

2001 SESSION

INTRODUCED

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SENATE BILL NO. 1280

Offered January 10, 2001

Prefiled January 10, 2001

A BILL 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, to amend and reenact 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.

Patron—Wagner

Referred to Committee on Agriculture, Conservation and Natural Resources

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. (Effective January 1, 2001) 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
Catoctin 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

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59	Criminal Justice Services Board
60	Dark-Fired Tobacco Board, Virginia
61	Deaf and Hard-of-Hearing, Advisory Board for the Department for the
62	Dentistry, Board of
63	Design-Build/Construction Management Review Board
64	Education, State Board of
65	Egg Board, Virginia
66	Emergency Medical Services Advisory Board, State
67	Farmers Market Board, Virginia
68	Fire Services Board, Virginia
69	Forestry, Board of
70	Funeral Directors and Embalmers, Board of
71	Game and Inland Fisheries, Board of
72	Geology, Board for
73	Goose Creek Scenic River Advisory Board
74	Health Planning Board, Virginia
75	Health Professions, Board of
76	Health, State Board of
77	Hearing Aid Specialists, Board for
78	Hemophilia Advisory Board
79	Historic Resources, Board of
80	Housing and Community Development, Board of
81	Irish Potato Board, Virginia
82	Juvenile Justice, State Board of
83	Litter Control and Recycling Fund Advisory Board
84	Marine Products Board, Virginia
85	Medical Advisory Board, Department of Motor Vehicles
86	Medicare and Medicaid, Advisory Board on
87	Medicine, Board of
88	Mental Health, Mental Retardation and Substance Abuse Services Board, State
89	Migrant and Seasonal Farmworkers Board
90	Military Affairs, Board of
91	Mineral Mining Examiners, Board of
92	Minority Business Enterprise, Interdepartmental Board of the Department of
93	Networking Users Advisory Board, State
94	Neurotrauma Initiative Advisory Board, Commonwealth
95	North Meherrin State Scenic River Advisory Board
96	Nottoway State Scenic River Advisory Board
97	Nursing, Board of
98	Nursing Home Administrators, Board of
99	Occupational Therapy, Advisory Board of
100	Oil and Gas Conservation Board, Virginia
101	Opticians, Board for
102	Optometry, Board of
103	Peanut Board, Virginia
104	Personnel Advisory Board
105	Pesticide Control Board
106	Pharmacy, Board of
107	Physical Therapy, Board of
108	Plant Pollination Advisory Board
109	Polygraph Examiners Advisory Board
110	Pork Industry Board, Virginia
111	Poultry Products Board, Virginia
112	Private College Advisory Board
113	Private Security Services Advisory Board
114	Professional and Occupational Regulation, Board for
115	Professional Soil Scientists, Board for
116	Psychiatric Advisory Board
117	Psychology, Board of
118	Public Broadcasting Board, Virginia
119	Public Buildings Board, Virginia
120	Public Guardian and Conservator Advisory Board

- 121 Radiation Advisory Board
- 122 Real Estate Appraiser Board
- 123 Real Estate Board
- 124 Reciprocity Board, Department of Motor Vehicles
- 125 Recreational Fishing Advisory Board, Virginia
- 126 Reforestation Board
- 127 Rehabilitation Providers, Advisory Board on
- 128 Rehabilitative Services, Board of
- 129 Respiratory Care, Advisory Board on
- 130 Rockfish State Scenic River Advisory Board
- 131 Safety and Health Codes Board
- 132 Seed Potato Board, State
- 133 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 134 Shenandoah State Scenic River Advisory Board
- 135 Small Business Advisory Board
- 136 Small Business Environmental Compliance Advisory Board
- 137 Small Grains Board, Virginia
- 138 Social Services, Board of
- 139 Social Work, Board of
- 140 Soil and Water Conservation Board, Virginia
- 141 Soybean Board, Virginia
- 142 State Air Pollution Control Board
- 143 Substance Abuse Certification Board
- 144 Surface Mining Review, Board of
- 145 Sweet Potato Board, Virginia
- 146 T & M Vehicle Dealers' Advisory Board
- 147 Teacher Education and Licensure, Advisory Board on
- 148 Transportation Board, Commonwealth
- 149 Transportation Safety, Board of
- 150 Treasury Board, The, Department of the Treasury
- 151 Veterans' Affairs, Board on
- 152 Veterinary Medicine, Board of
- 153 Virginia Board for Asbestos and Lead
- 154 Virginia Coal Mine Safety Board
- 155 Virginia Correctional Enterprises Advisory Board
- 156 Virginia Cotton Board
- 157 Virginia Employment Commission, State Advisory Board for the
- 158 Virginia Geographic Information Network Advisory Board
- 159 Virginia Horse Industry Board
- 160 Virginia Manufactured Housing Board
- 161 Virginia Retirement System, Board of Trustees
- 162 Virginia Schools for the Deaf and the Blind, Advisory Commission on the
- 163 Virginia Sheep Industry Board
- 164 Virginia Veterans Cemetery Board
- 165 Virginia Waste Management Board
- 166 Voluntary Formulary Board, Virginia
- 167 (For effective date - See notes) Volunteer Firefighters' and Rescue Squad Workers' Pension Fund
- 168 Board
- 169 War Memorial Foundation, Virginia, Board of Trustees
- 170 Waste Management Facility Operators, Board for
- 171 Water Resources Research Center Statewide Advisory Board, Virginia
- 172 Waterworks and Wastewater Works Operators, Board for
- 173 Well Review Board, Virginia.
- 174 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 175 referred to as boards:
- 176 Compensation Board
- 177 State Board of Elections
- 178 State Water Control Board
- 179 Virginia Parole Board
- 180 Virginia Veterans Care Center Board of Trustees.
- 181 § 3.1-4.1. Additional powers of the Board.

