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SENATE BILL NO. 581

Offered January 24, 2000

A BILL to amend and reenact §§ 32.1-357 and 32.1-358 of the Code of Virginia, relating to the Virginia Tobacco Settlement Foundation.

Patron—Hawkins

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That §§ 32.1-357 and 32.1-358 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-357. Board of Trustees; appointment; officers.

A. The Foundation shall be governed and administered by a Board of Trustees consisting of twenty-three members. Two members shall be appointed by the Speaker of the House of Delegates from among the membership of the House of Delegates, one representing rural interests and one representing urban interests, for terms concurrent with the term for which they have been elected to office; two members shall be appointed by the Senate Committee on Privileges and Elections, one representing rural interests and one representing urban interests, from among the membership of the Senate for terms concurrent with the term for which they have been elected to office; two members shall be the Commissioner of the Department of Health or his designee and the Chairman of the Alcoholic Beverage Control Board or his designee; and seventeen members shall be appointed by the Governor, subject to confirmation by the General Assembly, as follows: (i) five designated representatives of public health organizations, such as the American Cancer Society, American Heart Association, American Lung Association of Virginia, Medical Society of Virginia, Virginia Association of School Nurses, Virginia Nurses Association, and the Virginia Thoracic Society; (ii) four health professionals in the fields of oncology, cardiology, pulmonary medicine, and pediatrics; and (iii) eight citizens, including two youths. *Of the eight citizen members, three adults shall be appointed by the Governor from a list of six provided by members of the General Assembly appointed to the Foundation and one youth citizen member shall be appointed by the Governor from a list of three provided by the members of the General Assembly appointed to the Foundation.*

Except as otherwise provided herein, appointments shall be for four years. Vacancies in the membership of the Board shall be filled by appointment of the entity initially making the appointment for the unexpired portion of the term. No member shall be eligible to serve for more than two successive four-year terms; however, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which he was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Immediately after such appointment, the members shall enter upon the performance of their duties.

The initial appointments of the representatives of the public health organizations, the health professionals, and the citizen members shall be as follows: one representative of a public health organization, two health professionals and three citizen members shall be appointed for terms of two years; two representatives of public health organizations, one health professional and three citizen members shall be appointed for terms of three years; and two representatives of public health organizations, one health professional and two citizen members shall be appointed for terms of four years. Thereafter all appointments shall be for terms of four years.

B. The ~~Governor~~ Foundation shall appoint from the membership of the Board a chairman and vice-chairman, both of whom shall serve in such capacities at the pleasure of the ~~Governor~~ Foundation. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more frequently at the call of the chairman.

C. Members of the Board shall receive reimbursement for actual expenses incurred in the performance of their duties on behalf of the Board. Such expenses shall be paid from the Fund.

D. Notwithstanding the provisions of any other law, no officer or employee of the Commonwealth shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of membership on the Board or his service to the Foundation.

E. *Members of the Board and employees of the Foundation shall be subject to the standards of conduct set forth in the State and Local Government Conflict of Interests Act (§ 2.1-639.1 et seq.) and may be removed from office for inefficiency, neglect of duty, or misconduct in the manner set forth therein.*

§ 32.1-358. Appointment of director; counsel to the Board and Foundation.

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60 A. *Subject to confirmation by the General Assembly, The* the Governor shall appoint a director,
61 whose compensation shall be determined by the Board, subject to approval by the Governor, and who
62 shall also be the secretary of the Board. The director shall administer, manage and direct the affairs and
63 business of the Foundation in accordance with the provisions of this chapter, subject to the policies,
64 control and direction of the Board. The Board may employ technical experts and such other officers,
65 agents and employees, permanent and temporary, as it may require, and shall determine their
66 qualifications, duties and compensation. The Board may delegate to one or more of its agents or
67 employees such administrative duties as it may deem proper. The actual expenses incurred in the
68 performance of such duties shall be paid from the Fund.
69 B. The Office of the Attorney General shall provide counsel to the Board and the Foundation.