

965570480

HOUSE BILL NO. 886**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Agriculture
on February 8, 1996)

(Patron Prior to Substitute—Delegate Van Yahres)

*A BILL to amend and reenact §§ 2.1-1.6, 3.1-14, and 9-6.25:1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3.1 of Title 3.1 a section numbered 3.1-18.3:1, relating to consumer services.***Be it enacted by the General Assembly of Virginia:****1. That §§ 2.1-1.6, 3.1-14, and 9-6.25:1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3.1 of Title 3.1 a section numbered 3.1-18.3:1 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

Catoclin 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

Coastal Land Management Advisory Council, Virginia

Conservation and Development of Public Beaches, Board on

Conservation and Recreation, Board of

Consumer Services Advisory Board

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

HOUSE SUBSTITUTE

HB886H1

60	Egg Board, Virginia
61	Emergency Medical Services Advisory Board
62	Employment Agency Advisory Board
63	Farmers Market Board, Virginia
64	Film Office Advisory Board
65	Fire Services Board, Virginia
66	Forensic Science Advisory Board
67	Forestry, Board of
68	Funeral Directors and Embalmers, Board of
69	Game and Inland Fisheries, Board of
70	Geology, Board for
71	Goose Creek Scenic River Advisory Board
72	Health Planning Board, Virginia
73	Health Professions, Board of
74	Health, State Board of
75	Hearing Aid Specialists, Board for
76	Hemophilia Advisory Board
77	Historic Resources, Board of
78	Housing and Community Development, Board of
79	Industrial Development Services Advisory Board
80	Insurance Advisory Board, State
81	Irish Potato Board, Virginia
82	Laboratory Services Advisory Board
83	(Effective July 1, 1996) Litter Control and Recycling Fund Advisory Board
84	Marine Products Board, Virginia
85	Medical Advisory Board, Department of Motor Vehicles
86	Medical Board of the Virginia Retirement System
87	Medicare and Medicaid, Advisory Board on
88	Medicine, Board of
89	Mental Health, Mental Retardation and Substance Abuse Services Board, State
90	Migrant and Seasonal Farmworkers Board
91	Military Affairs, Board of
92	Mineral Mining Examiners, Board of
93	Minority Business Enterprise, Interdepartmental Board of the Department of
94	Networking Users Advisory Board, State
95	Nottoway State Scenic River Advisory Board
96	Nursing, Board of
97	Nursing Home Administrators, Board of
98	Occupational Therapy, Advisory Board on
99	Oil and Gas Conservation Board, Virginia
100	Opticians, Board for
101	Optometry, Board of
102	Peanut Board, Virginia
103	Personnel Advisory Board
104	Pesticide Control Board
105	Pharmacy, Board of
106	Physical Therapy to the Board of Medicine, Advisory Board on
107	Plant Pollination Advisory Board
108	Polygraph Examiners Advisory Board
109	Pork Industry Board, Virginia
110	Poultry Products Board, Virginia
111	Private College Advisory Board
112	Private Security Services Advisory Board
113	Professional and Occupational Regulation, Board for
114	Professional Counselors, Board of
115	Professional Soil Scientists, Board for
116	Psychiatric Advisory Board
117	Psychology, Board of
118	Public Buildings Board, Virginia
119	Public Telecommunications Board, Virginia
120	Radiation Advisory Board
121	Real Estate Appraiser Board

- 122 Real Estate Board
- 123 Reciprocity Board, Department of Motor Vehicles
- 124 Recreational Fishing Advisory Board, Virginia
- 125 Recreation Specialists, Board of
- 126 Reforestation Board
- 127 Rehabilitation Providers, Advisory Board on
- 128 Rehabilitative Services, Board of
- 129 Respiratory Therapy, Advisory Board on
- 130 Retirement System Review Board
- 131 Rockfish State Scenic River Advisory Board
- 132 Safety and Health Codes Board
- 133 Seed Potato Board
- 134 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 135 Shenandoah State Scenic River Advisory Board
- 136 Small Business Advisory Board
- 137 Small Business Environmental Compliance Advisory Board
- 138 Small Grains Board, Virginia
- 139 Social Services, Board of
- 140 Social Work, Board of
- 141 Soil and Water Conservation Board, Virginia
- 142 Soybean Board, Virginia
- 143 State Air Pollution Control Board
- 144 Substance Abuse Certification Board
- 145 Surface Mining Review, Board of
- 146 Sweet Potato Board, Virginia
- 147 T & M Vehicle Dealers' Advisory Board
- 148 Teacher Education and Licensure, Advisory Board on
- 149 Tourism and Travel Services Advisory Board
- 150 Transportation Board, Commonwealth
- 151 Transportation Safety, Board of
- 152 Treasury Board, The, Department of the Treasury
- 153 Veterans' Affairs, Board on
- 154 Veterinary Medicine, Board of
- 155 Virginia Board for Asbestos Licensing
- 156 Virginia Coal Mine Safety Board
- 157 Virginia Correctional Enterprises Advisory Board
- 158 Virginia Employment Commission, State Advisory Board for the
- 159 (Effective July 1, 1996) Virginia Higher Education Tuition Trust Fund, Board of the
- 160 Virginia Horse Industry Board
- 161 Virginia Manufactured Housing Board
- 162 Virginia Retirement System, Board of Trustees
- 163 (For effective date - See Editor's note) Virginia Sheep Industry Board
- 164 Virginia Veterans Cemetery Board
- 165 Virginia Waste Management Board
- 166 Visually Handicapped, Virginia Board for the
- 167 Voluntary Formulary Board, Virginia
- 168 War Memorial Foundation, Virginia, Board of Trustees
- 169 (Contingently repealed - See Editor's note) Waste Management Facility Operators, Board for
- 170 Water Resources Research Center Statewide Advisory Board, Virginia
- 171 Waterworks and Wastewater Works Operators, Board for
- 172 Well Review Board, Virginia
- 173 Youth and Family Services, State Board of.
- 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 § 3.1-14. Powers and duties in general; rules and regulations of Board of Agriculture and Consumer
- 182 Services; records to be held in confidence.

