

25103207D

SENATE BILL NO. 890

Offered January 8, 2025

Prefiled January 3, 2025

A *BILL to amend and reenact §§ 3.2-1100, 3.2-1105, 3.2-1501, 3.2-1502, 3.2-1510, 3.2-1601, 3.2-2401, 3.2-2402, and 3.2-2902 of the Code of Virginia and to repeal Chapter 20 (§§ 3.2-2000 through 3.2-2009) of Title 3.2 of the Code of Virginia, relating to agricultural commodity boards; Agricultural Council; appointment and membership terms; production areas.*

Patrons—Perry, Craig and French

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-1100, 3.2-1105, 3.2-1501, 3.2-1502, 3.2-1510, 3.2-1601, 3.2-2401, 3.2-2402, and 3.2-2902 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-1100. Diversion of dedicated revenues.

A. The unexpended balances of the following special funds shall not be diverted or expended for any purpose other than each fund's intended purpose. The special funds are:

1. Apple Fund (§ 3.2-1206);
2. Peanut Fund (§ 3.2-1906);
3. Plant Pollination Fund (§ 3.2-2806);
4. Virginia Agricultural Foundation Fund (§ 3.2-2905);
5. Virginia Bright Flue-Cured Tobacco Promotion Fund (§ 3.2-2407);
6. Virginia Cattle Industry Fund (§ 3.2-1305);
7. Virginia Corn Fund (§ 3.2-1411);
8. Virginia Cotton Fund (§ 3.2-1511);
9. Virginia Dark-Fired Tobacco Promotion Fund (§ 3.2-2407.1);
10. Virginia Egg Fund (§ 3.2-1605);
11. Virginia Horse Industry Promotion and Development Fund (§ 3.2-1704);
12. Virginia Marine Products Fund (§ 3.2-2705);
13. Virginia Milk Commission Assessments Fund (§ 3.2-3220);
14. ~~Virginia Pork Industry Fund (§ 3.2-2005);~~
- ~~15. Virginia Potato Fund (§ 3.2-1810);~~
- ~~16. 15. Virginia Sheep Industry Promotion and Development Fund (§ 3.2-2111);~~
- ~~17. 16. Virginia Small Grains Fund (§ 3.2-2211);~~
- ~~18. 17. Virginia Soybean Fund (§ 3.2-2311); and~~
- ~~19. 18. Virginia Wine Promotion Fund (§ 3.2-3005).~~

B. No provision of this subtitle shall be construed to give any board the authority to expend funds for legislative or political activity.

§ 3.2-1105. Commodity boards; appointment terms; quorum.

The following provisions apply to each commodity board established pursuant to the provisions of Chapter 12 (§ 3.2-1200 et seq.), Chapter 13 (§ 3.2-1300 et seq.), Chapters ~~16 15~~ (§ ~~3.2-1600 3.2-1500~~ et seq.) through 19 (§ 3.2-1900 et seq.), Chapter 21 (§ 3.2-2100 et seq.), or Chapter 24 (§ 3.2-2400 et seq.):

1. The term for each appointment to a commodity board shall be for four years, with the exception of an appointment to fill a vacancy, which shall be for the unexpired term, unless otherwise authorized in this subtitle; and

2. A majority of the members of a commodity board shall constitute a quorum of that commodity board unless otherwise authorized in this subtitle.

§ 3.2-1501. Cotton Board; composition and appointment of members.

The Cotton Board, established by the passage of a referendum held pursuant to Chapter 873 of the Acts of Assembly of 1997, is continued within the Department. The Cotton Board shall be composed of eight members appointed by the Governor, each of whom shall be a resident of Virginia and a ~~producer in Virginia~~ *of whom (i) three shall be producers of cotton in Area I, (ii) two shall be producers of cotton in Area II, and (iii) three shall be producers of cotton in the At-Large Area pursuant to the production areas designated in § 3.2-1510.* The Governor shall be ~~guided in his~~ *make* appointments from nominations made by the following agricultural organizations: (i) the Virginia Cotton Growers Association, Inc.; (ii) the Virginia Farm Bureau Federation; and (iii) any other *producer* organization ~~within the Commonwealth that is recognized by the U.S. Department of Agriculture as a certified cotton grower organization~~ representing Virginia producers pursuant to guidelines authorized by the Cotton Research and Promotion Act (7 U.S.C. §§ 2101-2118). Each

