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HOUSE BILL NO. 2427

Offered January 8, 2003

Prefiled January 8, 2003

A BILL to amend and reenact §§ 2.2-2101, 53.1-10 and 53.1-45.1 of the Code of Virginia, and to repeal §§ 53.1-45.2 through 53.1-45.5 of the Code of Virginia, relating to the Virginia Correctional Enterprises Advisory Board.

Patrons—Hugo; Senator: O'Brien

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2101, 53.1-10 and 53.1-45.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who shall be appointed as provided for in § 2.2-2421; to members of the Council on Indians, who shall be appointed as provided for in § 2.2-2628; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Maternal and Child Health Council, who shall be appointed as provided for in § 2.2-2642; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Advisory Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided in § 2.2-2600; to members of the Virginia Correctional Enterprises Advisory Board, who shall be appointed as provided for in § 53.1-45.3; to members appointed to the Virginia Veterans Cemetery Board pursuant to § 2.2-2438; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 37.1-207; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; or to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669.

§ 53.1-10. Powers and duties of Director.

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;
2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;
3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of appropriations made therefor by the General Assembly;
4. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of water or wastewater treatment services or both as necessary for the expansion or construction of correctional facilities, consistent with applicable standards and goals of the Board;
5. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the

59 United States government and agencies and instrumentalities thereof, and any other source, subject to the
60 approval of the Governor. To these ends, the Director shall have the power to comply with such
61 conditions and execute such agreements as may be necessary, convenient or desirable, consistent with
62 applicable standards and goals of the Board;

63 ~~6. To serve on the Virginia Correctional Enterprises Advisory Board established pursuant to~~
64 ~~§ 53.1-45.2; and~~

65 ~~7.~~and 6. To collect data pertaining to the demographic characteristics of adults, and juveniles who
66 are adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the
67 race or ethnicity, age, and gender of such persons, and the types of and extent to which health-related
68 problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected,
69 tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each
70 regular session of the General Assembly thereafter.

71 § 53.1-45.1. Work programs; agreements with other entities.

72 A. The Director, with the prior approval of the Governor, may enter into an agreement with a public
73 or private entity to operate a work program in a state correctional facility for prisoners confined therein.

74 B. ~~The provisions of any proposed agreement shall be submitted for review to the Virginia~~
75 ~~Correctional Enterprises Advisory Board established pursuant to § 53.1-45.2.~~

76 C. The Board shall promulgate regulations governing the form and review process for proposed
77 agreements.

78 D. Articles produced or manufactured and services provided by prisoners participating in such a
79 program may be purchased as provided in § 53.1-47 and may be bought, sold or acquired by exchange
80 on the open market through the participating public or private entity.

81 E. The Director shall arrange for compensation for such employment. Wages earned by prisoners
82 shall be paid to the Director who shall, in accordance with regulations promulgated by the Board, deduct
83 from such wages, in the following order of priority, an amount to:

84 1. Meet the obligation of any judicial or administrative order to provide support and such funds shall
85 be disbursed according to the terms of such order;

86 2. Pay any fines, restitution or costs as ordered by the court; and

87 3. Defray a portion of the prisoner's keep.

88 The balance shall be credited to the prisoner's account in accordance with § 53.1-42.

89 **2. That §§ 53.1-45.2 through 53.1-45.5 of the Code of Virginia are repealed.**