

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 57

An Act to amend and reenact §§ 2.2-204 and 3.1-426 of the Code of Virginia, relating to the Milk Commission.

[S 262]

Approved March 8, 2004

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-204 and 3.1-426 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-204. Position established; agencies for which responsible; additional duties.

The position of Secretary of Commerce and Trade (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Business Assistance, Department of Forestry, Virginia Economic Development Partnership Authority, Virginia Tourism Authority, Department of Labor and Industry, Department of Mines, Minerals and Energy, Virginia Employment Commission, Department of Professional and Occupational Regulation, ~~Milk Commission~~, Department of Agriculture and Consumer Services, Department of Housing and Community Development, Department of Minority Business Enterprise, Virginia Housing Development Authority, Virginia Resources Authority, Virginia Racing Commission, Tobacco Indemnification and Community Revitalization Commission, Virginia Agricultural Council, Board of Accountancy, and Virginia Marine Products Board. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

The Secretary shall implement the provisions of the Virginia Biotechnology Research Act (§ 2.2-5500 et seq.).

§ 3.1-426. Composition.

~~There~~ *The Milk Commission* is hereby continued ~~the Milk Commission, consisting within the Department of Agriculture and Consumer Services. The Milk Commission shall report directly to the Commissioner of Agriculture and Consumer Services and shall consist~~ of an Administrator and seven members, all of whom shall be residents of the Commonwealth, appointed by the Governor, two of whom shall be producers of milk, and five including the Administrator shall be consumers but none of such five latter members shall have any connection financially or otherwise with the production or distribution of milk or products derived therefrom. The remaining member of the Commission shall be a milk processor-distributor. The Administrator shall serve in an ex officio capacity without a vote. Any vacancies occurring shall be filled by appointment by the Governor. One member of the Commission shall act as chairman, who shall be elected annually by the membership of the Commission. No member shall serve as chairman and as Administrator and no chairman shall serve successive terms as chairman.

The Administrator shall devote full time to the duties of his office, which shall be located in the principal office of the Commission. The technical and other services for such Commission shall be performed, so far as practicable, by forces and officers in the Department of Agriculture and Consumer Services, the Virginia Agricultural Extension Service and the Virginia Agricultural Experiment Station, without additional compensation. The Administrator may appoint a secretary and any such additional technical and other assistants and employees as may be necessary to carry out the provisions of this article, and prescribe their powers and duties. The Administrator shall supervise such personnel and shall prepare, approve, and submit all requests for appropriations and be responsible for all expenditures pursuant to appropriations.