

# 1994 SPECIAL SESSION II

INTRODUCED

LD6837701

## SENATE BILL NO. 3010

Offered September 27, 1994

*A BILL to amend and reenact Chapter 831 of the 1994 Acts of Assembly, relating to the creation of the Virginia Correctional Enterprises Advisory Board.*

Patron—Marye

Unanimous consent to introduce

Referred to the Committee on General Laws

**Be it enacted by the General Assembly of Virginia:**

**1. That Chapter 831 of the 1994 Acts of Assembly is amended and reenacted 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 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

INTRODUCED

SB3010

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	Mines, Minerals and Energy, Board of Examiners in the Department 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	(Delayed effective date) Physical Fitness and Sports, Virginia Board on
105	Physical Therapy to the Board of Medicine, Advisory Board on
106	Plant Pollination Advisory Board
107	Polygraph Examiners Advisory Board
108	Pork Industry Board, Virginia
109	Poultry Products Board, Virginia
110	Private College Advisory Board
111	Private Security Services Advisory Board
112	Professional and Occupational Regulation, Board for
113	Professional Counselors, Board of
114	Professional Soil Scientists, Board for
115	Psychiatric Advisory Board
116	Psychology, Board of
117	Public Buildings Board, Virginia
118	Public Telecommunications Board, Virginia
119	Radiation Advisory Board
120	Real Estate Appraiser Board
121	Real Estate Board

- 122 Reciprocity Board, Department of Motor Vehicles
- 123 Recreational Fishing Advisory Board, Virginia
- 124 Recreation Specialists, Board of
- 125 Reforestation Board
- 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 Correctional Enterprises Advisory Board*
- 155 Virginia Employment Commission, State Advisory Board for the
- 156 (Delayed effective date) Virginia Horse Industry Board
- 157 Virginia Manufactured Housing Board
- 158 Virginia Mine Safety Board
- 159 Virginia Retirement System, Board of Trustees
- 160 Virginia Waste Management Board
- 161 Visually Handicapped, Virginia Board for the
- 162 Voluntary Formulary Board, Virginia
- 163 War Memorial Foundation, Virginia, Board of Trustees
- 164 Waste Management Facility Operators, Board for
- 165 Water Resources Research Center Statewide Advisory Board, Virginia
- 166 Waterworks and Wastewater Works Operators, Board for
- 167 Well Review Board, Virginia
- 168 Youth and Family Services, State Board of.
- 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 § 2.1-451.1. *Creation of Virginia Correctional Enterprises Advisory Board; purposes.*
- 177 *There is hereby created the Virginia Correctional Enterprises Advisory Board, hereinafter referred to*
- 178 *as the Board. The purposes of the Board shall be to (i) review new products and services manufactured*
- 179 *or produced by Virginia Correctional Enterprises; (ii) review the pricing structure of products and*
- 180 *services manufactured or produced by Virginia Correctional Enterprises; (iii) evaluate the level and*
- 181 *quality of products and customer services offered by Virginia Correctional Enterprises, and make*
- 182 *recommendations on such quality and services; and (iv) advise the Director of the Department of*

183 *General Services on business trends, product development, contract opportunities, and other related*  
184 *matters.*

185 *§ 2.1-451.2. Appointment of Board; term of members; chairman; compensation; meetings; quorum.*

186 *The Virginia Correctional Enterprises Advisory Board shall be composed of fifteen members selected*  
187 *as follows: (i) eight members, appointed by the Governor, two of whom shall be representatives of*  
188 *institutions of higher education; two of whom shall be representatives of state agencies; two of whom*  
189 *shall be representatives of the private business sector; one of whom shall be a representative of the*  
190 *Virginia Industries for the Blind; and one of whom shall be a representative of nonprofit sheltered*  
191 *workshops; (ii) two members of the Senate appointed by the Senate Committee on Privileges and*  
192 *Elections; (iii) three members of the House of Delegates appointed by the Speaker of the House of*  
193 *Delegates; (iv) the Director of the Department of General Services or his designee; and (v) the Director*  
194 *of the Department of Corrections or his designee.*

195 *Legislative members and the Director of the Department of General Services and the Director of the*  
196 *Department of Corrections shall serve on the Board until the expiration of their terms of office or until*  
197 *their successors shall qualify. All other members shall serve four-year terms. Vacancies shall be filled*  
198 *for the unexpired terms.*

199 *The Board shall elect its chairman and vice-chairman from among its members, except that the*  
200 *Director of the Department of Corrections shall not be elected or otherwise appointed to serve as*  
201 *chairman of the Board. Members of the Board shall receive no compensation for their services as*  
202 *members of the Board, but the nongovernmental members shall receive reasonable expenses.*

203 *The Board shall meet at least quarterly and at the call of the chairman or the Director of the*  
204 *Department of General Services. Eight members of the Board shall constitute a quorum.*

205 *§ 2.1-451.3. Cooperation with other agencies.*

206 *All agencies of the Commonwealth shall cooperate with the Board and, upon request, assist the*  
207 *Board in the performance of its duties and responsibilities.*

