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**HOUSE BILL NO. 186****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on General Laws  
on February 2, 2006)

(Patron Prior to Substitute—Delegate Marshall, R.G.)

*A BILL to amend and reenact § 2.2-2101 of the Code of Virginia as it is currently effective and as it will become effective and to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 8, consisting of sections numbered 2.2-2524 and 2.2-2525, relating to the creation of the Commission on Immigration.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-2101 of the Code of Virginia as it is currently effective and as it will become effective is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 8, consisting of sections numbered 2.2-2524 and 2.2-2525, 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 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 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; ~~or~~ to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; *or to members of the Virginia Commission on Immigration, who shall be appointed as provided in 2.2-2524.*

§ 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

60 Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the  
61 Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as  
62 provided for in § 23-231.25; to members of the Virginia Interagency Coordinating Council who shall be  
63 appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be  
64 appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke  
65 Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition  
66 Commission, who shall be appointed as provided for in § 2.2-2621; to members of the Virginia  
67 Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423;  
68 to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall  
69 be appointed as provided for in § 22.1-346.1; to members of the Substance Abuse Services Council, who  
70 shall be appointed as provided for in § 37.2-2696; to members of the Criminal Justice Services Board,  
71 who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for  
72 Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in  
73 § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in  
74 § 2.2-2669; to members of the Commission on Civics Education, who shall be appointed as provided for  
75 in § 22.1-212.18; ~~or to members of the Forensic Science Board, who shall be appointed as provided for~~  
76 ~~in § 9.1-1109; or to members of the Virginia Commission on Immigration, who shall be appointed as~~  
77 ~~provided in 2.2-2524.~~

#### Article 8.

##### *Virginia Commission On Immigration.*

80 § 2.2-2524. *Virginia Commission on Immigration; purpose; membership, terms, compensation; staff.*

81 A. *The Virginia Commission on Immigration (the Commission) is established as an advisory*  
82 *commission within the meaning of § 2.2-2100, in the executive branch of state government. The purpose*  
83 *of the Commission is to study, report, and make recommendations for dealing with the impact of*  
84 *immigration and related policies on the Commonwealth. The Commission may make recommendations*  
85 *and coordinate the proposals of all commissions and agencies as to legislation and policies that affect*  
86 *immigrants in the Commonwealth.*

87 B. *The Commission shall consist of 21 members as follows: six members of the House of Delegates*  
88 *to be appointed by the Speaker of the House in accordance with the rules of proportional representation*  
89 *in the Rules of the House; three members of the Senate to be appointed by the Senate Committee on*  
90 *Rules; and 12 members to be appointed by the Governor to include the following: a naturalized citizen*  
91 *who is a resident of the Commonwealth, a resident of the Commonwealth who holds a permanent*  
92 *resident visa issued by the U.S. Department of State, a representative of a religious organization with a*  
93 *program for immigrants, a health care provider, a representative of business interests, and retirees of*  
94 *either the (i) Immigration and Naturalization Service, (ii) Drug Enforcement Agency, (iii) Federal*  
95 *Bureau of Investigation, (iv) Virginia State Police, (v) Virginia Department of Motor Vehicles, (vi)*  
96 *Department of Social Services, or (vii) Department of Education.*

97 C. *Nonlegislative members of the Commission shall serve for two-year terms. Legislative members*  
98 *shall serve terms coincident with their terms of office and any vacancy shall be filled in the original*  
99 *manner of appointment. Vacancies for unexpired terms shall be filled in the same manner as the*  
100 *original appointments. Members may be reappointed for successive terms.*

101 D. *The members of the Commission shall elect a chairman and vice-chairman from among its*  
102 *members. A majority of the members shall constitute a quorum.*

103 E. *Legislative members of the Commission shall receive compensation as provided in § 30-19.12, and*  
104 *all members shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of*  
105 *their duties as provided in § 2.2-2825. All reimbursable expenses shall be paid from existing*  
106 *appropriations to the Commission.*

107 F. *Staff to the Commission shall be provided by the office of the Secretary of Health and Human*  
108 *Resources.*

109 G. *As used in this article:*

110 *"Immigrant" means any individual not a citizen or national of the United States, whether or not*  
111 *lawfully admitted for permanent residence in the United States.*

112 *"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the*  
113 *privilege of residing permanently in the United States as an immigrant in accordance with the*  
114 *immigration laws, such status not having changed.*

115 § 2.2-2525. *Powers and duties of the Commission.*

116 A. *The Commission shall have the power and duty to gather and analyze information and data to*  
117 *accomplish its purpose as set forth in § 2.2-2524.*

118 B. *The Commission shall examine the operations, management, jurisdiction, powers, and*  
119 *interrelationships of any department, board, bureau, commission, authority, or other agency with any*  
120 *direct responsibility for setting policy and managing services for immigrants entering the*  
121 *Commonwealth.*

122       *C. The Commission shall report annually to the Governor and the General Assembly on its activities*  
123       *and findings, including any recommendations. The Commission shall make such interim reports to the*  
124       *Governor and the General Assembly as it deems advisable or as may be required by the Governor or*  
125       *the General Assembly.*  
126       **2. That the provisions of this act shall expire on July 1, 2008.**