

# VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

## CHAPTER 17

*An Act to amend and reenact §§ 2.1-1.6, 3.1-4.1, 3.1-73.3, 3.1-73.5, and 9-6.25:2 of the Code of Virginia, and the part of Chapter 375 of the Acts of Assembly of 1986 carried by reference in the Code of Virginia as § 3.1-73.1, and to repeal § 3.1-73.2 of the Code of Virginia, relating to the powers of the Virginia Farmers Market Board.*

[H 1980]

Approved February 21, 2001

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.1-1.6, 3.1-4.1, 3.1-73.3, 3.1-73.5, and 9-6.25:2 of the Code of Virginia and the part of Chapter 375 of the Acts of Assembly of 1986 carried by reference in the Code of Virginia as § 3.1-73.1 are amended and reenacted as follows:**

§ 2.1-1.6. State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board of  
Agriculture and Consumer Services, Board of  
Air Pollution, State Advisory Board on  
Alcoholic Beverage Control Board, Virginia  
Apple Board, Virginia State  
Appomattox State Scenic River Advisory Board  
Aquaculture Advisory Board  
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for  
Art and Architectural Review Board  
Athletic Training, Advisory Board on  
Auctioneers Board  
Audiology and Speech-Language Pathology, Board of  
Aviation Board, Virginia  
Barbers and Cosmetology, Board for  
Blind and Vision Impaired, Virginia Board for the  
Branch Pilots, Board for  
Bright Flue-Cured Tobacco Board, Virginia  
Building Code Technical Review Board, State  
Catocin Creek State Scenic River Advisory Board  
Cattle Industry Board, Virginia  
Cave Board  
Cemetery Board  
Certified Seed Board, State  
Charity Food Assistance Advisory Board  
Chesapeake Bay Local Assistance Board  
Chickahominy State Scenic River Advisory Board  
Child Abuse and Neglect, Advisory Board on  
Chippokes Plantation Farm Foundation, Board of Trustees  
Clinch Scenic River Advisory Board  
Coal Mining Examiners, Board of  
Coal Research and Development Advisory Board, Virginia  
Coal Surface Mining Reclamation Fund Advisory Board  
Conservation and Development of Public Beaches, Board on  
Conservation and Recreation, Board of  
Contractors, Board for  
Corn Board, Virginia  
Correctional Education, Board of  
Corrections, State Board of  
Counseling, Board of  
Criminal Justice Services Board  
Dark-Fired Tobacco Board, Virginia  
Deaf and Hard-of-Hearing, Advisory Board for the Department for the  
Dentistry, Board of

Design-Build/Construction Management Review Board  
 Education, State Board of  
 Egg Board, Virginia  
 Emergency Medical Services Advisory Board, State  
~~Farmers Market Board, Virginia~~  
 Fire Services Board, Virginia  
 Forestry, Board of  
 Funeral Directors and Embalmers, Board of  
 Game and Inland Fisheries, Board of  
 Geology, Board for  
 Goose Creek Scenic River Advisory Board  
 Health Planning Board, Virginia  
 Health Professions, Board of  
 Health, State Board of  
 Hearing Aid Specialists, Board for  
 Hemophilia Advisory Board  
 Historic Resources, Board of  
 Housing and Community Development, Board of  
 Irish Potato Board, Virginia  
 Juvenile Justice, State Board of  
 Litter Control and Recycling Fund Advisory Board  
 Marine Products Board, Virginia  
 Medical Advisory Board, Department of Motor Vehicles  
 Medicare and Medicaid, Advisory Board on  
 Medicine, Board of  
 Mental Health, Mental Retardation and Substance Abuse Services Board, State  
 Migrant and Seasonal Farmworkers Board  
 Military Affairs, Board of  
 Mineral Mining Examiners, Board of  
 Minority Business Enterprise, Interdepartmental Board of the Department of  
 Networking Users Advisory Board, State  
 Neurotrauma Initiative Advisory Board, Commonwealth  
 North Meherrin State Scenic River Advisory Board  
 Nottoway State Scenic River Advisory Board  
 Nursing, Board of  
 Nursing Home Administrators, Board of  
 Occupational Therapy, Advisory Board of  
 Oil and Gas Conservation Board, Virginia  
 Opticians, Board for  
 Optometry, Board of  
 Peanut Board, Virginia  
 Personnel Advisory Board  
 Pesticide Control Board  
 Pharmacy, Board of  
 Physical Therapy, Board of  
 Plant Pollination Advisory Board  
 Polygraph Examiners Advisory Board  
 Pork Industry Board, Virginia  
 Poultry Products Board, Virginia  
 Private College Advisory Board  
 Private Security Services Advisory Board  
 Professional and Occupational Regulation, Board for  
 Professional Soil Scientists, Board for  
 Psychiatric Advisory Board  
 Psychology, Board of  
 Public Broadcasting Board, Virginia  
 Public Buildings Board, Virginia  
 Public Guardian and Conservator Advisory Board  
 Radiation Advisory Board  
 Real Estate Appraiser Board  
 Real Estate Board  
 Reciprocity Board, Department of Motor Vehicles  
 Recreational Fishing Advisory Board, Virginia  
 Reforestation Board