208 *§ 2.1-451.4. Staff support.*

209 *Such staff support as is necessary for the conduct of the Board's business shall be furnished by*  
210 *Virginia Correctional Enterprises.*

211 *§ 9-6.23. (Effective until July 1, 1995) Prohibition against service by legislators on boards and*  
212 *commissions within the executive branch.*

213 *Members of the General Assembly shall be ineligible to serve on boards and commissions within the*  
214 *executive branch which are responsible for administering programs established by the General Assembly.*  
215 *Such prohibition shall not extend to boards and commissions engaged solely in policy studies or*  
216 *commemorative activities. If any law directs the appointment of any member of the General Assembly*  
217 *to a board or commission in the executive branch which is responsible for administering programs*  
218 *established by the General Assembly, such portion of such law shall be void, and the Governor shall*  
219 *appoint another person from the Commonwealth at large to fill such a position. The provisions of this*  
220 *section shall not apply, however, to members of the Board for Branch Pilots, who shall be appointed as*  
221 *provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who shall be appointed as*  
222 *provided for in § 2.1-741; to members of the Council on Indians, who shall be appointed as provided*  
223 *for in § 9-138.1; to members of the Board of Trustees of the Southwest Virginia Higher Education*  
224 *Center, who shall be appointed as provided in § 23-231.3; to members of the Maternal and Child Health*  
225 *Council, who shall be appointed as provided for in § 9-318; to members of the Virginia Interagency*  
226 *Coordinating Council who shall be appointed as provided in § 2.1-750; to members of the Advisory*  
227 *Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided in*  
228 *§ 9-326; or to members of the Workforce 2000 Advocacy Council, who shall be appointed as provided*  
229 *in § 2.1-116.18; or to members of the Virginia Correctional Enterprises Advisory Board, who shall be*  
230 *appointed as provided in § 2.1-451.2.*

231 *§ 9-6.23. (Effective July 1, 1995) Prohibition against service by legislators on boards and*  
232 *commissions within the executive branch.*

233 *Members of the General Assembly shall be ineligible to serve on boards and commissions within the*  
234 *executive branch which are responsible for administering programs established by the General Assembly.*  
235 *Such prohibition shall not extend to boards and commissions engaged solely in policy studies or*  
236 *commemorative activities. If any law directs the appointment of any member of the General Assembly*  
237 *to a board or commission in the executive branch which is responsible for administering programs*  
238 *established by the General Assembly, such portion of such law shall be void, and the Governor shall*  
239 *appoint another person from the Commonwealth at large to fill such a position. The provisions of this*  
240 *section shall not apply, however, to members of the Board for Branch Pilots, who shall be appointed as*  
241 *provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who shall be appointed as*  
242 *provided for in § 2.1-741; to members of the Council on Indians, who shall be appointed as provided*  
243 *for in § 9-138.1; to members of the Board of Trustees of the Southwest Virginia Higher Education*  
244 *Center, who shall be appointed as provided in § 23-231.3; to members of the Maternal and Child Health*

245 Council, who shall be appointed as provided for in § 9-318; to members of the Virginia Interagency  
 246 Coordinating Council who shall be appointed as provided in § 2.1-750 ~~or~~; to members of the Advisory  
 247 Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided in  
 248 § 9-326; *or to members of the Virginia Correctional Enterprises Advisory Board, who shall be*  
 249 *appointed as provided in § 2.1-451.2.*

250 § 9-6.25:1. Advisory boards, commissions and councils.

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

253 Advisory Board for the Department for the Deaf and Hard-of-Hearing  
 254 Advisory Board for the Department for the Aging  
 255 Advisory Board on Child Abuse and Neglect  
 256 Advisory Board on Medicare and Medicaid  
 257 Advisory Board on Occupational Therapy  
 258 Advisory Board on Physical Therapy to the Board of Medicine  
 259 Advisory Board on Respiratory Therapy to the Board of Medicine  
 260 Advisory Board on Teacher Education and Licensure  
 261 Advisory Council on Revenue Estimates  
 262 Advisory Council on the Virginia Business-Education Partnership Program  
 263 Appomattox State Scenic River Advisory Board  
 264 Aquaculture Advisory Board  
 265 Art and Architectural Review Board  
 266 (Effective until July 1, 1994) Board for the Visually Handicapped  
 267 Board of Directors, Virginia Truck and Ornamentals Research Station  
 268 Board of Forestry  
 269 Board of Military Affairs  
 270 (Effective until July 1, 1994) Board of Rehabilitative Services  
 271 Board of Transportation Safety  
 272 Board of Trustees of the Family and Children's Trust Fund  
 273 Board of Visitors, Gunston Hall Plantation  
 274 Board on Veterans' Affairs  
 275 Catoctin Creek State Scenic River Advisory Board  
 276 Cave Board  
 277 Chickahominy State Scenic River Advisory Board  
 278 Clinch Scenic River Advisory Board  
 279 Coal Surface Mining Reclamation Fund Advisory Board  
 280 Council on Indians  
 281 Council on the Status of Women  
 282 Emergency Medical Services Advisory Board  
 283 Falls of the James Committee  
 284 Film Office Advisory Board  
 285 Forensic Science Advisory Board  
 286 Goose Creek Scenic River Advisory Board  
 287 Governor's Council on Alcohol and Drug Abuse Problems  
 288 Governor's Mined Land Reclamation Advisory Committee  
 289 Hemophilia Advisory Board  
 290 Human Services Information and Referral Advisory Council  
 291 Industrial Development Services Advisory Board  
 292 Interagency Coordinating Council on Housing for the Disabled  
 293 Interdepartmental Board of the State Department of Minority Business Enterprise  
 294 Laboratory Services Advisory Board  
 295 Local Advisory Board to the Blue Ridge Community College  
 296 Local Advisory Board to the Central Virginia Community College  
 297 Local Advisory Board to the Dabney S. Lancaster Community College  
 298 Local Advisory Board to the Danville Community College  
 299 Local Advisory Board to the Eastern Shore Community College  
 300 Local Advisory Board to the Germanna Community College  
 301 Local Advisory Board to the J. Sargeant Reynolds Community College  
 302 Local Advisory Board to the John Tyler Community College  
 303 Local Advisory Board to the Lord Fairfax Community College  
 304 Local Advisory Board to the Mountain Empire Community College  
 305 Local Advisory Board to the New River Community College