59 such agricultural organization may nominate producers from each production area. ~~The Governor shall~~
 60 ~~appoint a producer residing in each such production area. If no producer resides in a particular production~~
 61 ~~area, the Governor shall appoint a qualified producer from any other production area.~~ Each agricultural
 62 organization shall submit nominations for each available position before the expiration of the member's term
 63 for which the nomination is being provided. If said agricultural organizations fail to provide the nominations,
 64 the Governor may appoint other nominees that meet the foregoing criteria. ~~Five members of the Cotton Board~~
 65 ~~shall constitute a quorum.~~

66 **§ 3.2-1502. Cotton Board membership terms.**

67 The terms for appointments to the Cotton Board shall be for three years. The Governor shall fill any
 68 vacancy occurring before the expiration of any term through appointment of a qualified producer for the
 69 unexpired term. If possible, such vacancies shall be filled from the production area from which the vacancy
 70 occurred. No person may serve more than two consecutive ~~three-year~~ four-year terms.

71 **§ 3.2-1510. Production areas designated.**

72 The following production areas are designated for the purposes of this chapter:

73 Area I: ~~The Cities of Chesapeake, Virginia Beach, and Suffolk~~ *The locality with the highest cotton*
 74 *production in the most recent calendar year according to the records of the Department;*

75 Area II: ~~Isle of Wight County~~ *The locality with the second highest cotton production in the most recent*
 76 *calendar year according to the records of the Department; and*

77 *At-Large Area III: Charles City, Henrico, New Kent, Essex, King and Queen, King William, Lancaster,*
 78 *and Northumberland Counties;*

79 *Area IV: Surry and Prince George Counties;*

80 *Area V: Southampton County;*

81 *Area VI: Dinwiddie, Sussex, and Amelia Counties;*

82 *Area VII: Brunswick, Greensville, and Campbell Counties; and*

83 *Area VIII: Accomack and Northampton Counties.*

84 If the production of cotton occurs in any locality that is not part of a production area as designated in this
 85 section, such locality shall be part of the nearest adjacent production area. If there are two or more nearest
 86 adjacent production areas, such locality shall be part of that production area that had the lowest cotton
 87 production in the most recent calendar year according to the records of the Department *Localities determined*
 88 *to be Area I or Area II or any other locality that produces cotton in the most recent calendar year according*
 89 *to the records of the Department.*

90 **§ 3.2-1601. Egg Board; composition and appointment of members.**

91 The Egg Board is continued within the Department. The Egg Board shall be composed of ~~seven~~ five
 92 members appointed by the Governor and confirmed in accordance with § 2.2-107 from nominations
 93 submitted to him by the Virginia Egg Council, *the Virginia Farm Bureau Federation*, or any other
 94 organization that represents persons who are involved in the commercial egg industry in the Commonwealth.

95 The Virginia Egg Council or other organization shall provide nominations for each available position
 96 before the expiration of the member's term for which the nominations are being provided. If the Virginia Egg
 97 Council fails to provide nominations for each available position, the Governor may appoint to such available
 98 position another person who is involved in the commercial egg industry.

99 **§ 3.2-2401. Tobacco Board; composition and appointment of members.**

100 The Tobacco Board is hereby established within the Department. The Tobacco Board shall consist of ~~nine~~
 101 *eight* members. Each of the ~~six~~ five production areas of flue-cured tobacco set out in § 3.2-2402 shall have a
 102 representative on the Tobacco Board, *except that Area I shall have two representatives and three two*
 103 *members shall represent, as nearly as possible, each important type 21 dark-fired tobacco-producing section*
 104 *in the Commonwealth. The Governor shall appoint members from nominations made by the Virginia Farm*
 105 *Bureau Federation and other organizations representing bright flue-cured tobacco growers or type 21*
 106 *dark-fired tobacco growers in tobacco-producing counties. Each member shall be a citizen of the*
 107 *Commonwealth and engaged in producing tobacco in the Commonwealth. If the organizations fail to provide*
 108 *nominations, the Governor may appoint other nominees that meet the foregoing criteria.*

