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HOUSE BILL NO. 1579**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Joint Conference Committee
on March 11, 2006)

(Patron Prior to Substitute—Delegate Cline)

A BILL to amend and reenact § 2.2-2101, as it is currently effective and as it shall become effective, and § 51.1-1201 of the Code of Virginia, relating to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board; membership.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2101, as it is currently effective and as it shall become effective, and § 51.1-1201 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2101. (Effective until July 1, 2008) 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 who 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 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 Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; 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 § 37.1-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided for in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided for in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Commission on Civics Education, who shall be appointed as provided for in § 22.1-212.18; *to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; or to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109.*

§ 2.2-2101. (Effective July 1, 2008) 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 who 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 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 Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Virginia Interagency Coordinating Council who shall be

60 appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be
61 appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke
62 Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition
63 Commission, who shall be appointed as provided for in § 2.2-2621; to members of the Virginia
64 Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423;
65 to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall
66 be appointed as provided for in § 22.1-346.1; to members of the Substance Abuse Services Council, who
67 shall be appointed as provided for in § 37.2-2696; to members of the Criminal Justice Services Board,
68 who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for
69 Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in
70 § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in
71 § 2.2-2669; to members of the Commission on Civics Education, who shall be appointed as provided for
72 in § 22.1-212.18; *to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award*
73 *Fund Board, who shall be appointed as provided for in § 51.1-1201; or to members of the Forensic*
74 *Science Board, who shall be appointed as provided for in § 9.1-1109.*

75 § 51.1-1201. Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board.

76 A. The Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board is hereby
77 created and is to be composed of ~~seven~~ 10 members. The Director of the Virginia Retirement System
78 shall be a member and act as chairman. ~~and the remaining six members shall be appointed by the~~
79 ~~Governor.~~ The Governor shall appoint three members of the Board from a list provided by the Virginia
80 State Firefighter's Association and three members from a list provided by the Virginia Association of
81 Volunteer Rescue Squads. Such appointees shall be confirmed by the General Assembly *and shall serve*
82 *for six-year terms. Two of the appointed members shall serve for initial terms of six years; two for*
83 *initial terms of four years; and two for initial terms of two years; thereafter, the terms shall be six years.*
84 No Board member ~~other than the chairman appointed by the Governor~~ shall serve more than two full
85 consecutive terms. *The Speaker of the House of Delegates shall appoint two members of the House of*
86 *Delegates and the Senate Committee on Rules shall appoint one member of the Senate. Legislative*
87 *members shall serve terms coincident with their terms of office.*

88 B. The Director of the Virginia Retirement System with the consent of the Board shall immediately
89 declare the office of any *nonlegislative* member of the Board vacant when he finds that the member is
90 unable to perform the duties of his office or for any reason does not meet the qualifications of this
91 section. The Governor shall appoint a new member, subject to confirmation by the General Assembly, to
92 serve for a full or unexpired term whenever the office of a *nonlegislative* member becomes or is
93 declared vacant. In any case where a new appointment is made, the person receiving the appointment
94 shall be a (i) volunteer firefighter representative if his predecessor was a volunteer firefighter
95 representative or (ii) volunteer rescue squad representative if his predecessor was a volunteer rescue
96 squad representative.

97 C. The members of the Board shall serve without compensation; however, the nongovernmental
98 members may be reimbursed for their reasonable expenses incurred in attending meetings of the Board
99 or in acting in an official capacity for the Board.

100 D. The first Board appointed shall meet as soon as practicable for the purpose of organizing and
101 electing officers. Officers other than the chairman shall be elected for one-year terms. The Board shall
102 adopt a general statement of policy and procedures. The Board shall meet at least quarterly and at such
103 special meetings as the chairman may call. The chairman may call a special meeting at any time and
104 shall call a special meeting when requested by three or more members of the Board. No meeting shall
105 be deemed a regular or special meeting unless a quorum is present.

106 E. Members of the Board shall be subject to removal from office only as set forth in Article 7
107 (§ 24.2-230 et seq.) of Chapter 2 of Title 24.2. The Circuit Court of the City of Richmond shall have
108 exclusive jurisdiction over such removal proceedings.