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HOUSE BILL NO. 2516**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 20, 1995)

(Patron Prior to Substitute—Delegate Deeds)

A BILL to amend and reenact § 2.1-1.6 of the Code of Virginia, and to amend the Code of Virginia by adding in Title 3.1 a chapter numbered 43, consisting of sections numbered 3.1-1065 through 3.1-1080, relating to the establishment of the Virginia Sheep Industry Board; penalties.

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-1.6 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 3.1 a chapter numbered 43, consisting of sections numbered 3.1-1065 through 3.1-1080, 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 for

Aging, Advisory Board on the

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 and Landscape Architects, State Board for

Art and Architectural Review Board

Athletic Board, Virginia

Auctioneers Board

Audiology and Speech-Language Pathology, Board of

Aviation Board, Virginia

Barbers, Board for

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

Certified Seed Board, State

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

Cosmetology, Board for

Criminal Justice Services Board

Dark-Fired Tobacco Board, Virginia

Deaf and Hard-of-Hearing, Advisory Board for the Department for the

Dentistry, Board of

Education, State Board of

Egg Board, Virginia

Emergency Medical Services Advisory Board

60	Employment Agency Advisory Board
61	Farmers Market Board, Virginia
62	Film Office Advisory Board
63	Fire Services Board, Virginia
64	Forensic Science Advisory Board
65	Forestry, Board of
66	Funeral Directors and Embalmers, Board of
67	Game and Inland Fisheries, Board of
68	Geology, Board for
69	Goose Creek Scenic River Advisory Board
70	Health Planning Board, Virginia
71	Health Professions, Board of
72	Health, State Board of
73	Hearing Aid Specialists, Board for
74	Hemophilia Advisory Board
75	Historic Resources, Board of
76	Housing and Community Development, Board of
77	Industrial Development Services Advisory Board
78	Insurance Advisory Board, State
79	Irish Potato Board, Virginia
80	Laboratory Services Advisory Board
81	Marine Products Board, Virginia
82	Medical Advisory Board, Department of Motor Vehicles
83	Medical Board of the Virginia Retirement System
84	Medicare and Medicaid, Advisory Board on
85	Medicine, Board of
86	Mental Health, Mental Retardation and Substance Abuse Services Board, State
87	Migrant and Seasonal Farmworkers Board
88	Military Affairs, Board of
89	Mineral Mining Examiners, Board of
90	Minority Business Enterprise, Interdepartmental Board of the Department of
91	Motor Vehicle Dealers' Advisory Board
92	Networking Users Advisory Board, State
93	Nottoway State Scenic River Advisory Board
94	Nursing, Board of
95	Nursing Home Administrators, Board of
96	Occupational Therapy, Advisory Board on
97	Oil and Gas Conservation Board, Virginia
98	Opticians, Board for
99	Optometry, Board of
100	Peanut Board, Virginia
101	Personnel Advisory Board
102	Pesticide Control Board
103	Pharmacy, Board of
104	Physical Therapy to the Board of Medicine, Advisory Board on
105	Plant Pollination Advisory Board
106	Polygraph Examiners Advisory Board
107	Pork Industry Board, Virginia
108	Poultry Products Board, Virginia
109	Private College Advisory Board
110	Private Security Services Advisory Board
111	Professional and Occupational Regulation, Board for
112	Professional Counselors, Board of
113	Professional Soil Scientists, Board for
114	Psychiatric Advisory Board
115	Psychology, Board of
116	Public Buildings Board, Virginia
117	Public Telecommunications Board, Virginia
118	Radiation Advisory Board
119	Real Estate Appraiser Board
120	Real Estate Board
121	Reciprocity Board, Department of Motor Vehicles

