutions and
the farm management director shall cooperate fully to
ensure that property, essential to institutions, is not trans-
ferred to the commission. In the event of a disagreement
over the placement of a division line, the disposition of
farm equipment or the disposition of farm facilities, the
farm management director and all agencies involved
shall, within sixty days, appear before the commission for
a hearing on the matter. The commission shall decide the
matter to the best interest of the agencies involved,
including the best interest of the residents of any insti-
tution affected. Any person or agency aggrieved by the
decision of the commission may appeal the decision to the
circuit court in the county in which the institution is
located. After the division lines have been finally estab-
lished, all property transferred to the commission shall
be deeded by the department of mental health and the
commissioner of public institutions to the commission
unless reversionary interests prevent such deed transfer
in which case the land shall be assigned or leased, for
nominal charge, to the commission.

§19-12A-8. Effect of farm transfer on employees; disposition.
1 Farm employees of the department of mental health
2 and the state commissioner of public institutions, who are
3 affected by the provisions of this article, may apply for
4 employment with the institution in another job classi-
5 fication or they may apply for employment with the
6 commission if they meet the qualifications established by
7 the commission for its employees.

1 Any person who violates any of the provisions of this
2 article shall be guilty of a misdemeanor, and, upon con-
3 viction thereof, shall be fined not less than five hundred
4 nor more than one thousand dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect from passage.

J. Reece Jr  
Clerk of the Senate

Clerk of the House of Delegates

W. T. Braddock Jr.  
President of the Senate

Speaker House of Delegates

The within be approved this the 16th day of February, 1976

Mick S. Saunier  
Governor
PRESENTED TO THE GOVERNOR

Date 2/10/76
Time 5:00 p.m.