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SENATE BILL NO. 304

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact §§ 33.1-1 and 33.1-2 of the Code of Virginia, relating to composition of the Commonwealth Transportation Board; election of certain members by the General Assembly.

Patron—Williams

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 33.1-1 and 33.1-2 of the Code of Virginia are amended and reenacted as follows:**

§ 33.1-1. State Highway and Transportation Board continued as Commonwealth Transportation Board; number and terms of members; removal from office; vacancies.

The State Highway and Transportation Board, formerly known as the State Highway and Transportation Commission, is continued and shall hereafter be known as the Commonwealth Transportation Board. Wherever either "Commission" or "Board" is used in this title referring to the State Highway and Transportation Board or the State Highway and Transportation Commission, it shall mean the Commonwealth Transportation Board.

The Board shall consist of seventeen members: the Secretary of Transportation, the Commonwealth Transportation Commissioner, the Director of the Department of Rail and Public Transportation, and fourteen citizen members. ~~The citizen~~ *Except for those members elected by the General Assembly as provided in § 33.1-2,* members shall be (i) appointed by the Governor as provided in § 33.1-2, (ii) subject to confirmation by the General Assembly, and (iii) removable from office during their respective terms by the Governor at his pleasure. Appointments of citizen members shall be for terms of four years commencing upon July 1, upon the expiration of the terms of the existing members, respectively. ~~The initial terms of the members appointed in January, 1987, shall commence when appointed and shall be for terms ending June 30, 1988, June 30, 1989, and June 30, 1990, respectively.~~ Vacancies shall be filled ~~by appointment by the Governor in the same manner as the original appointment or election and shall be~~ for the unexpired term and shall be effective until thirty days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. No person shall be eligible to serve more than two successive terms of four years, other than the Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of the Department of Rail and Public Transportation. A person heretofore or hereafter appointed ~~by the Governor or elected by the General Assembly~~ to fill a vacancy may serve two additional successive terms.

The Secretary of Transportation shall serve as Chairman of the Board. The Secretary shall have voting privileges only in the event of a tie. The Commonwealth Transportation Commissioner shall serve as Vice-Chairman of the Board. The Commissioner shall have voting privileges only in the event of a tie when he is presiding during the absence of the Chairman. The Director of the Department of Rail and Public Transportation shall serve without a vote.

Whenever in this title and in the Code of Virginia "State Highway Commission" or "State Highway and Transportation Board" is used, it shall mean "Commonwealth Transportation Board"; "State Highway Commissioner" or "State Highway and Transportation Commissioner" shall mean "Commonwealth Transportation Commissioner"; and all references to "Department of Highways and Transportation" shall refer to the Department of Transportation.

§ 33.1-2. Residence requirements; statewide interest.

Of such Board, one member shall be a resident of the territory ~~now included in the Bristol construction district, one in the Salem construction district, one in the Lynchburg construction district, one in the Staunton construction district, one in the Culpeper construction district, one in the Fredericksburg construction district, one in the Richmond construction district, one in the Hampton Roads construction district and one in the Northern Virginia construction district embraced by each of the 11 congressional districts in the Commonwealth. The foregoing members of the Board shall be elected by a majority vote of the members of the House of Delegates and Senate who reside in each congressional district.~~ The remaining ~~five~~ *three* members shall be appointed ~~by the Governor~~ from the Commonwealth at large, but at least ~~two~~ *one* shall reside in standard metropolitan statistical areas and be designated as ~~an~~ *an* urban at-large ~~members~~ *member*, and at least ~~two~~ *one* shall reside outside standard metropolitan statistical areas and be designated as ~~a~~ *a* rural at-large ~~members~~ *member*. The at-large members shall be appointed to represent rural and urban transportation needs and be mindful of the concerns of seaports and seaport users, airports and airport users, railways and railway users, and mass

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59 transit and mass transit users. ~~Each member so appointed~~ All members of the Board shall be mindful of
60 the best interest of the Commonwealth at large primarily instead of those of the district from which
61 chosen or of the transportation interest represented.

62 *Notwithstanding the foregoing provisions of this section, initial terms of members elected from*
63 *congressional districts by members of the General Assembly shall be as follows: members elected from*
64 *the first and second congressional districts shall be elected for terms of one year; members elected from*
65 *the third and fourth congressional districts shall be elected for terms of two years; members elected*
66 *from the fifth and sixth congressional districts shall be elected for terms of three years; members elected*
67 *from the seventh and eighth congressional districts shall be elected for terms of four years; the member*
68 *elected from the ninth congressional district shall be elected for a term of three years; the member*
69 *elected from the tenth congressional district shall be elected for a term of two years; and the member*
70 *elected from the eleventh congressional district shall be elected for a term of one year.*

71 *Board members elected by the General Assembly shall not be removable by the Governor, but may*
72 *be removed from office only by a majority vote of the members present and voting in both houses of the*
73 *General Assembly.*

74 **2. That the provisions of this act shall not affect members of the Commonwealth Transportation**
75 **Board appointed prior to July 1, 2006.**