

989660323

HOUSE BILL NO. 1174**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Finance
on February 17, 1998)

(Patron Prior to Substitute—Delegate Landes)

A BILL to amend and reenact §§ 2.1-1.6 and 9-6.25:1 of the Code of Virginia and to amend the Code of Virginia by adding in Title 3.1 a chapter numbered 45, consisting of sections numbered 3.1-1104 through 3.1-1108, relating to the Virginia Charity Food Assistance Act.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.6 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 Title 3.1 a chapter numbered 45, consisting of sections numbered 3.1-1104 through 3.1-1108 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
Charity Food Assistance Advisory 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
Design-Build/Construction Management Review Board
Education, State Board of

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

- 122 Reforestation Board
- 123 Rehabilitation Providers, Advisory Board on
- 124 Rehabilitative Services, Board of
- 125 Respiratory Therapy, Advisory Board on
- 126 Rockfish State Scenic River Advisory Board
- 127 Safety and Health Codes Board
- 128 Seed Potato Board
- 129 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 130 Shenandoah State Scenic River Advisory Board
- 131 Small Business Advisory Board
- 132 Small Business Environmental Compliance Advisory Board
- 133 Small Grains Board, Virginia
- 134 Social Services, Board of
- 135 Social Work, Board of
- 136 Soil and Water Conservation Board, Virginia
- 137 Soybean Board, Virginia
- 138 State Air Pollution Control Board
- 139 Substance Abuse Certification Board
- 140 Surface Mining Review, Board of
- 141 Sweet Potato Board, Virginia
- 142 T & M Vehicle Dealers' Advisory Board
- 143 Teacher Education and Licensure, Advisory Board on
- 144 Transportation Board, Commonwealth
- 145 Transportation Safety, Board of
- 146 Treasury Board, The, Department of the Treasury
- 147 Veterans' Affairs, Board on
- 148 Veterinary Medicine, Board of
- 149 Virginia Board for Asbestos and Lead
- 150 Virginia Coal Mine Safety Board
- 151 Virginia Correctional Enterprises Advisory Board
- 152 Virginia Cotton Board
- 153 Virginia Employment Commission, State Advisory Board for the
- 154 Virginia Geographic Information Network Advisory Board
- 155 Virginia Horse Industry Board
- 156 Virginia Manufactured Housing Board
- 157 Virginia Retirement System, Board of Trustees
- 158 Virginia Schools for the Deaf and the Blind, Advisory Commission on the
- 159 Virginia Sheep Industry Board
- 160 Virginia Veterans Cemetery Board
- 161 Virginia Waste Management Board
- 162 Visually Handicapped, Virginia Board for the
- 163 Voluntary Formulary Board, Virginia
- 164 War Memorial Foundation, Virginia, Board of Trustees
- 165 Waste Management Facility Operators, Board for
- 166 Water Resources Research Center Statewide Advisory Board, Virginia
- 167 Waterworks and Wastewater Works Operators, Board for
- 168 Well Review Board, Virginia.
- 169 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 170 referred to as boards:
- 171 Compensation Board
- 172 State Board of Elections
- 173 State Water Control Board
- 174 Virginia Parole Board
- 175 Virginia Veterans Care Center Board of Trustees.
- 176 *CHAPTER 45.*
- 177 *VIRGINIA CHARITY FOOD ASSISTANCE ACT.*
- 178 *§ 3.1-1104. Definitions.*
- 179 *As used in this chapter, unless the context requires a different meaning:*
- 180 *"Board" means the Board of Agriculture and Consumer Services.*
- 181 *"Business firm" means any corporation, partnership, electing small business (Subchapter S)*
- 182 *corporation, limited liability company, or sole proprietorship authorized to do business in this*

183 *Commonwealth subject to tax imposed by Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.) of*
184 *Chapter 3, Chapter 12 (§ 58.1-1200 et seq.), Article 1 (§ 58.1-2500 et seq.) of Chapter 25, or Article 2*
185 *(§ 58.1-2620 et seq.) of Chapter 26 of Title 58.1.*

186 *"Charity food provider" means a nonprofit, charitable organization which operates on a continuing*
187 *basis as a food pantry, soup kitchen, community kitchen, emergency shelter, or other program which*
188 *seeks to relieve the incidence of hunger, undernutrition, or supplemental or emergency short-term food*
189 *or nutritional shortages among needy individuals and families, homeless people, or victims of domestic*
190 *violence.*

191 *"Commissioner" means the Commissioner of the Virginia Department of Agriculture and Consumer*
192 *Services.*