Rehabilitation Providers, Advisory Board on  
 Rehabilitative Services, Board of  
 Respiratory Care, Advisory Board on  
 Rockfish State Scenic River Advisory Board  
 Safety and Health Codes Board  
 Seed Potato Board, State  
 Sewage Handling and Disposal Appeal Review Board, State Health Department  
 Shenandoah State Scenic River Advisory Board  
 Small Business Advisory Board  
 Small Business Environmental Compliance Advisory Board  
 Small Grains Board, Virginia  
 Social Services, Board of  
 Social Work, Board of  
 Soil and Water Conservation Board, Virginia  
 Soybean Board, Virginia  
 State Air Pollution Control Board  
 Substance Abuse Certification Board  
 Surface Mining Review, Board of  
 Sweet Potato Board, Virginia  
 T & M Vehicle Dealers' Advisory Board  
 Teacher Education and Licensure, Advisory Board on  
 Transportation Board, Commonwealth  
 Transportation Safety, Board of  
 Treasury Board, The, Department of the Treasury  
 Veterans' Affairs, Board on  
 Veterinary Medicine, Board of  
 Virginia Board for Asbestos and Lead  
 Virginia Coal Mine Safety Board  
 Virginia Correctional Enterprises Advisory Board  
 Virginia Cotton Board  
 Virginia Employment Commission, State Advisory Board for the  
 Virginia Geographic Information Network Advisory Board  
 Virginia Horse Industry Board  
 Virginia Manufactured Housing Board  
 Virginia Retirement System, Board of Trustees  
 Virginia Schools for the Deaf and the Blind, Advisory Commission on the  
 Virginia Sheep Industry Board  
 Virginia Veterans Cemetery Board  
 Virginia Waste Management Board  
 Voluntary Formulary Board, Virginia  
 (For effective date - See notes) Volunteer Firefighters' and Rescue Squad Workers' Pension Fund  
 Board  
 War Memorial Foundation, Virginia, Board of Trustees  
 Waste Management Facility Operators, Board for  
 Water Resources Research Center Statewide Advisory Board, Virginia  
 Waterworks and Wastewater Works Operators, Board for  
 Well Review Board, Virginia.

B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be referred to as boards:

Compensation Board  
 State Board of Elections  
 State Water Control Board  
 Virginia Parole Board  
 Virginia Veterans Care Center Board of Trustees.

§ 3.1-4.1. Additional powers of the Board.

A. All commodity commissions established within the Department shall report their activities to the Board on an annual basis. This report will be in a format as prescribed by the Board. The Board may review activities of the commodity commissions and make such recommendations concerning their programs as it deems fit.

B. *The Board shall oversee the development of a farmers' market system.*

Article 3.

Farmers' Market ~~Board~~ System.

§ 3.1-73.1. Declaration of policy.