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

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

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

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

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

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

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

219 1. Schedules of work for regulatory inspection;

220 2. Trade secrets and commercial or financial information supplied by individuals or business entities
221 to the Department;

222 3. Reports of criminal violations made to the Department by persons outside the Department;

223 4. Records of active investigations until the investigations are closed;

224 5. Financial records of applicants for assistance from the Virginia Farm Loan Revolving Account
225 except those records which are otherwise a matter of public record;

226 6. Tax returns required by the agricultural commodity commissions established pursuant to this title
227 to the extent necessary to protect the privacy of individual taxpayers.

228 § 3.1-18.3:1. *Consumer Services Advisory Board established.*

229 A. *The Consumer Services Advisory Board is hereby created within the Department of Agriculture*
230 *and Consumer Services to be composed of seven citizens who are knowledgeable about consumer affairs*
231 *issues, four of whom shall be appointed by the Speaker of the House of Delegates and three of whom*
232 *shall be appointed by the Senate Committee on Privileges and Elections. At least two of the Speaker's*
233 *appointees and one of the Senate Committee's appointees shall be representatives of citizen*
234 *organizations working on consumer protection issues.*

235 *The term of office of each member shall be three years; however, for the initial appointments, three*
236 *members shall be appointed for three years, two members for two years, and two members for one year.*
237 *Appointments to fill vacancies shall be made to fill unexpired terms. Members shall receive no*
238 *compensation for their services or reimbursement for actual expenses. Staffing for the Board shall be*
239 *provided by the Department of Agriculture and Consumer Services.*

240 *The first Board appointed shall meet as soon as practicable for the purpose of organizing and*
241 *electing a chairman. The Board shall meet at least twice a year and, at other times, upon the call of the*
242 *chairman. Four members shall constitute a quorum for the transaction of business.*

243 B. *The Board shall advise the Commissioner on policy matters related to consumer affairs, including*
244 *but not limited to:*

245 1. The effectiveness of the consumer services provided by or in cooperation with the Department,
 246 including but not limited to the toll-free telephone hotline administered by the Department under
 247 § 3.1-14;

248 2. The effectiveness and availability of programs that facilitate the resolution of complaints and
 249 related inquires from Virginia consumers involving violations of any law designed to protect the
 250 integrity of consumer transactions in the Commonwealth; and

251 3. Problems experienced by Virginia's consumers which are not addressed by programs administered
 252 by the Department of any other agency.

253 § 9-6.25:1. Advisory boards, commissions and councils.

254 There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the
 255 following advisory boards, commissions and councils within the executive branch:

