

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 520

An Act to amend and reenact §§ 2.1-1.6, 2.1-1.7, 2.1-20.1:02 and 9-6.25:1 of the Code of Virginia, to amend the Code of Virginia by adding in Title 9 a chapter numbered 52, consisting of sections numbered 9-396 through 9-399, and to repeal §§ 2.1-20.1:01, 2.1-113.1, 2.1-113.2, 2.1-113.3, and 2.1-116.10 through 2.1-116.14 of the Code of Virginia, relating to the Virginia Council on Human Resources.

[S 1140]

Approved March 23, 2001

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.6, 2.1-1.7, 2.1-20.1:02 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 9 a chapter numbered 52, consisting of sections numbered 9-396 through 9-399, 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 of
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, Certified Interior Designers and Landscape Architects, Board for
Art and Architectural Review Board
Athletic Training, Advisory Board on
Auctioneers Board
Audiology and Speech-Language Pathology, Board of
Aviation Board, Virginia
Barbers and Cosmetology, Board for
Blind and Vision Impaired, Virginia Board for the
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
Cemetery Board
Certified Seed Board, State
Charity Food Assistance Advisory Board
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 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
Counseling, Board of
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
 Egg Board, Virginia
 Emergency Medical Services Advisory Board, State
 Farmers Market Board, Virginia
 Fire Services Board, Virginia
 Forestry, Board of
 Funeral Directors and Embalmers, Board of
 Game and Inland Fisheries, Board of
 Geology, Board for
 Goose Creek Scenic River Advisory Board
 Health Planning Board, Virginia
 Health Professions, Board of
 Health, State Board of
 Hearing Aid Specialists, Board for
 Hemophilia Advisory Board
 Historic Resources, Board of
 Housing and Community Development, Board of
 Irish Potato Board, Virginia
 Juvenile Justice, State Board of
 Litter Control and Recycling Fund Advisory Board
 Marine Products Board, Virginia
 Medical Advisory Board, Department of Motor Vehicles
 Medicare and Medicaid, Advisory Board on
 Medicine, Board of
 Mental Health, Mental Retardation and Substance Abuse Services Board, State
 Migrant and Seasonal Farmworkers Board
 Military Affairs, Board of
 Mineral Mining Examiners, Board of
 Minority Business Enterprise, Interdepartmental Board of the Department of
 Networking Users Advisory Board, State
 Neurotrauma Initiative Advisory Board, Commonwealth
 North Meherrin State Scenic River Advisory Board
 Nottoway State Scenic River Advisory Board
 Nursing, Board of
 Nursing Home Administrators, Board of
 Occupational Therapy, Advisory Board of
 Oil and Gas Conservation Board, Virginia
 Opticians, Board for
 Optometry, Board of
 Peanut Board, Virginia
~~Personnel Advisory Board~~
 Pesticide Control Board
 Pharmacy, Board of
 Physical Therapy, Board of
 Plant Pollination Advisory Board
 Polygraph Examiners Advisory Board
 Pork Industry Board, Virginia
 Poultry Products Board, Virginia
 Private College Advisory Board
 Private Security Services Advisory Board
 Professional and Occupational Regulation, Board for
 Professional Soil Scientists, Board for
 Psychiatric Advisory Board
 Psychology, Board of
 Public Broadcasting Board, Virginia
 Public Buildings Board, Virginia
 Public Guardian and Conservator Advisory Board
 Radiation Advisory Board
 Real Estate Appraiser Board
 Real Estate Board
 Reciprocity Board, Department of Motor Vehicles
 Recreational Fishing Advisory Board, Virginia

