

# 1994 SPECIAL SESSION II

ENROLLED

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

[S 3010]

Approved

**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:**

1. That §§ 2.1-1.6, 9-6.23 as it is currently effective and as it will become effective July 1, 1995, §§ 9-6.25:1 and 53.1-10 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.1-451.1, 2.1-451.2, 2.1-451.3, and 2.1-451.4 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

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58	Employment Agency Advisory Board
59	Farmers Market Board, Virginia
60	Film Office Advisory Board
61	Fire Services Board, Virginia
62	Forensic Science Advisory Board
63	Forestry, Board of
64	Funeral Directors and Embalmers, Board of
65	Game and Inland Fisheries, Board of
66	Geology, Board for
67	Goose Creek Scenic River Advisory Board
68	Health Planning Board, Virginia
69	Health Professions, Board of
70	Health, State Board of
71	Hearing Aid Specialists, Board for
72	Hemophilia Advisory Board
73	Historic Resources, Board of
74	Housing and Community Development, Board of
75	Industrial Development Services Advisory Board
76	Insurance Advisory Board, State
77	Irish Potato Board, Virginia
78	Laboratory Services Advisory Board
79	Marine Products Board, Virginia
80	Medical Advisory Board, Department of Motor Vehicles
81	Medical Board of the Virginia Retirement System
82	Medicare and Medicaid, Advisory Board on
83	Medicine, Board of
84	Mental Health, Mental Retardation and Substance Abuse Services Board, State
85	Migrant and Seasonal Farmworkers Board
86	Military Affairs, Board of
87	Mines, Minerals and Energy, Board of Examiners in the Department of
88	Minority Business Enterprise, Interdepartmental Board of the Department of
89	Motor Vehicle Dealers' Advisory Board
90	Networking Users Advisory Board, State
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	(Delayed effective date) Physical Fitness and Sports, Virginia Board on
103	Physical Therapy to the Board of Medicine, Advisory Board on
104	Plant Pollination Advisory Board
105	Polygraph Examiners Advisory Board
106	Pork Industry Board, Virginia
107	Poultry Products Board, Virginia
108	Private College Advisory Board
109	Private Security Services Advisory Board
110	Professional and Occupational Regulation, Board for
111	Professional Counselors, Board of
112	Professional Soil Scientists, Board for
113	Psychiatric Advisory Board
114	Psychology, Board of
115	Public Buildings Board, Virginia
116	Public Telecommunications Board, Virginia
117	Radiation Advisory Board
118	Real Estate Appraiser Board

- 119 Real Estate Board
- 120 Reciprocity Board, Department of Motor Vehicles
- 121 Recreational Fishing Advisory Board, Virginia
- 122 Recreation Specialists, Board of
- 123 Reforestation Board
- 124 Rehabilitative Services, Board of
- 125 Respiratory Therapy, Advisory Board on
- 126 Retirement System Review Board
- 127 Rockfish State Scenic River Advisory Board
- 128 Safety and Health Codes Board
- 129 Seed Potato Board
- 130 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 131 Shenandoah State Scenic River Advisory Board
- 132 Small Business Advisory Board
- 133 Small Business Environmental Compliance Advisory Board
- 134 Small Grains Board, Virginia
- 135 Social Services, Board of
- 136 Social Work, Board of
- 137 Soil and Water Conservation Board, Virginia
- 138 Soybean Board, Virginia
- 139 State Air Pollution Control Board
- 140 Substance Abuse Certification Board
- 141 Surface Mining Review, Board of
- 142 Sweet Potato Board, Virginia
- 143 Teacher Education and Licensure, Advisory Board on
- 144 Tourism and Travel Services Advisory Board
- 145 Toxic Substances Advisory Board
- 146 Transportation Board, Commonwealth
- 147 Transportation Safety, Board of
- 148 Treasury Board, The, Department of the Treasury
- 149 Veterans' Affairs, Board on
- 150 Veterinary Medicine, Board of
- 151 Virginia Board for Asbestos Licensing
- 152 *Virginia Correctional Enterprises Advisory Board*
- 153 Virginia Employment Commission, State Advisory Board for the
- 154 (Delayed effective date) Virginia Horse Industry Board
- 155 Virginia Manufactured Housing Board
- 156 Virginia Mine Safety Board
- 157 Virginia Retirement System, Board of Trustees
- 158 Virginia Waste Management Board
- 159 Visually Handicapped, Virginia Board for the
- 160 Voluntary Formulary Board, Virginia
- 161 War Memorial Foundation, Virginia, Board of Trustees
- 162 Waste Management Facility Operators, Board for
- 163 Water Resources Research Center Statewide Advisory Board, Virginia
- 164 Waterworks and Wastewater Works Operators, Board for
- 165 Well Review Board, Virginia
- 166 Youth and Family Services, State Board of.
- 167 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 168 referred to as boards:
- 169 Compensation Board
- 170 State Board of Elections
- 171 State Water Control Board
- 172 Virginia Parole Board
- 173 Virginia Veterans Care Center Board of Trustees.
- 174 § 2.1-451.1. *Creation of Virginia Correctional Enterprises Advisory Board; purposes.*
- 175 *There is hereby created the Virginia Correctional Enterprises Advisory Board, hereinafter referred to*
- 176 *as the Board. The purposes of the Board shall be to (i) review new products and services manufactured*
- 177 *or produced by Virginia Correctional Enterprises; (ii) review the pricing structure of products and*
- 178 *services manufactured or produced by Virginia Correctional Enterprises; (iii) evaluate the level and*
- 179 *quality of products and customer services offered by Virginia Correctional Enterprises, and make*