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

257 Advisory Board for the Department for the Aging

258 Advisory Board on Child Abuse and Neglect

259 Advisory Board on Medicare and Medicaid

260 Advisory Board on Occupational Therapy

261 Advisory Board on Physical Therapy to the Board of Medicine

262 Advisory Board on Rehabilitation Providers

263 Advisory Board on Respiratory Therapy to the Board of Medicine

264 Advisory Board on Teacher Education and Licensure

265 Advisory Council on Revenue Estimates

266 Advisory Council on the Virginia Business-Education Partnership Program

267 Appomattox State Scenic River Advisory Board

268 Aquaculture Advisory Board

269 Art and Architectural Review Board

270 Board for the Visually Handicapped

271 Board of Directors, Virginia Truck and Ornamentals Research Station

272 Board of Forestry

273 Board of Military Affairs

274 Board of Rehabilitative Services

275 Board of Transportation Safety

276 Board of Trustees of the Family and Children's Trust Fund

277 Board of Visitors, Gunston Hall Plantation

278 Board on Veterans' Affairs

279 Catocin Creek State Scenic River Advisory Board

280 Cave Board

281 Chickahominy State Scenic River Advisory Board

282 Clinch Scenic River Advisory Board

283 Coal Surface Mining Reclamation Fund Advisory Board

284 Coastal Land Management Advisory Council, Virginia

285 Commonwealth Competition Council

286 *Consumer Services Advisory Board*

287 Council on Indians

288 Council on the Status of Women

289 Debt Capacity Advisory Committee

290 Emergency Medical Services Advisory Board

291 Falls of the James Committee

292 Film Office Advisory Board

293 Forensic Science Advisory Board

294 Goose Creek Scenic River Advisory Board

295 Governor's Council on Alcohol and Drug Abuse Problems

296 Governor's Mined Land Reclamation Advisory Committee

297 Hemophilia Advisory Board

298 Human Services Information and Referral Advisory Council

299 Industrial Development Services Advisory Board

300 Interagency Coordinating Council on Housing for the Disabled

301 Interdepartmental Board of the State Department of Minority Business Enterprise

302 Laboratory Services Advisory Board

303 (Effective July 1, 1996) Litter Control and Recycling Fund Advisory Board

304 Local Advisory Board to the Blue Ridge Community College

305 Local Advisory Board to the Central Virginia Community College

306	Local Advisory Board to the Dabney S. Lancaster Community College
307	Local Advisory Board to the Danville Community College
308	Local Advisory Board to the Eastern Shore Community College
309	Local Advisory Board to the Germanna Community College
310	Local Advisory Board to the J. Sargeant Reynolds Community College
311	Local Advisory Board to the John Tyler Community College
312	Local Advisory Board to the Lord Fairfax Community College
313	Local Advisory Board to the Mountain Empire Community College
314	Local Advisory Board to the New River Community College
315	Local Advisory Board to the Northern Virginia Community College
316	Local Advisory Board to the Patrick Henry Community College
317	Local Advisory Board to the Paul D. Camp Community College
318	Local Advisory Board to the Piedmont Virginia Community College
319	Local Advisory Board to the Rappahannock Community College
320	Local Advisory Board to the Southwest Virginia Community College
321	Local Advisory Board to the Thomas Nelson Community College
322	Local Advisory Board to the Tidewater Community College
323	Local Advisory Board to the Virginia Highlands Community College
324	Local Advisory Board to the Virginia Western Community College
325	Local Advisory Board to the Wytheville Community College
326	Maternal and Child Health Council
327	Medical Advisory Board, Department of Motor Vehicles
328	Medical Board of the Virginia Retirement System
329	Migrant and Seasonal Farmworkers Board
330	Motor Vehicle Dealer's Advisory Board
331	Nottoway State Scenic River Advisory Board
332	Personnel Advisory Board
333	Plant Pollination Advisory Board
334	Private College Advisory Board
335	Private Enterprise Commission
336	Private Security Services Advisory Board
337	Psychiatric Advisory Board
338	Radiation Advisory Board
339	Rappahannock Scenic River Advisory Board
340	Recreational Fishing Advisory Board, Virginia
341	Reforestation Board
342	Retirement System Review Board
343	Rockfish State Scenic River Advisory Board
344	Shenandoah State Scenic River Advisory Board
345	Small Business Advisory Board
346	Small Business Environmental Compliance Advisory Board
347	St. Mary's Scenic River Advisory Committee
348	State Advisory Board on Air Pollution
349	State Advisory Board for the Virginia Employment Commission
350	State Building Code Technical Review Board
351	State Council on Local Debt
352	State Health Benefits Advisory Council
353	State Insurance Advisory Board
354	State Land Evaluation Advisory Council
355	State Networking Users Advisory Board
356	State Public Records Advisory Council
357	Statewide Independent Living Council
358	Statewide Rehabilitation Advisory Council
359	Statewide Rehabilitation Advisory Council for the Blind
360	Staunton Scenic River Advisory Committee
361	Telecommunications Relay Service Advisory Board
362	Tourism and Travel Services Advisory Board
363	Virginia Advisory Commission on Intergovernmental Relations
364	Virginia Advisory Council for Adult Education and Literacy
365	Virginia Coal Mine Safety Board
366	Virginia Coal Research and Development Advisory Board
367	Virginia Commission for the Arts

368 Virginia Commission on the Bicentennial of the United States Constitution
369 Virginia Correctional Enterprises Advisory Board
370 Virginia Council on Coordinating Prevention
371 Virginia Equal Employment Opportunity Council
372 Virginia Interagency Coordinating Council
373 Virginia Military Advisory Council
374 Virginia Public Buildings Board
375 Virginia Recycling Markets Development Council
376 Virginia Technology Council
377 Virginia Transplant Council
378 Virginia Veterans Cemetery Board
379 Virginia Water Resources Research Center, Statewide Advisory Board
380 Virginia Winegrowers Advisory Board.

381 2. That, beginning on January 1, 1997, and every January 1 thereafter, the Commissioner of
382 Agriculture and Consumer Services shall submit a written report to the Chairmen of the House
383 Committee on Agriculture and the Senate Committee on Agriculture, Conservation, and Natural
384 Resources on his activities during the preceding calendar year to (i) establish mechanisms by
385 which to receive complaints and related inquiries from Virginia consumers involving violations or
386 alleged violations of any law designed to protect the integrity of consumer transactions in the
387 Commonwealth pursuant to subdivision A4 of § 3.1-14 and (ii) establish and administer programs
388 which facilitate the resolution of such complaints and related inquiries pursuant to subdivision A5
389 § 3.1-14.

HOUSE
SUBSTITUTE

HB886H1