109 **§ 3.2-2402. Production areas designated.**

110 A. The following production areas of flue-cured tobacco are designated for the purposes of this chapter:

111 Area I --: ~~Franklin, Henry, Patrick, and Pittsylvania County~~ *Counties;*

112 Area II -- ~~Counties of Henry, Patrick, Carroll, Franklin, Bedford, Campbell, and~~ *Appomattox, Campbell,*
 113 *Charlotte, Halifax, and Prince Edward Counties;*

114 Area III -- ~~Halifax~~ *Mecklenburg County;*

115 Area IV -- ~~Mecklenburg County~~ *Brunswick and Greensville Counties; and*

116 Area V -- ~~Counties of Charlotte,~~ *Amelia, Dinwiddie, Lunenburg, Prince Edward George, Nottoway,*
 117 *Cumberland, Amelia, Powhatan, and Chesterfield; and Sussex Counties*

118 Area VI -- ~~Counties of Brunswick, Dinwiddie, Greensville, Prince George, Sussex, and Southampton and~~
 119 *the City of Suffolk.*

120 B. *If the production of flue-cured tobacco occurs in any locality that is not part of a production area as*

121 *designated in subsection A, such locality shall be part of an adjacent production area. If there are two or*
122 *more adjacent production areas, such locality shall be part of that production area that had the lowest*
123 *flue-cured tobacco production in the most recent calendar year according to the records of the Department.*

124 **§ 3.2-2902. Agricultural Council membership terms.**

125 ~~The terms for~~ All appointments to the Agricultural Council shall ~~run concurrently with the term of the~~
126 ~~Governor making the appointment, but vacancies occurring before the expiration of term shall be filled for~~
127 ~~the unexpired term~~ be for a term of four years. No member of the Agricultural Council, except any *ex officio*
128 *member, shall be eligible to serve more than two consecutive terms, except that any person appointed to fill a*
129 *vacancy may serve two additional consecutive terms after the term of such vacancy that such person was*
130 *appointed to fill has expired. Any vacancy in the membership of the Agricultural Council shall be filled by the*
131 *Governor for the unexpired term.*

132 **2. That Chapter 20 (§§ 3.2-2000 through 3.2-2009) of Title 3.2 of the Code of Virginia is repealed.**

133 **3. That the provisions of this act shall not be construed to affect existing appointments to the Cotton**
134 **Board for any unexpired terms. However, any appointment to the Cotton Board made on or after July**
135 **1, 2025, shall be made in accordance with the provisions of §§ 3.2-1501, 3.2-1502, and 3.2-1510 of the**
136 **Code of Virginia, as amended by this act.**

137 **4. That the provisions of this act shall not be construed to affect existing appointments to the Egg**
138 **Board for any unexpired terms. However, any appointment to the Egg Board made on or after**
139 **January 17, 2026, shall be made in accordance with the provisions of § 3.2-1601 of the Code of**
140 **Virginia, as amended by this act.**

141 **5. That the unexpired term of any member of the Tobacco Board shall expire on July 1, 2025. Any such**
142 **member shall be eligible for appointment to the Tobacco Board pursuant to the provisions of §§**
143 **3.2-2401 and 3.2-2402 of the Code of Virginia, as amended by this act.**

144 **6. That the provisions of this act shall not be construed to affect existing appointments to the**
145 **Agricultural Council. However, any appointment to the Agricultural Council made on or after January**
146 **17, 2026, shall be made in accordance with the provisions of § 3.2-2902 of the Code of Virginia, as**
147 **amended by this act, and staggered as follows: eight members shall be appointed for a term to end**
148 **June 30, 2029, and seven members shall be appointed for a term to end June 30, 2030.**

149 **7. That the unexpired term of any member of the Pork Industry Board shall expire on July 1, 2025.**