Reforestation Board
 Rehabilitation Providers, Advisory Board on
 Rehabilitative Services, Board of
 Respiratory Care, Advisory Board on
 Rockfish State Scenic River Advisory Board
 Safety and Health Codes Board
 Seed Potato Board, State
 Sewage Handling and Disposal Appeal Review Board, State Health Department
 Shenandoah State Scenic River Advisory Board
 Small Business Advisory Board
 Small Business Environmental Compliance Advisory Board
 Small Grains Board, Virginia
 Social Services, Board of
 Social Work, Board of
 Soil and Water Conservation Board, Virginia
 Soybean Board, Virginia
 State Air Pollution Control Board
 Substance Abuse Certification Board
 Surface Mining Review, Board of
 Sweet Potato Board, Virginia
 T & M Vehicle Dealers' Advisory Board
 Teacher Education and Licensure, Advisory Board on
 Transportation Board, Commonwealth
 Transportation Safety, Board of
 Treasury Board, The, Department of the Treasury
 Veterans' Affairs, Board on
 Veterinary Medicine, Board of
 Virginia Board for Asbestos and Lead
 Virginia Coal Mine Safety Board
 Virginia Correctional Enterprises Advisory Board
 Virginia Cotton Board
 Virginia Employment Commission, State Advisory Board for the
 Virginia Geographic Information Network Advisory Board
 Virginia Horse Industry Board
 Virginia Manufactured Housing Board
 Virginia Retirement System, Board of Trustees
 Virginia Schools for the Deaf and the Blind, Advisory Commission on the
 Virginia Sheep Industry Board
 Virginia Veterans Cemetery Board
 Virginia Waste Management Board
 Voluntary Formulary Board, Virginia
 (For effective date - See notes) Volunteer Firefighters' and Rescue Squad Workers' Pension Fund
 Board
 War Memorial Foundation, Virginia, Board of Trustees
 Waste Management Facility Operators, Board for
 Water Resources Research Center Statewide Advisory Board, Virginia
 Waterworks and Wastewater Works Operators, Board for
 Well Review Board, Virginia.
 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be referred to as boards:
 Compensation Board
 State Board of Elections
 State Water Control Board
 Virginia Parole Board
 Virginia Veterans Care Center Board of Trustees.
 § 2.1-1.7. State councils.
 A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies either affiliated with more than one agency or independent of an agency within the executive branch:
 Adult Education and Literacy, Virginia Advisory Council for
 Aging, Commonwealth Council on
 Agricultural Council, Virginia
 Apprenticeship Council
 Blue Ridge Regional Education and Training Council

Child Day-Care Council
 Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion
 Coastal Land Management Advisory Council, Virginia
 Commonwealth Competition Council
 Commonwealth's Attorneys' Services Council
 Developmental Disabilities Planning Council, Virginia
 Disability Services Council
~~Equal Employment Opportunity Council, Virginia~~
 Housing for the Disabled, Interagency Coordinating Council on
Human Resources, Virginia Council on
 Human Rights, Council on
 Human Services Information and Referral Advisory Council
 Indians, Council on
 Interagency Coordinating Council, Virginia
 Job Training Coordinating Council, Governor's
 Land Evaluation Advisory Council
 Maternal and Child Health Council
 Military Advisory Council, Virginia
 Needs of Handicapped Persons, Overall Advisory Council on the
 Prevention, Virginia Council on Coordinating
 Public Records Advisory Council, State
 Rate-setting for Children's Facilities, Interdepartmental Council on
 Revenue Estimates, Advisory Council on
 Specialized Transportation Council
 State Health Benefits Advisory Council
 Status of Women, Council on the
 Substance Abuse Services Council
 Virginia Business-Education Partnership Program, Advisory Council on the
 Virginia Recycling Markets Development Council
 Workforce Council, Virginia.

B. Notwithstanding the definition for "council" as provided in § 2.1-1.2, the following entities shall be referred to as councils:

Higher Education, State Council of
 Independent Living Council, Statewide
 Rehabilitation Advisory Council, Statewide
 Rehabilitation Advisory Council for the Blind, Statewide
 Transplant Council, Virginia.

§ 2.1-20.1:02. Health insurance program for employees of local governments, local officers, teachers, etc.; definitions.

A. The Department of Human Resource Management shall establish a plan or plans, hereinafter "plan" or "plans", subject to the approval of the Governor, for providing health insurance coverage for employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, officers, teachers and retirees. The plan or plans shall be rated separately from the plan established pursuant to § 2.1-20.1 to provide health and related insurance coverage for state employees. Participation in such insurance plan or plans shall be (i) voluntary, (ii) approved by the participant's respective governing body, or by the local school board in the case of teachers, and (iii) subject to regulations promulgated by the Department. In addition, at the option of a governing body or school board which has elected to participate in the health insurance plan or plans offered by the Department, the governing body or school board may elect to participate in the long-term care or other benefit program which the Department may make available to the governing body or school board.

