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SENATE BILL NO. 330

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on March 11, 2006)

(Patron Prior to Substitute—Senator Locke)

A BILL to amend and reenact §§ 3.1-22.8, 15.2-6501, and 62.1-67 of the Code of Virginia, relating to the appointment of legislators serving on the Chippokes Plantation Farm Foundation, the Tourist Train Development Authority, and the Potomac River Basin Commission.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-22.8, 15.2-6501, and 62.1-67 of the Code of Virginia are amended and reenacted as follows:

§ 3.1-22.8. Administration of Foundation; appointment and terms of board of trustees.

A. The Foundation shall be governed and administered by a board of trustees, consisting of 16 members as follows: two members of the Senate, one of whom shall be a member of the Senate Committee on Agriculture, Conservation and Natural Resources and one of whom shall represent Surry County, appointed by the Senate Committee on Rules; two members of the House of Delegates, one of whom shall be a member of the House Committee on Agriculture, Chesapeake and Natural Resources and one of whom shall represent Surry County, appointed by the Speaker of the House of Delegates; the Commissioner of Agriculture and Consumer Services and the Director of the Department of Conservation and Recreation who shall both serve ex officio, without voting privileges; and of fourteen other 10 nonlegislative citizen members appointed by the Governor, subject to confirmation by the General Assembly, as follows: one member shall be appointed from the House Committee on Agriculture for a term concurrent with the term for which he has been elected to office; one member shall be appointed from the House of Delegates who has been elected to represent Surry County for a term concurrent with the term for which he has been elected to office; one member shall be appointed from the Senate Committee on Agriculture, Conservation and Natural Resources for a term concurrent with the term for which he has been elected to office; one member shall be appointed from the Senate who has been elected to represent Surry County for a term concurrent with the term for which he has been elected to office; one member shall be appointed after conferring with the board of supervisors of Surry County, which member may be either a member of said the board of supervisors or from the county at large, for a term of four years; one member shall be appointed after conferring with the dean of the College of Agriculture and Life Sciences at Virginia Polytechnic Institute and State University for a term of four years; and eight members shall be appointed from the Commonwealth at-large for four-year terms. Legislative members, the Commissioner of Agriculture and Consumer Services, and the Director of the Department of Conservation and Recreation shall serve terms coincident with their terms of office. Members appointed by the Governor shall serve terms of four years. Vacancies occurring before the expiration of term shall be filled for the unexpired term. All members appointed may be reappointed.

B. Trustees of the Foundation shall be reimbursed for all reasonable and necessary expenses incurred by them in the performance of their duties on behalf of the Foundation. Such reimbursement shall be paid from the Chippokes Plantation Farm Foundation Fund.

C. The Foundation shall elect from its membership a chairman, vice-chairman, and such other officers as it deems appropriate.

D. The chairman of the Board, the treasurer, and any other person designated by the Board to handle the funds of the Foundation, shall give bond, with corporate surety, in such penalty as is fixed by the Governor, conditioned upon the faithful discharge of his duties. The premium on the bonds shall be paid from funds available to the Foundation.

§ 15.2-6501. Board of the Authority; qualifications; terms; quorum; records.

All powers, rights, and duties conferred by this chapter, or other provisions of law, upon the Authority shall be exercised by the Board of the Tourist Train Development Authority, hereinafter referred to as "the board." Initial appointments to the board shall begin July 1, 2000. The board shall consist of eight nine members appointed by the Governor as follows: seven members appointed by the Governor of whom three shall be representatives from the governing bodies of Tazewell County, the Town of Bluefield, Virginia, and the Town of Pocahontas; and four shall be nonlegislative citizen members, who shall be residents of reside in Tazewell County; and one member of the General Assembly House of Delegates representing Tazewell County, who shall be appointed by the Speaker of the House of Delegates if more than one Delegate represents Tazewell County; and one member of the Senate representing Tazewell County, who shall serve as an ex officio, voting member who shall be appointed by the Senate Committee on Rules if more than one Senator represents Tazewell County. All

SENATE SUBSTITUTE

SB330S3

60 members shall serve for a term of four years and may be reappointed for one additional term, except the
61 ~~member appointed from the General Assembly~~ *legislative members*, who shall serve ~~no more than four~~
62 ~~years~~ *terms coincident with their terms of office and may be reappointed*. The term of any member of
63 the board shall immediately terminate if the member no longer meets the eligibility criteria of the initial
64 appointment. Vacancies shall be filled for the unexpired term. ~~For the initial appointments only, three of~~
65 ~~the members shall be appointed for two-year terms and such initial terms shall not be counted toward~~
66 ~~the term limitation.~~

67 The board shall elect from its membership a chairman, a vice-chairman, and from its membership or
68 not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such
69 office until their respective successors are elected. The members of the board shall receive no salary
70 *compensation. All members may be reimbursed for reasonable and necessary expenses incurred in the*
71 *performance of their duties from such funds as may be available to the Authority.*

72 Four members of the board shall constitute a quorum of the board for the purposes of conducting its
73 business and exercising its powers and for all other purposes. No vacancy in the membership of the
74 board shall impair the right of a quorum to exercise all the powers and perform all the duties of the
75 board. The board shall keep detailed minutes of its proceedings, which shall be open to public
76 inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by
77 § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be
78 furnished to the governing bodies of Tazewell County and all adjacent counties and the Auditor of
79 Public Accounts and shall be open to public inspection.

80 § 62.1-67. Appointment, terms and qualifications of members; alternate members.

81 If and when the Governor shall have executed such compact, *The Commission shall consist of three*
82 *members of the Commission shall be as follows: one legislative member of the Commission on*
83 *Intergovernmental Cooperation who resides in the Potomac River drainage basin, appointed by the Joint*
84 *Rules Committee; one nonlegislative citizen member at large who resides in the Potomac River drainage*
85 *basin, appointed by the Governor and shall hold office for terms of four years each, subject to*
86 *suspension or removal by the Governor; and the executive director of the State Water Control Board.*
87 *Appointments to fill vacancies shall be made for the respective unexpired terms. Two of the members so*
88 *appointed shall be residents of the Potomac River drainage basin, one of whom shall be a legislative*
89 *member of the Commission on Intergovernmental Cooperation, but if either member should cease to be*
90 *a resident of the basin his term of office shall thereupon terminate and his office shall become vacant.*
91 *The executive director of the State Water Control Board shall serve as the third member. One of the*
92 *members shall be designated by the Governor as chairman. The Governor and the Joint Rules*
93 *Committee shall appoint alternate members for the members of their appointees to the Commission, who*
94 *shall reside in the Potomac River drainage basin, and each alternate shall have power to act in the*
95 *absence of the person for whom he is alternate. The Governor shall appoint the first alternates hereunder*
96 *on or before July 1, 1962, the The legislative member and executive director of the State Water Control*
97 *Board shall serve terms coincident with their terms of office and the member appointed by the Governor*
98 *shall serve a term of four years. The terms of each alternate to shall run concurrently with the term of*
99 *the member for whom he is alternate. All members may be reappointed.*

100 **2. That this act shall not be construed to affect existing appointments for which the terms have**
101 **not expired. However, any new appointments made after July 1, 2006, shall be made in**
102 **accordance with the provisions of this act.**