The General Assembly finds and declares that agriculture is important to the prosperity of the

Commonwealth, and is a major source of income to a large segment of the Commonwealth's population. Additionally, it declares that the establishment of a Virginia wholesale, shipping point and retail farmers' market system throughout the Commonwealth, in cooperation with local cities, towns, counties, or combinations thereof, will enhance the overall economy of Virginia's agricultural industry and promote tourism. Such a system will provide consumers with fresh, properly prepared and marketable fruits, vegetables, horticultural plants, handicrafts, and other agricultural products produced and marketed in Virginia. ~~In order to develop this system of farmers markets in coordination with the Department of Agriculture and Consumer Services, there shall be created a Farmers Market Board.~~

§ 3.1-73.3. Development of farmers' market system.

~~The purposes of the Farmers Market Board~~ *In overseeing the development of a farmers' market system, the Board of Agriculture and Consumer Services shall be:*

1. ~~To Identify farmers' market needs throughout the Commonwealth;~~
2. ~~To Promote the orderly growth and development of farmers' markets;~~
3. ~~To Encourage where appropriate and feasible the use of present authorities and funding mechanisms as provided in Chapter 9 (§ 3.1-47 et seq.) of this title;~~
4. ~~To Promote public awareness of farmers' markets;~~
5. ~~To Promote the coordination of Virginia's farmers' market development with other segments of the Commonwealth's economy, such as tourism, horticultural production and marketing, fruit and vegetable production and marketing, retail trade, wholesale trade, intrastate marketing, interstate marketing, and new marketing ventures such as electronic marketing; and~~
6. ~~To assist in the coordination activities of various state agencies and other organizations contributing to the development of Virginia's farmers market system.~~
7. ~~To develop a comprehensive statewide master plan for the development of the network.~~
8. ~~To develop and adopt network policy, including:~~
  - a. ~~Guidelines for fees to be charged at the markets;~~
  - b. ~~Standards for evaluating market and network operations;~~
  - c. ~~Recommended criteria for inclusion of markets in the state network in the future;~~
  - d. ~~Recommended changes in management of markets;~~
  - e. ~~Recommended guidelines for award of contracts for market management.~~
9. ~~To review and comment on budget proposals for the network.~~
10. ~~To Advise the Governor on the development of the system of state-owned farmers' market network facilities.~~

§ 3.1-73.5. Commissioner to manage farmers' market operations.

A. In order to establish, operate and maintain a ~~network system of state-owned farmers' markets market facilities~~ within the Commonwealth, the Commissioner or his designee shall have the authority to carry out the provisions of this article, including the power to:

1. *Cooperate with various state agencies and other organizations contributing to the development of the farmers' market system;*
2. *Develop and implement policy for the management of state-owned farmers' market facilities, including:*
  - a. *Guidelines for fees to be charged at the markets;*
  - b. *Standards for evaluating market operations;*
  - c. *Criteria for the expansion of existing state-owned farmers' market facilities and the establishment of new markets in the future;*
  - d. *Changes in management of markets; and*
  - e. *Guidelines for the award of contracts for market management;*
3. *Employ such personnel as necessary to operate the system of markets in accordance with the Virginia Personnel Act (§ 2.1-110 et seq.);*
2. 4. *Receive and dispense funds;*
3. 5. *Develop and manage a program budget for the farmers' market ~~network system~~;*
4. 6. *Provide marketing and promotional services for the farmers' market ~~network system~~;*
5. 7. *Develop detailed technical plans for, acquire or build, and manage the farmers' market ~~network system~~;*
6. 8. *Conduct such studies as are necessary to ensure the success of the farmers' market ~~network system~~;*
7. ~~Acquire necessary insurance, licenses, and permits for the operation of the market network;~~
8. 9. *Make contracts and agreements and execute other instruments necessary for the operation of the farmers' market ~~network system~~;*
9. 10. *Enter into agreements with and accept grants from any governmental agency in furtherance of this article;*
10. 11. *Enter into joint ventures with cities, towns, counties or combinations thereof in developing wholesale, shipping point, and retail farmers' markets; and*
11. 12. *Rent or purchase land and facilities as deemed necessary to establish markets or to enhance farmers market development.*