- 122 Recreational Fishing Advisory Board, Virginia
- 123 Recreation Specialists, Board of
- 124 Reforestation Board
- 125 Rehabilitation Providers, Advisory Board on
- 126 Rehabilitative Services, Board of
- 127 Respiratory Therapy, Advisory Board on
- 128 Retirement System Review Board
- 129 Rockfish State Scenic River Advisory Board
- 130 Safety and Health Codes Board
- 131 Seed Potato Board
- 132 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 133 Shenandoah State Scenic River Advisory Board
- 134 Small Business Advisory Board
- 135 Small Business Environmental Compliance Advisory Board
- 136 Small Grains Board, Virginia
- 137 Social Services, Board of
- 138 Social Work, Board of
- 139 Soil and Water Conservation Board, Virginia
- 140 Soybean Board, Virginia
- 141 State Air Pollution Control Board
- 142 Substance Abuse Certification Board
- 143 Surface Mining Review, Board of
- 144 Sweet Potato Board, Virginia
- 145 Teacher Education and Licensure, Advisory Board on
- 146 Tourism and Travel Services Advisory Board
- 147 Toxic Substances Advisory Board
- 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 Licensing
- 154 Virginia Coal Mine Safety Board
- 155 Virginia Correctional Enterprises Advisory Board
- 156 Virginia Employment Commission, State Advisory Board for the
- 157 (Effective July 1, 1996) Virginia Higher Education Tuition Trust Fund, Board of the
- 158 Virginia Horse Industry Board
- 159 Virginia Manufactured Housing Board
- 160 Virginia Retirement System, Board of Trustees
- 161 *Virginia Sheep Industry Board*
- 162 Virginia Waste Management Board
- 163 Visually Handicapped, Virginia Board for the
- 164 Voluntary Formulary Board, Virginia
- 165 War Memorial Foundation, Virginia, Board of Trustees
- 166 Waste Management Facility Operators, Board for
- 167 Water Resources Research Center Statewide Advisory Board, Virginia
- 168 Waterworks and Wastewater Works Operators, Board for
- 169 Well Review Board, Virginia
- 170 Youth and Family Services, State Board of.
- 171 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 172 referred to as boards:
- 173 Compensation Board
- 174 State Board of Elections
- 175 State Water Control Board
- 176 Virginia Parole Board
- 177 Virginia Veterans Care Center Board of Trustees.
- 178 *CHAPTER 43.*
- 179 *VIRGINIA SHEEP INDUSTRY BOARD ACT.*
- 180 *§ 3.1- 1065. Definitions.*
- 181 *As used in this chapter, unless the context requires a different meaning:*
- 182 *"Board" means the Virginia Sheep Industry Board.*

183 "Commissioner" means the Commissioner of Agriculture and Consumer Services.

184 "Fund" means the Virginia Sheep Industry Promotion and Development Fund.

185 "Handler" means the operator of a stockyard, livestock dealership, slaughterhouse, packing plant or
186 livestock auction market, or any other person or business entity making a purchase from a sheep
187 producer, at the point at which the sheep or lamb is sold or traded.

188 "State Board" means the State Board of Agriculture and Consumer Services.

189 § 3.1-1066. Petition for referendum on question of assessment for market development, predator
190 control, education, research, promotion; action of State Board and Commissioner; amount of
191 assessment.

192 The State Board, upon a petition being filed with it by the Virginia Sheep Federation requesting a
193 referendum, and upon finding that sufficient interest exists among the members of the sheep industry in
194 the Commonwealth to justify a referendum, shall authorize the holding of a referendum as provided in
195 this chapter. The Commissioner or his designee shall then be empowered and directed to conduct a
196 referendum on the question of whether or not the members of Virginia's sheep industry are of the
197 opinion that additional market development, predator control, education, research and promotion of the
198 sheep industry are required. If approved in a referendum authorized by this chapter, an assessment of
199 fifty cents for each sheep or lamb sold within the Commonwealth shall be imposed, and the Board shall
200 have the authority to increase the assessment no more than ten cents per year, up to a maximum
201 assessment of one dollar per head.

202 § 3.1-1067. Persons eligible to vote.

203 Each member of the Virginia sheep industry who has sold one or more sheep or 50 or more pounds
204 of wool within the Commonwealth during fiscal year 1993-1994 shall be eligible to vote in the
205 referendum, provided that he certifies that he has conducted such sale. A person eligible to vote may be
206 a natural person, partnership, or corporation, provided that such person is a resident or qualified to do
207 business in the Commonwealth. The vote of a partnership shall be cast by one of the general partners.
208 A corporation shall vote by its president, general manager or such other person as may be authorized
209 by the corporation to cast its vote.

