

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 398

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.

[S 1280]

Approved March 20, 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.