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SENATE BILL NO. 1080

Offered January 8, 2003

Prefiled January 8, 2003

A BILL to amend and reenact § 2.2-2101 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 28, consisting of sections numbered 2.2-2681 through 2.2-2687; establishing the Advisory Council on Actuarial Assumptions; report.

Patrons—Lambert, Trumbo and Houck

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2101 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding in Chapter 26 of Title 2.2 an article numbered 28, consisting of sections numbered 2.2-2681 through 2.2-2687, as follows:

§ 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government ~~whothat~~ are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that 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 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 § 2.2-2421; to members of the Council on Indians, who shall be appointed as provided for in § 2.2-2628; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Maternal and Child Health Council, who shall be appointed as provided for in § 2.2-2642; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Advisory Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided in § 2.2-2600; to members of the Virginia Correctional Enterprises Advisory Board, who shall be appointed as provided for in § 53.1-45.3; to members appointed to the Virginia Veterans Cemetery Board pursuant to § 2.2-2438; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 37.1-207; *to members of the Advisory Council on Actuarial Assumptions, who shall be appointed as provided in § 2.2-2682;* to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; or to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669.

Article 27.

Advisory Council on Actuarial Assumptions.

§ 2.2-2681. *The Advisory Council on Actuarial Assumptions; purpose.*
The Advisory Council on Actuarial Assumptions (the "Council") is established as an advisory council in the executive branch of state government. The purpose of the Council is to review actuarial assumptions developed by actuaries employed by state agencies, boards, or commissions and provide advice to the Governor and the General Assembly regarding such assumptions.

§ 2.2-2682. *Membership; terms; vacancies; chairman and vice chairman; quorum; meetings.*
The Council shall consist of 11 members including 2 legislative members, 7 nonlegislative citizen members, and 2 ex officio members. The nonlegislative citizen members shall be appointed by the Governor. The legislative members shall be the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance. The Chairman of the Joint Legislative Audit and Review Commission and the Chairman of the Board of Trustees of the Virginia Retirement System shall serve ex officio with full voting privileges. Nonlegislative citizen members of the Council shall be

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59 *citizens of the Commonwealth of Virginia.*

60 *Legislative members and ex officio members of the Council shall serve terms coincident with their*
61 *terms of office. Initial appointments of nonlegislative citizen members by the Governor shall be*
62 *staggered as follows: 2 members for a term of 1 year, 3 members for a term of 2 years, and 2 members*
63 *for a term of 3 years. Thereafter, nonlegislative citizen members shall be appointed for terms of 4 years.*
64 *Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All*
65 *members may be reappointed. However, no nonlegislative citizen member shall serve more than 2*
66 *consecutive 4-year terms. The remainder of any term to which a member is appointed to fill a vacancy*
67 *shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be*
68 *filled in the same manner as the original appointments.*

69 *The Council shall elect a chairman and vice chairman from among its membership. A majority of the*
70 *voting members shall constitute a quorum. The Council shall meet no more than 4 times each year. The*
71 *meetings of the Council shall be held at the call of the chairman or whenever the majority of the voting*
72 *members so request.*

73 *§ 2.2-2683. Compensation; expenses.*

74 *Legislative members of the Council shall receive such compensation as provided in § 30-19.12, and*
75 *nonlegislative citizen members shall receive such compensation for the performance of their duties as*
76 *provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses*
77 *incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.*

78 *§ 2.2-2684. Powers and duties of the Council.*

79 *The Council shall review the actuarial assumptions developed by actuaries employed by state*
80 *agencies, boards or commissions and advise the Governor and the General Assembly regarding such*
81 *assumptions.*

82 *§ 2.2-2685. Staffing.*

83 *The Virginia Retirement System shall provide staff support to the Council. All agencies of the*
84 *Commonwealth shall provide assistance to the Council, upon request.*

85 *§ 2.2-2686. Chairman's executive summary of activity and work of the Council.*

86 *The chairman shall submit to the Governor and the General Assembly an annual executive summary*
87 *of the interim activity and work of the Council no later than the first day of each regular session of the*
88 *General Assembly. The executive summary shall be submitted as provided in the procedures of the*
89 *Division of Legislative Automated Systems for the processing of legislative documents and reports and*
90 *shall be posted on the General Assembly's website.*

91 *§ 2.2-2687. Sunset.*

92 *This chapter shall expire on July 1, 2006.*