210 § 3.1-1068. Rules governing ballots, conduct of referendum, canvassing, etc.

211 The State Board shall adopt rules governing the ballots to be used in the referendum, the conduct of
212 the referendum, the canvassing of the results thereof, and the declaration of the results of the
213 referendum. The State Board shall fix the date, areas, hours, and voting places with respect to the
214 holding of the referendum and may provide for voting by mail if it deems advisable.

215 § 3.1-1069. Management of referendum; notice.

216 The Commissioner shall manage any referendum conducted under this chapter. The Commissioner
217 shall, sixty days before the date upon which a referendum is to be held, mail notice to the clerk of the
218 circuit court in each county where those eligible to vote in the referendum reside. The clerk of the
219 circuit court shall post the notice and rules on the front door or public bulletin board of the courthouse
220 and certify the posting to the Commissioner. The Commissioner shall also give general notice of the
221 referendum in a newspaper of general circulation in Richmond, Virginia, and shall send a notice of the
222 referendum to a newspaper of general circulation in each area in which members of the sheep industry
223 reside, at least sixty days prior to the holding of any referendum under this chapter.

224 Such posted and published notices shall contain the date, hours, and methods of voting in the
225 referendum; the amount of assessment to be collected, means by which such assessment will be
226 collected, and general purposes for which the assessments will be used; and the rules adopted by the
227 State Board pursuant to § 3.1-1068.

228 § 3.1-1070. Distribution of ballots; canvass; declaration and certification of results.

229 The Commissioner shall prepare and distribute in advance of the referendum all necessary ballots,
230 certificates and supplies required for the referendum and shall, under rules adopted and promulgated by
231 the State Board, arrange for the use of polling places, if necessary. He shall, within ten days after the
232 referendum, canvass and publicly declare the results thereof and certify the same to the Governor and
233 the State Board.

234 § 3.1-1071. Action of Governor; referendum results.

235 If the Governor finds the referendum in order and that at least a simple majority of those voting are
236 in favor of the assessment for the purpose of conducting programs in market development, predator
237 control, education, research and promotion of the sheep industry, he shall so proclaim and the Virginia
238 Sheep Industry Board within the Virginia Department of Agriculture and Consumer Services shall be
239 established. If he does not so find, the Board shall not be established.

240 § 3.1-1072. Subsequent referendum.

241 If the Governor issues a proclamation under § 3.1-1071 and the Board is established, then no other
242 referendum shall be held on the creation of the Virginia Sheep Industry Board and assessment except
243 that the State Board, upon petition by at least ten percent of the members of the sheep industry who
244 voted in the preceding referendum, may provide for a referendum on the continuation of the Board and

the assessment. The State Board shall not act on such a petition to conduct such a referendum until at least five years have passed since the Virginia Sheep Industry Board was established. The cost of conducting such referendum shall be from funds paid into the Virginia Sheep Industry Promotion and Development Fund as established in § 3.1-1076. Such referendum shall be conducted in the manner provided in §§ 3.1-1067 through 3.1-1070.

§ 3.1-1073. Question to be printed on ballots.

A. The question to be printed on the ballots used in any referendum held under this chapter, except the referendum authorized in § 3.1-1072, shall be as follows:

"Do you favor additional market development, predator control, education, research, and promotion of the Virginia sheep industry, the creation of a Virginia Sheep Industry Board, and the levy of an assessment of fifty cents per head, with the Board retaining the authority to increase the assessment no more than ten cents per year, up to a maximum assessment of one dollar per head, for all sheep and lambs sold within the Commonwealth of Virginia to be used by such Board in accordance with the provisions of the Virginia Sheep Industry Board Act?

☐ Yes

☐ No."

B. The question to be printed on the ballots used in the referendum authorized in § 3.1-1072 on the continuation of the Board and assessment shall be as follows:

"Do you favor the continuation of the Virginia Sheep Industry Board and the continuation of the levy of an assessment of up to one dollar per head for all sheep and lambs sold within the Commonwealth of Virginia?