193 *"Department" means the Virginia Department of Agriculture and Consumer Services.*

194 *"Food bank" means a nonprofit charitable organization that (i) is exempt from income taxation*
195 *under the provisions of §§ 501 (c) (3) and 501 (c) (4) of the Internal Revenue Code of 1986, as*
196 *amended from time to time, and (ii) distributes food to charity food providers.*

197 *§ 3.1-1105. Virginia Charity Food Assistance Advisory Board.*

198 *A. There is hereby established within the Department the Virginia Charity Food Assistance Advisory*
199 *Board, which shall advise the Board and the Department on the implementation of the Virginia Charity*
200 *Food Purchase Program and study programs or other ways the Department or other agencies might*
201 *help to reduce the incidence of hunger, undernutrition, and short-term food or nutritional shortages*
202 *among the needy. The Advisory Board shall consist of twelve members to be appointed by the Governor,*
203 *and shall include one representative each of the following: a statewide agriculture organization, the*
204 *Virginia Cooperative Extension Service, the wholesale grocery industry, the retail grocery industry, the*
205 *food processing industry, the meat industry, the bottling industry, and the Department of Social Services.*
206 *Four members shall represent food banks.*

207 *B. The Advisory Board shall annually elect a chairman from among its members. The chairman shall*
208 *fix the times and places of meetings. Members of the Advisory Board shall serve without compensation*
209 *but shall be reimbursed for their reasonable and necessary expenses incurred in the performance of*
210 *their duties as Advisory Board members.*

211 *C. The Advisory Board shall develop a charity food donation tax credit program for use by food*
212 *banks and business firms and shall report to the Commissioner about such program on or before the*
213 *first day of the 2000 General Assembly Session.*

214 *§ 3.1-1106. Charity Food Purchase Program; regulations; contracts; reports.*

215 *A. The Virginia Charity Food Purchase Program is hereby established. The Program shall be*
216 *administered by the Department. The purpose of the Program shall be to authorize the Department to*
217 *contract with food banks to distribute food and grocery products to charity food providers. The Board*
218 *shall promulgate regulations to govern the Department's purchase and distribution of food and grocery*
219 *products under the Program and shall seek the assistance of the Charity Food Assistance Advisory*
220 *Board in developing such regulations. The Department may, in implementing the Program, enter into*
221 *contracts with food banks. Food purchases made by the Department shall be made in accordance with*
222 *the Virginia Public Procurement Act (§ 11-35 et seq.). No person may be charged for food or*
223 *encouraged to contribute money in order to receive food under the Program.*

224 *B. Within ninety days after the end of each fiscal year, any food bank receiving food under the*
225 *Program shall submit to the Commissioner an annual report disclosing the types and amounts of food*
226 *and grocery products distributed to charity food providers under the Program.*

227 *C. Within 180 days after the end of each fiscal year, the Commissioner shall report to the Chairmen*
228 *of the House Appropriations, House Finance, and Senate Finance Committees the types and amounts of*
229 *food distributed to food banks and charity food providers under the Program.*