recommendations on such quality and services; and (iv) advise the Director of the Department of General Services on business trends, product development, contract opportunities, and other related matters.

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

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

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

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

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

§ 2.1-451.3. Cooperation with other agencies.

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

§ 2.1-451.4. Staff support.

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

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

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

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

Members of the General Assembly shall be ineligible to serve on boards and commissions within the executive branch which are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards and commissions engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board or commission in the executive branch which is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position. The provisions of this section shall not apply, however, to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who shall be appointed as provided for in § 2.1-741; to members of the Council on Indians, who shall be appointed as provided

for in § 9-138.1; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided in § 23-231.3; to members of the Maternal and Child Health Council, who shall be appointed as provided for in § 9-318; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided in § 2.1-750 ~~or~~; to members of the Advisory Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided in § 9-326; *or to members of the Virginia Correctional Enterprises Advisory Board, who shall be appointed as provided in § 2.1-451.2.*

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

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

- Advisory Board for the Department for the Deaf and Hard-of-Hearing
- Advisory Board for the Department for the Aging
- Advisory Board on Child Abuse and Neglect
- Advisory Board on Medicare and Medicaid
- Advisory Board on Occupational Therapy
- Advisory Board on Physical Therapy to the Board of Medicine
- Advisory Board on Respiratory Therapy to the Board of Medicine
- Advisory Board on Teacher Education and Licensure
- Advisory Council on Revenue Estimates
- Advisory Council on the Virginia Business-Education Partnership Program
- Appomattox State Scenic River Advisory Board
- Aquaculture Advisory Board
- Art and Architectural Review Board
- (Effective until July 1, 1994) Board for the Visually Handicapped
- Board of Directors, Virginia Truck and Ornamentals Research Station
- Board of Forestry
- Board of Military Affairs
- (Effective until July 1, 1994) Board of Rehabilitative Services
- Board of Transportation Safety
- Board of Trustees of the Family and Children's Trust Fund
- Board of Visitors, Gunston Hall Plantation
- Board on Veterans' Affairs
- Catoctin Creek State Scenic River Advisory Board
- Cave Board
- Chickahominy State Scenic River Advisory Board
- Clinch Scenic River Advisory Board
- Coal Surface Mining Reclamation Fund Advisory Board
- Council on Indians
- Council on the Status of Women
- Emergency Medical Services Advisory Board
- Falls of the James Committee
- Film Office Advisory Board
- Forensic Science Advisory Board
- Goose Creek Scenic River Advisory Board
- Governor's Council on Alcohol and Drug Abuse Problems
- Governor's Mined Land Reclamation Advisory Committee
- Hemophilia Advisory Board
- Human Services Information and Referral Advisory Council
- Industrial Development Services Advisory Board
- Interagency Coordinating Council on Housing for the Disabled
- Interdepartmental Board of the State Department of Minority Business Enterprise
- Laboratory Services Advisory Board
- Local Advisory Board to the Blue Ridge Community College
- Local Advisory Board to the Central Virginia Community College
- Local Advisory Board to the Dabney S. Lancaster Community College
- Local Advisory Board to the Danville Community College
- Local Advisory Board to the Eastern Shore Community College
- Local Advisory Board to the Germanna Community College
- Local Advisory Board to the J. Sargeant Reynolds Community College
- Local Advisory Board to the John Tyler Community College
- Local Advisory Board to the Lord Fairfax Community College

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

Virginia Public Buildings Board

Virginia Recycling Markets Development Council

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.**