B. The plan established by the Department shall satisfy the requirements of the Virginia Public Procurement Act (§ 11-35 et seq.), shall consist of a flexible benefits structure which permits the creation of multiple plans of benefits and may provide for separate rating groups based upon criteria established by the Department. The Department shall promulgate regulations regarding the establishment of such a plan or plans, including, but not limited to, requirements for eligibility, participation, access and egress, mandatory employer contributions and financial reserves, and the administration of the plan or plans. The Department may engage the services of other professional advisors and vendors as necessary for the prudent administration of the plan or plans. The assets of the plan or plans, together with all appropriations, premiums and other payments, shall be deposited in the employee health insurance fund, from which payments for claims, premiums, cost containment programs and administrative expenses shall be withdrawn from time to time. The assets of the fund shall be held for the sole benefit of the employee health insurance fund. The fund shall be held in the state treasury. Any interest on unused balances in the fund shall revert back to the credit of the fund. The State Treasurer shall charge reasonable fees to recover the actual costs of investing the assets of the plan or plans.

In establishing the participation requirements, the Department may provide that those employees, officers, and teachers without access to employer-sponsored health care coverage may participate in the plan. It shall collect all premiums directly from the employers of such employees, officers, and teachers.

~~C. In the administration of the plan or plans, the Department shall take into consideration the recommendations made by an advisory committee. Such advisory committee shall be composed of at least five members to be appointed by the Governor, with at least one member representing each of the following groups: local governments, local officers, local school boards, teachers, and retirees. Committee members shall be reimbursed for the expenses incurred by them as members of the committee but shall not be otherwise compensated for their services. The terms of service for the advisory committee members shall be established by the Department.~~

~~D. C.~~ In the event that the financial reserves of the plan fall to an unacceptably low level as determined by the Department, it shall have the authority to secure from the State Treasurer a loan sufficient to raise the reserve level to one which is considered adequate. The State Treasurer is hereby authorized to make such a loan, to be repaid on such terms and conditions as established by him.

~~E. D.~~ For the purposes of this section, the following terms shall have the meanings indicated:

"Employees of local governments" shall include all officers and employees of the governing body of any county, city or town, and the directing or governing body of any political entity, subdivision, branch or unit of the Commonwealth or of any commission or public authority or body corporate created by or under an act of the General Assembly specifying the power or powers, privileges or authority capable of exercise by the commission or public authority or body corporate, as distinguished from §§ 15.2-1303, 15.2-1300, or similar statutes, provided that the officers and employees of a social services department, welfare board, mental health, mental retardation and substance abuse services board, or library board of a county, city, or town shall be deemed to be employees of local government.

"Local officer" means the treasurer, registrar, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, sheriff, or constable of any county or city or deputies or employees of any of the preceding local officers.

"Teacher" means any employee of a county, city, or other local public school board.

~~F. E.~~ Any stock and cash distributed to the Commonwealth pursuant to the conversion of Blue Cross and Blue Shield of Virginia, doing business as Trigon Blue Cross Blue Shield, from a mutual insurance company to a stock corporation known as Trigon Healthcare, Inc., that is directly attributable to the health insurance plan or plans established for employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, officers, teachers and retirees, pursuant to subsection A (hereinafter referred to as the "local choice plan distribution") shall be deposited in the state treasury to the credit of the employee health insurance fund to be used as provided in this subsection. Such distribution shall not include any cash paid by Blue Cross and Blue Shield of Virginia or its successor to the Commonwealth in connection with such conversion which was assumed as general fund revenue in Chapter 912 of the 1996 Acts of Assembly. All other stock and cash received by the Commonwealth pursuant to such conversion of Blue Cross and Blue Shield of Virginia to a stock corporation shall be allocated as provided in subsection B of § 23-284.

The State Treasurer shall sell any stock received pursuant to the local choice plan distribution as soon as practicable following its receipt, subject to any lockup period or other restriction on its sale, and the proceeds therefrom shall be deposited in the state treasury to the credit of the employee health insurance fund. Notwithstanding any other provision of law to the contrary, the State Treasurer shall not be liable for any losses incurred from the sale or distribution of such stock.

The Department of Human Resource Management shall use any stock, or the proceeds therefrom, and cash received pursuant to the local choice plan distribution to reduce premiums payable by employers participating in a plan or plans established pursuant to subsection A. In setting health insurance premiums for such plan or plans, the Director of the Department of Human Resource Management shall allocate the value of such stock, or proceeds therefrom, and cash among each participating employer. Such allocation shall be based on the proportionate amounts of premiums previously paid by each participating employer. If a participating employer withdraws from such plan or plans before all of the value allocated to it has been used for the benefit of the participating employer, the remaining value shall be transferred to such participating employer upon his withdrawal.