B. If a market in the network is operated pursuant to a contract between the Commissioner and the market operator, such contract shall require that the operator annually submit to the Commissioner ~~and the Board~~ a plan for, and a report on, the operation of the market. The plan shall describe the operator's goals for the coming year as to the acreage to be served by the market, the types of crops to be sold at the market, and the number of brokers, buyers and producers to utilize the market. The report shall describe the extent to which the goals for the previous year were met. The Commissioner shall annually submit a report summarizing the market operators' reports and plans to the Chairmen of the House Committee on Agriculture, the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Appropriations, and the Senate Committee on Finance.

*C. The Commissioner shall report annually to the Board of Agriculture and Consumer Services regarding the receipt and expenditure of funds as well as the policies, programs and activities of the market operators in the state-owned farmers' market facilities.*

§ 9-6.25:2. Policy boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following policy boards, commissions and councils:

- Apprenticeship Council
- Auctioneers Board
- Blue Ridge Regional Education and Training Council
- Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
- Board for Barbers and Cosmetology
- Board for Contractors
- Board for Geology
- Board for Hearing Aid Specialists
- Board for Opticians
- Board for Professional and Occupational Regulation
- Board for Professional Soil Scientists
- Board for Waterworks and Wastewater Works Operators
- Board of Accountancy
- Board of Agriculture and Consumer Services
- Board of Audiology and Speech-Language Pathology
- Board of Coal Mining Examiners
- Board of Conservation and Recreation
- Board of Correctional Education
- Board of Counseling
- Board of Dentistry
- Board of Funeral Directors and Embalmers
- Board of Health Professions
- Board of Historic Resources
- Board of Housing and Community Development
- Board of Medical Assistance Services
- Board of Medicine
- Board of Mineral Mining Examiners
- Board of Nursing
- Board of Nursing Home Administrators
- Board of Optometry
- Board of Pharmacy
- Board of Physical Therapy
- Board of Psychology
- Board of Social Services
- Board of Social Work
- Board of Surface Mining Review
- Board of Veterinary Medicine
- Board on Conservation and Development of Public Beaches
- Cemetery Board
- Chesapeake Bay Local Assistance Board
- Child Day-Care Council
- Commission on Local Government
- Commonwealth Transportation Board
- Council on Human Rights
- Criminal Justice Services Board
- Design-Build/Construction Management Review Board
- Disability Services Council
- Farmers Market Board, Virginia

Interdepartmental Council on Rate-setting for Children's Facilities  
Library Board, The Library of Virginia  
Marine Resources Commission  
Milk Commission  
Pesticide Control Board  
Real Estate Appraiser Board  
Real Estate Board  
Reciprocity Board, Department of Motor Vehicles  
Safety and Health Codes Board  
Specialized Transportation Council  
State Air Pollution Control Board  
State Board of Corrections  
State Board of Elections  
State Board of Health  
State Board of Juvenile Justice  
State Health Department, Sewage Handling and Disposal Appeal Review Board  
State Mental Health, Mental Retardation and Substance Abuse Services Board  
State Seed Potato Board  
State Water Control Board  
Substance Abuse Certification Board  
Treasury Board, The, Department of the Treasury  
Virginia Aviation Board  
Virginia Board for Asbestos and Lead  
Virginia Fire Services Board  
Virginia Gas and Oil Board  
Virginia Health Planning Board  
Virginia Manufactured Housing Board  
Virginia Parole Board  
Virginia Public Broadcasting Board  
Virginia Soil and Water Conservation Board  
Virginia Voluntary Formulary Board  
Virginia Waste Management Board  
Virginia Workforce Council  
(Contingent effective date) Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board  
Waste Management Facility Operators, Board for.  
Wireless E-911 Services Board.

**2. That § 3.1-73.2 of the Code of Virginia is repealed.**