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

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

187 Article 3.

188 Farmers' Market Board System.

189 § 3.1-73.1. Declaration of policy.

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

199 § 3.1-73.3. Development of farmers' market system.

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

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

223 § 3.1-73.5. Commissioner to manage farmers' market operations.

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

- 227 1. *Cooperate with various state agencies and other organizations contributing to the development of*
 228 *the farmers' market system;*
- 229 2. *Develop and implement policy for the management of state-owned farmers' market facilities,*
 230 *including:*
 - 231 a. *Guidelines for fees to be charged at the markets;*
 - 232 b. *Standards for evaluating market operations;*
 - 233 c. *Criteria for the expansion of existing state-owned farmers' market facilities and the establishment*
 234 *of new markets in the future;*
 - 235 d. *Changes in management of markets; and*
 - 236 e. *Guidelines for the award of contracts for market management;*
- 237 3. Employ such personnel as necessary to operate the system of markets in accordance with the
 238 Virginia Personnel Act (§ 2.1-110 et seq.);
- 239 4. Receive and dispense funds;
- 240 5. Develop and manage a program budget for the farmers' market ~~network~~system;
- 241 6. Provide marketing and promotional services for the farmers' market ~~network~~system;
- 242 7. Develop detailed technical plans for, acquire or build, and manage the farmers' market
 243 ~~network~~system;

68. 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;

89. Make contracts and agreements and execute other instruments necessary for the operation of the farmers' market network system;

910. Enter into agreements with and accept grants from any governmental agency in furtherance of this article;

1011. Enter into joint ventures with cities, towns, counties or combinations thereof in developing wholesale, shipping point, and retail farmers' markets; and

1112. 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

- 305 Board of Social Work
- 306 Board of Surface Mining Review
- 307 Board of Veterinary Medicine
- 308 Board on Conservation and Development of Public Beaches
- 309 Cemetery Board
- 310 Chesapeake Bay Local Assistance Board
- 311 Child Day-Care Council
- 312 Commission on Local Government
- 313 Commonwealth Transportation Board
- 314 Council on Human Rights
- 315 Criminal Justice Services Board
- 316 Design-Build/Construction Management Review Board
- 317 Disability Services Council
- 318 ~~Farmers Market Board, Virginia~~
- 319 Interdepartmental Council on Rate-setting for Children's Facilities
- 320 Library Board, The Library of Virginia
- 321 Marine Resources Commission
- 322 Milk Commission
- 323 Pesticide Control Board
- 324 Real Estate Appraiser Board
- 325 Real Estate Board
- 326 Reciprocity Board, Department of Motor Vehicles
- 327 Safety and Health Codes Board
- 328 Specialized Transportation Council
- 329 State Air Pollution Control Board
- 330 State Board of Corrections
- 331 State Board of Elections
- 332 State Board of Health
- 333 State Board of Juvenile Justice
- 334 State Health Department, Sewage Handling and Disposal Appeal Review Board
- 335 State Mental Health, Mental Retardation and Substance Abuse Services Board
- 336 State Seed Potato Board
- 337 State Water Control Board
- 338 Substance Abuse Certification Board
- 339 Treasury Board, The, Department of the Treasury
- 340 Virginia Aviation Board
- 341 Virginia Board for Asbestos and Lead
- 342 Virginia Fire Services Board
- 343 Virginia Gas and Oil Board
- 344 Virginia Health Planning Board
- 345 Virginia Manufactured Housing Board
- 346 Virginia Parole Board
- 347 Virginia Public Broadcasting Board
- 348 Virginia Soil and Water Conservation Board
- 349 Virginia Voluntary Formulary Board
- 350 Virginia Waste Management Board
- 351 Virginia Workforce Council
- 352 (Contingent effective date) Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board
- 353 Waste Management Facility Operators, Board for.
- 354 Wireless E-911 Services Board.
- 355 **2. That § 3.1-73.2 of the Code of Virginia is repealed.**