§ 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 on Athletic Training

Advisory Board on Child Abuse and Neglect

Advisory Board on Medicare and Medicaid

Advisory Board of Occupational Therapy

Advisory Board on Rehabilitation Providers

Advisory Board on Respiratory Care to the Board of Medicine

Advisory Board on Teacher Education and Licensure

Advisory Commission on the Virginia Schools for the Deaf and the Blind
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
Board for the Visually Handicapped, Virginia
Board of Directors, Virginia Truck and Ornaments Research Station
Board of Forestry
Board of Military Affairs
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
Catoclin Creek State Scenic River Advisory Board
Cave Board
Charity Food Assistance Advisory Board
Chickahominy State Scenic River Advisory Board
Chief Information Officer Advisory Board
Clinch Scenic River Advisory Board
Coal Surface Mining Reclamation Fund Advisory Board
Coastal Land Management Advisory Council, Virginia
Commonwealth Competition Council
Commonwealth Council on Aging
Council on Indians
Council on the Status of Women
Debt Capacity Advisory Committee
Emergency Medical Services Advisory Board
Falls of the James Committee
Goose Creek Scenic River Advisory Board
Governor's Mined Land Reclamation Advisory Committee
Hemophilia Advisory Board
Human Services Information and Referral Advisory Council
Interagency Coordinating Council on Housing for the Disabled
Interdepartmental Board of the State Department of Minority Business Enterprise
Litter Control and Recycling Fund 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
Local Advisory Board to the Mountain Empire Community College
Local Advisory Board to the New River Community College
Local Advisory Board to the Northern Virginia Community College
Local Advisory Board to the Patrick Henry Community College
Local Advisory Board to the Paul D. Camp Community College
Local Advisory Board to the Piedmont Virginia Community College
Local Advisory Board to the Rappahannock Community College
Local Advisory Board to the Southside Virginia Community College
Local Advisory Board to the Southwest Virginia Community College
Local Advisory Board to the Thomas Nelson Community College
Local Advisory Board to the Tidewater Community College
Local Advisory Board to the Virginia Highlands Community College
Local Advisory Board to the Virginia Western Community College
Local Advisory Board to the Wytheville Community College
Maritime Incident Response Advisory Board
Maternal and Child Health Council
Medical Advisory Board, Department of Motor Vehicles
Migrant and Seasonal Farmworkers Board

North Meherrin State Scenic River Advisory Board
 Nottoway State Scenic River Advisory Board
~~Personnel Advisory Board~~
 Plant Pollination Advisory Board
 Private College Advisory Board
 Private Security Services Advisory Board
 Psychiatric Advisory Board
 Public Guardian and Conservator Advisory Board
 Radiation Advisory Board
 Rappahannock Scenic River Advisory Board
 Recreational Fishing Advisory Board, Virginia
 Reforestation Board
 Rockfish State Scenic River Advisory Board
 Shenandoah State Scenic River Advisory Board
 Small Business Advisory Board
 Small Business Environmental Compliance Advisory Board
 St. Mary's Scenic River Advisory Committee
 State Advisory Board on Air Pollution
 State Building Code Technical Review Board
~~State Health Benefits Advisory Council~~
 State Land Evaluation Advisory Council
 State Networking Users Advisory Board
 State Public Records Advisory Council
 Statewide Independent Living Council
 Statewide Rehabilitation Advisory Council
 Statewide Rehabilitation Advisory Council for the Blind
 Staunton Scenic River Advisory Committee
 Substance Abuse Services Council
 Telecommunications Relay Service Advisory Board
 Virginia-Israel Advisory Board
 Virginia Advisory Commission on Intergovernmental Relations
 Virginia Advisory Council for Adult Education and Literacy
 Virginia Coal Mine Safety Board
 Virginia Coal Research and Development Advisory Board
 Virginia Commission for the Arts
 Virginia Correctional Enterprises Advisory Board
 Virginia Council on Coordinating Prevention
 Virginia Council on Human Resources
~~Virginia Equal Employment Opportunity Council~~
 Virginia Geographic Information Network Advisory Board
 Virginia Interagency Coordinating Council
 Virginia Military Advisory Council
 Virginia Public Buildings Board
 Virginia Recycling Markets Development Council
 Virginia Transplant Council
 Virginia Veterans Cemetery Board
 Virginia Water Resources Research Center, Statewide Advisory Board
 Virginia Winegrowers Advisory Board.