☐ Yes

☐ No."

§ 3.1-1074. Virginia Sheep Industry Board established; purposes; duties and responsibilities.

A. There is hereby established within the Virginia Department of Agriculture and Consumer Services the Virginia Sheep Industry Board. The Board shall be responsible for the promotion and economic development of the sheep industry in Virginia. To accomplish this function the Board is authorized to:

1. Provide funding for predator control;

2. Produce economic reports;

3. Develop a sheep industry directory;

4. Provide funding for educational programs;

5. Provide funding for research;

6. Engage in media liaison;

7. Collect and analyze data on the sheep industry;

8. Disseminate industry-related data;

9. Enter into contracts and agreements to accomplish the purposes of this chapter; and

10. Establish, administer, manage and make expenditures from the Virginia Sheep Industry Promotion and Development Fund as provided in § 3.1-1076.

§ 3.1-1075. Board membership; quorum.

A. The Board shall consist of fourteen members representing the sheep industry and industry support services. The Governor shall appoint three individuals from nominations submitted by the Virginia Sheep Federation or other Virginia farm organizations representing sheep producers. Of the three members nominated by the Governor, one shall represent the packing/processing/retailing segment of the industry, one shall represent the Virginia Livestock Markets Association, and one shall represent the purebred segment of the industry. One member shall be elected by each of the nine wool pool organizations which represent the following areas: Augusta, Christiansburg/New River Valley, Southside Virginia, Rockingham, Clarke, Orange, Wythe/Bland, Highland, Russell/Tazewell/Scott. Terms of membership shall be for three years. Vacancies in appointed memberships may be filled in the same manner as the original appointment. Vacancies in elected memberships may be filled by an election in the organization that elected the vacant member. No member shall serve more than two consecutive terms.

The extension sheep specialist from Virginia Polytechnic Institute and State University and the Commissioner of Agriculture and Consumer Services or his designee shall serve as nonvoting members.

B. Board members not representing agencies of the Commonwealth shall be reimbursed from the Fund for all reasonable and necessary expenses incurred in the performance of their duties as members of the Board.

C. Seven members shall constitute a quorum for the transaction of business.

D. The Board shall elect from its membership a chairman, a vice chairman and such other officers as it deems appropriate.

§ 3.1-1076. Virginia Sheep Industry Promotion and Development Fund created; purpose.

A. The Board shall establish, administer, manage and make expenditures from a special, nonreverting fund in the state treasury to be known as the Virginia Sheep Industry Promotion and

306 *Development Fund. The Board shall establish and administer the Fund solely for the purpose of*
307 *carrying out the provisions of this chapter. No provision of this chapter shall be construed to give the*
308 *Board the authority to expend funds for legislative or political activity. The Fund shall consist of*
309 *assessments paid pursuant to § 3.1-1077. The unexpended balance of the Fund at the end of the*
310 *biennium shall not be transferred to the general fund of the state treasury.*

311 *B. The Auditor for Public Accounts shall audit all the accounts of the Board as provided in*
312 *§ 2.1-155.*

313 *C. All money collected under this chapter shall be expended by the Board by warrants of the State*
314 *Comptroller on vouchers signed by a duly authorized officer of the Board.*

315 *§ 3.1-1077. Tax Commissioner authorized to collect assessment on sheep sold.*

316 *In order for the Board to carry out the provisions of this chapter, the Tax Commissioner shall*
317 *collect from the handler the assessment authorized by this chapter for all sheep and lambs sold in*
318 *Virginia. Any handler purchasing sheep or lambs in Virginia for resale within ten days shall be exempt*
319 *from the assessment on the subsequent sale,*

320 *§ 3.1-1078 Reports to Tax Commissioner; collection and disposition of assessment; records to be*
321 *kept by handlers.*

322 *A. Handlers shall make reports to the Tax Commissioner on forms furnished and prescribed by the*
323 *Tax Commissioner. Each form shall include a statement of the number of sheep and lambs which have*
324 *been handled; the amount of money which has been collected; and any other information deemed*
325 *necessary by the Tax Commissioner to carry out his duties under this chapter. Notwithstanding the*
326 *provisions of § 58.1-3, upon request, the Tax Commissioner is authorized to provide the Board with a*
327 *list of assessment payers and amounts paid.*

