WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

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ENROLLED

HOUSE BILL No. 2111....

(By Del. Murphy & others)

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Passed March 27, 1989

In Effect Passage
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 director who, in addition to qualifications established by the 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 farm management commission 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 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 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 by the farm management commission, the farm management director shall provide each of the institutions under the control of the department of health and the state commissioner of corrections, 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 the farm management commission produces more food, milk and other commodities 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, the director may give such surplus foods to any nonprofit, religious or charitable organizations which are exempt from taxation under 26 U.S.C. §501(c)(3) or (4), or the director 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.
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.

Jeddy C. Wells  
Clerk of the Senate

Donald S. Nepp  
Clerk of the House of Delegates

G. Ferris Pheas  
President of the Senate

J. C. Riddle  
Speaker of the House of Delegates

The within is approved this the 24th day of April, 1989.

Gaston Caperton  
Governor