230 *§ 9-6.25:1. Advisory boards, commissions and councils.*

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

233 *Advisory Board for the Department for the Deaf and Hard-of-Hearing*

234 *Advisory Board for the Department for the Aging*

235 *Advisory Board on Child Abuse and Neglect*

236 *Advisory Board on Medicare and Medicaid*

237 *Advisory Board on Occupational Therapy*

238 *Advisory Board on Physical Therapy to the Board of Medicine*

239 *Advisory Board on Rehabilitation Providers*

240 *Advisory Board on Respiratory Therapy to the Board of Medicine*

241 *Advisory Board on Teacher Education and Licensure*

242 *Advisory Commission on the Virginia Schools for the Deaf and the Blind*

243 *Advisory Council on Revenue Estimates*

244 *Advisory Council on the Virginia Business-Education Partnership Program*

245	Appomattox State Scenic River Advisory Board
246	Aquaculture Advisory Board
247	Art and Architectural Review Board
248	Board for the Visually Handicapped
249	Board of Directors, Virginia Truck and Ornamentals Research Station
250	Board of Forestry
251	Board of Military Affairs
252	Board of Rehabilitative Services
253	Board of Transportation Safety
254	Board of Trustees of the Family and Children's Trust Fund
255	Board of Visitors, Gunston Hall Plantation
256	Board on Veterans' Affairs
257	Catoctin Creek State Scenic River Advisory Board
258	Cave Board
259	<i>Charity Food Assistance Advisory Board</i>
260	Chickahominy State Scenic River Advisory Board
261	Clinch Scenic River Advisory Board
262	Coal Surface Mining Reclamation Fund Advisory Board
263	Coastal Land Management Advisory Council, Virginia
264	Commonwealth Competition Council
265	Council on Indians
266	Council on the Status of Women
267	Debt Capacity Advisory Committee
268	Emergency Medical Services Advisory Board
269	Falls of the James Committee
270	Goose Creek Scenic River Advisory Board
271	Governor's Council on Alcohol and Drug Abuse Problems
272	Governor's Mined Land Reclamation Advisory Committee
273	Hemophilia Advisory Board
274	Human Services Information and Referral Advisory Council
275	Interagency Coordinating Council on Housing for the Disabled
276	Interdepartmental Board of the State Department of Minority Business Enterprise
277	Litter Control and Recycling Fund Advisory Board
278	Local Advisory Board to the Blue Ridge Community College
279	Local Advisory Board to the Central Virginia Community College
280	Local Advisory Board to the Dabney S. Lancaster Community College
281	Local Advisory Board to the Danville Community College
282	Local Advisory Board to the Eastern Shore Community College
283	Local Advisory Board to the Germanna Community College
284	Local Advisory Board to the J. Sargeant Reynolds Community College
285	Local Advisory Board to the John Tyler Community College
286	Local Advisory Board to the Lord Fairfax Community College
287	Local Advisory Board to the Mountain Empire Community College
288	Local Advisory Board to the New River Community College
289	Local Advisory Board to the Northern Virginia Community College
290	Local Advisory Board to the Patrick Henry Community College
291	Local Advisory Board to the Paul D. Camp Community College
292	Local Advisory Board to the Piedmont Virginia Community College
293	Local Advisory Board to the Rappahannock Community College
294	Local Advisory Board to the Southside Virginia Community College
295	Local Advisory Board to the Southwest Virginia Community College
296	Local Advisory Board to the Thomas Nelson Community College
297	Local Advisory Board to the Tidewater Community College
298	Local Advisory Board to the Virginia Highlands Community College
299	Local Advisory Board to the Virginia Western Community College
300	Local Advisory Board to the Wytheville Community College
301	Maternal and Child Health Council
302	Medical Advisory Board, Department of Motor Vehicles
303	Migrant and Seasonal Farmworkers Board
304	Motor Vehicle Dealer's Advisory Board
305	North Meherrin State Scenic River Advisory Board

306	Nottoway State Scenic River Advisory Board
307	Personnel Advisory Board
308	Plant Pollination Advisory Board
309	Private College Advisory Board
310	Private Enterprise Commission
311	Private Security Services Advisory Board
312	Psychiatric Advisory Board
313	Radiation Advisory Board
314	Rappahannock Scenic River Advisory Board
315	Recreational Fishing Advisory Board, Virginia
316	Reforestation Board
317	Rockfish State Scenic River Advisory Board
318	Shenandoah State Scenic River Advisory Board
319	Small Business Advisory Board
320	Small Business Environmental Compliance Advisory Board
321	St. Mary's Scenic River Advisory Committee
322	State Advisory Board on Air Pollution
323	State Advisory Board for the Virginia Employment Commission
324	State Building Code Technical Review Board
325	State Health Benefits Advisory Council
326	State Land Evaluation Advisory Council
327	State Networking Users Advisory Board
328	State Public Records Advisory Council
329	Statewide Independent Living Council
330	Statewide Rehabilitation Advisory Council
331	Statewide Rehabilitation Advisory Council for the Blind
332	Staunton Scenic River Advisory Committee
333	Telecommunications Relay Service Advisory Board
334	Virginia-Israel Advisory Board
335	Virginia Advisory Commission on Intergovernmental Relations
336	Virginia Advisory Council for Adult Education and Literacy
337	Virginia Coal Mine Safety Board
338	Virginia Coal Research and Development Advisory Board
339	Virginia Commission for the Arts
340	Virginia Commission on the Bicentennial of the United States Constitution
341	Virginia Correctional Enterprises Advisory Board
342	Virginia Council on Coordinating Prevention
343	Virginia Equal Employment Opportunity Council
344	Virginia Geographic Information Network Advisory Board
345	Virginia Interagency Coordinating Council
346	Virginia Military Advisory Council
347	Virginia Public Buildings Board
348	Virginia Recycling Markets Development Council
349	Virginia Technology Council
350	Virginia Transplant Council
351	Virginia Veterans Cemetery Board
352	Virginia Water Resources Research Center, Statewide Advisory Board
353	Virginia Winegrowers Advisory Board.