328 *B. Handlers shall deduct from the proceeds of sale owed by them to the respective owners of sheep*
329 *the assessment as authorized by this chapter.*

330 *C. The funds collected by the handler from proceeds of sales are due to the Tax Commissioner on or*
331 *before the last day of the month following the end of each calendar quarter.*

332 *D. The handler shall keep a complete record of the number of sheep subject to payment bought by*
333 *him for a period of not less than three years. Such records shall be open for inspection by the Tax*
334 *Commissioner or his agents, and shall be established and maintained as required by the Tax*
335 *Commissioner.*

336 *§ 3.1-1079. Collection of delinquent assessments; misdemeanors; prosecutions.*

337 *A. If assessment money due pursuant to this chapter is not paid when due, the Tax Commissioner*
338 *shall immediately notify the violator of such deficiency and shall add thereto a penalty of five percent of*
339 *the amount due. If such deficiency is not paid within thirty days from the date of such notice, it shall*
340 *bear interest, in accordance with § 58.1-15, from the date it was due, which shall be collected as part*
341 *of the delinquent amount. The Tax Commissioner may waive or remit the penalty of five percent, or*
342 *portion thereof, in his discretion for good cause shown. If any person is delinquent in any payment of*
343 *the money owed or interest thereon, the amount shall be collected by civil action in the name of the*
344 *Commonwealth at the direction of the Tax Commissioner, and the person adjudged to be in default shall*
345 *pay the cost of such action. The Attorney General, at the request of the Tax Commissioner, shall without*
346 *delay institute action in the proper court for the collection of the amount of any money past due under*
347 *this chapter, including interest thereon.*

348 *B. It shall be a Class 1 misdemeanor for any handler to fail to submit to the Tax Commissioner any*
349 *statement or report required in this chapter within sixty days from the time such statement or report is*
350 *required to be submitted under this chapter.*

351 *C. It shall be a Class 1 misdemeanor for any handler knowingly to report falsely to the Tax*
352 *Commissioner the number of taxable sheep handled by him during any period or to falsify the records.*

353 *D. Prosecution shall be initiated by the attorney for the Commonwealth in any city or county within*
354 *the Commonwealth.*

355 *§ 3.1-1080. Fees for initial referendum to be paid to the Department of Agriculture and Consumer*
356 *Services; expiration.*

357 *A. Beginning on July 1, 1995, and until sufficient moneys are collected to pay the cost of conducting*
358 *the initial referendum, a fee of fifty cents per head shall be assessed on any sheep or lamb sold within*
359 *the Commonwealth of Virginia. Such fees shall be collected by the Tax Commissioner to be paid to the*
360 *Department of Agriculture and Consumer Services for the purpose of conducting an initial referendum*
361 *on the question of establishing the Virginia Sheep Industry Board and the levy of an assessment of fifty*
362 *cents per head, with the Board retaining the authority to increase the assessment no more than ten cents*
363 *per year, up to a maximum assessment of one dollar per head of sheep or lamb sold within the*
364 *Commonwealth of Virginia.*

365 *B. If the initial referendum fails, any fees collected in excess of the amount necessary to conduct*
366 *such referendum shall be paid to the USDA Predator Control Department. If such referendum is*
367 *approved, such fees shall be collected and administered in accordance with this chapter.*

368 *C. The provisions of this section shall expire on the date the Governor proclaims that the referendum*
 369 *has been approved.*

370 2. That the provisions of this act which assess fifty cents per head, with the Board retaining the
 371 authority to increase the assessment no more than ten cents per year, up to a maximum assessment of
 372 one dollar per head, on sheep and lambs sold within the Commonwealth shall become effective only
 373 after a referendum as provided for in Chapter 43 (§ 3.1-1065 et seq.) of Title 3.1 has passed, except that
 374 the provisions of § 3.1-1080 shall become effective on July 1, 1995.