CHAPTER 52.

VIRGINIA COUNCIL ON HUMAN RESOURCES.

§ 9-396. Purpose of chapter.

This chapter merges the Virginia Equal Employment Opportunity Council, the Personnel Advisory Board, Local Health Benefits Advisory Committee, the State Health Benefits Advisory Council, and consolidates their functions under the Virginia Council on Human Resources.

§ 9-397. Council membership; terms; compensation.

A. The Council shall consist of seventeen members. Eight members shall be appointed by the Governor, subject to confirmation by the General Assembly, as follows: two state employees in management positions, two state employees in non-management positions, one retired state employee, one citizen member, one member that is either a teacher or a member of a local school board, and one member from local government. Four members shall be appointed by the Speaker of the House of Delegates as follows: two state employees, one retired state employee, and one citizen. Three members shall be appointed by the Privileges and Elections Committee of the Senate as follows: one state employee, one retired employee, and one citizen. In addition, the Director of the Department of Human Resource Management and the Director of the Department of Employment Dispute Resolution shall

serve permanently as *ex officio* members without voting privileges.

B. Except as otherwise provided in this subsection, all appointments shall be for a term of four years. Vacancies shall be filled for the unexpired terms. No member shall be eligible to serve more than two successive four-year terms; however, after 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. The initial appointments of the Governor shall be as follows: three members shall serve a four-year term, three members shall serve a three-year term and two members shall serve a two-year term. The members initially appointed by the Speaker of the House of Delegates and the Senate Committee on Privileges and Elections shall serve three-year terms.

C. The Council shall elect a chairman and a vice-chairman annually from among its membership. A majority of the members of the Council shall constitute a quorum.

D. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.1-20.10.

§ 9-398. Powers and duties.

A. The Council shall have the power and duty to:

1. Advise the Governor, the Director of the Department of Human Resource Management and the Director of the Department of Employment Dispute Resolution on all matters relating to personnel administration;

2. Review all public employer-employee relations throughout the Commonwealth;

3. Review the Department of Employment Dispute Resolution's program of employee management relations and make recommendations to improve communications between employees and agencies and instrumentalities of the Commonwealth;

4. Carry out such other functions as the Governor deems appropriate;

5. Review the Department of Human Resource Management's training and management programs, compensation and classification practices, benefit programs, and recruitment practices;

6. Advise the Governor on issues and concerns of state retirees and active employees regarding health insurance coverage and other health related benefits; and

7. Advise the Department of Human Resource Management on any plan or plans, subject to approval by the Governor, for providing health insurance coverage for employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, officers, teachers and retirees.

The Council shall be charged with the responsibility of monitoring the Commonwealth's equal employment opportunity practices so as to assure that such practices fulfill the Commonwealth's obligations of providing equal opportunity to all employees and applicants. The Council may (i) call upon the Director of Human Resource Management and other state officials for information and reports to assist them in their work; (ii) act as a communications channel for groups both inside and outside of state government that wish to have their views on equal employment opportunity expressed to state government; and (iii) make recommendations to state agencies concerning the implementation of their affirmative action plans and programs.

B. The Council members shall refer employees who have work-related discrimination complaints to the Director of Equal Opportunity and Employee Programs. Once the discrimination complaint is referred to the Director, the matter shall be reviewed in accordance with the Equal Employment Opportunity Complaint Procedure of the Department of Human Resource Management, or at the employee's option, the State Grievance Procedure. The Committee shall audit and review the Commonwealth's equal opportunity posture at least once a year and recommend improvements to the Governor.

The Council shall review the progress of state agency affirmative action plans and programs, and make recommendations for changes as warranted.

§ 9-399. Staff.

Staff assistance to the Council shall be provided by the Department of Human Resource Management and shall include, but not be limited to, the establishment of the Council's schedule of meetings and providing notice of the meeting to members of the Council and the public.

2. That §§ 2.1-20.1:01, 2.1-113.1, 2.1-113.2, 2.1-113.3, and 2.1-116.10 through 2.1-116.14 of the Code of Virginia are repealed.