306	Local Advisory Board to the Northern Virginia Community College
307	Local Advisory Board to the Patrick Henry Community College
308	Local Advisory Board to the Paul D. Camp Community College
309	Local Advisory Board to the Piedmont Virginia Community College
310	Local Advisory Board to the Rappahannock Community College
311	Local Advisory Board to the Southwest Virginia Community College
312	Local Advisory Board to the Thomas Nelson Community College
313	Local Advisory Board to the Tidewater Community College
314	Local Advisory Board to the Virginia Highlands Community College
315	Local Advisory Board to the Virginia Western Community College
316	Local Advisory Board to the Wytheville Community College
317	Long-Term Care Council
318	Maternal and Child Health Council
319	Medical Advisory Board, Department of Motor Vehicles
320	Medical Board of the Virginia Retirement System
321	Migrant and Seasonal Farmworkers Board
322	Motor Vehicle Dealer's Advisory Board
323	Nottoway State Scenic River Advisory Board
324	Personnel Advisory Board
325	Plant Pollination Advisory Board
326	Private College Advisory Board
327	Private Enterprise Commission
328	Private Security Services Advisory Board
329	Psychiatric Advisory Board
330	Radiation Advisory Board
331	Rappahannock Scenic River Advisory Board
332	Recreational Fishing Advisory Board, Virginia
333	Reforestation Board
334	Retirement System Review Board
335	Rockfish State Scenic River Advisory Board
336	Shenandoah State Scenic River Advisory Board
337	Small Business Advisory Board
338	Small Business Environmental Compliance Advisory Board
339	St. Mary's Scenic River Advisory Committee
340	State Advisory Board on Air Pollution
341	State Advisory Board for the Virginia Employment Commission
342	State Building Code Technical Review Board
343	State Council on Local Debt
344	State Health Benefits Advisory Council
345	State Insurance Advisory Board
346	State Land Evaluation Advisory Council
347	State Networking Users Advisory Board
348	State Public Records Advisory Council
349	Staunton Scenic River Advisory Committee
350	Telecommunications Relay Service Advisory Board
351	Tourism and Travel Services Advisory Board
352	Toxic Substances Advisory Board
353	Virginia Advisory Commission on Intergovernmental Relations
354	Virginia Advisory Council for Adult Education and Literacy
355	Virginia Board on Physical Fitness and Sports
356	Virginia Coal Research and Development Advisory Board
357	Virginia Commission for the Arts
358	Virginia Commission on the Bicentennial of the United States Constitution
359	<i>Virginia Correctional Enterprises Advisory Board</i>
360	Virginia Council on Coordinating Prevention
361	Virginia Equal Employment Opportunity Council
362	Virginia Interagency Coordinating Council
363	Virginia Military Advisory Council
364	Virginia Mine Safety Board
365	Virginia Public Buildings Board
366	Virginia Recycling Markets Development Council
367	Virginia Transplant Council

Virginia Water Resources Research Center, Statewide Advisory Board  
Virginia Winegrowers Advisory Board.

§ 53.1-10. Powers and duties of Director.

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;

2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;

3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 10 (§ 2.1-110 et seq.) of Title 2.1, and within the limits of appropriations made therefor by the General Assembly;

4. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, consistent with applicable standards and goals of the Board; ~~and~~

5. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Director shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable, consistent with applicable standards and goals of the Board; *and*

6. *To serve on the Virginia Correctional Enterprises Advisory Board established pursuant to § 2.1-451.2.*

**2. That the provisions of this act shall not become effective unless reenacted by a Special Session of the General Assembly in 1994 or at the 1995 Session of the General Assembly.**