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HOUSE BILL NO. 886

Offered January 22, 1996

A BILL to amend and reenact § 3.1-14 of the Code of Virginia, relating to the powers and duties of the Commissioner of Agriculture and Consumer Services.

Patrons—Van Yahres, Almand, Armstrong, Christian, Connally, Crouch, Darner, Deeds, Dillard, Grayson, Guest, Johnson, Keating, Phillips, Plum, Rhodes, Thomas, Van Landingham and Wagner; Senators: Couric and Marye

Referred to Committee on Agriculture

Be it enacted by the General Assembly of Virginia:

1. That § 3.1-14 of the Code of Virginia is amended and reenacted as follows:

§ 3.1-14. Powers and duties in general; rules and regulations of Board of Agriculture and Consumer Services; records to be held in confidence.

A. 1. The Commissioner shall see to the proper execution of the laws relating to the subject of his Department, and he shall investigate and promote such subjects relating to the improvement of agriculture, the beneficial use of commercial fertilizer and compost, and for the inducement of immigration and capital, and he shall be especially charged with the supervision of the trade in commercial fertilizers as will best protect the interests of the farmers with the enforcement of the laws which are or may be enacted in this Commonwealth concerning the sale of commercial fertilizers, seed and food products, with authority in the Board of Agriculture and Consumer Services to make rules and regulations governing the same, and to publish them as required by law. He shall ensure that, unless an intent is expressly stated otherwise, the term "horse" or "equine," when used in this title, shall be considered to mean an agricultural or livestock animal.

2. He shall be charged with the inducement of capital and immigration, by the dissemination of information relative to the advantages of soil, climate, healthfulness and markets of this Commonwealth, and to resources and industrial opportunities offered in the Commonwealth as he may deem useful, and also with investigation adapted to promote the improvement of milk and beef cattle and other stock.

3. He, or his duly authorized representative, shall have the authority, as provided in § 59.1-308.2, to inquire into consumer complaints regarding violations of § 46.2-1231 or § 46.2-1233.1 involving businesses engaged in towing vehicles or to refer the complaint directly to the appropriate local enforcement officials.

4. *He, or his duly authorized representative, shall establish mechanisms by which to receive complaints and related inquiries from Virginia consumers involving violations or alleged violations of any law designed to protect the integrity of consumer transactions in the Commonwealth. Such mechanisms shall include, but are not limited to, establishing a statewide, toll-free telephone hotline to be administered by the Department; publicizing the existence of such hotline through public service announcements on television and radio and in newspapers and other media deemed necessary, convenient, or appropriate; and enhancing electronic communication with the Department through computer networks such as the Internet, the World Wide Web, America On Line, and Virginia On Line.*

5. *He, or his duly authorized representative, shall establish and administer programs which facilitate resolution of complaints and related inquiries from Virginia consumers involving violations or alleged violations of any law designed to protect the integrity of consumer transactions in the Commonwealth. Such programs shall be developed in cooperation with the Office of the Attorney General and may utilize paid or unpaid personnel, law schools or other institutions of higher education, community dispute resolution centers, or any other private or public entity, including local offices of consumer affairs established pursuant to § 15.1-23.2.*

6. He shall have such other powers and duties as are prescribed by law.

B. The Commissioner shall hold the following records of the Department in confidence unless otherwise directed by the Governor or Board:

1. Schedules of work for regulatory inspection;
2. Trade secrets and commercial or financial information supplied by individuals or business entities to the Department;
3. Reports of criminal violations made to the Department by persons outside the Department;
4. Records of active investigations until the investigations are closed;
5. Financial records of applicants for assistance from the Virginia Farm Loan Revolving Account except those records which are otherwise a matter of public record;
6. Tax returns required by the agricultural commodity commissions established pursuant to this title

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60 to the extent necessary to protect the privacy of individual taxpayers.

61 **2. That, beginning on January 1, 1997, and every January 1 thereafter, the Commissioner shall**
62 **submit a written report to the chairmen of the House Committee on Agriculture and the Senate**
63 **Committee on Agriculture, Conservation, and Natural Resources on his activities during the**
64 **preceding calendar year to (i) establish mechanisms by which to receive complaints and related**
65 **inquiries from Virginia consumers involving violations or alleged violations of any law designed to**
66 **protect the integrity of consumer transactions in the Commonwealth pursuant to subdivision A4 of**
67 **this act and (ii) establish and administer programs which facilitate the resolution of such**
68 **complaints and related inquiries pursuant to subdivision A5 of this act.**