

VIRGINIA ACTS OF ASSEMBLY -- 2007 RECONVENED SESSION

CHAPTER 849

An Act to amend and reenact § 2.2-2101 of the Code of Virginia, as it is currently effective and as it shall 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 2.2-2530 and 2.2-2531, relating to the creation of the Commission on Immigration.

[H 1673]

Approved April 4, 2007

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 shall 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 2.2-2530 and 2.2-2531, 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 Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; 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 § 2.2-2696; 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; 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; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306; ~~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 § 2.2-2530.*

§ 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 Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; 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 § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; 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; 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; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306; ~~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 § 2.2-2530.*

Article 8.

Virginia Commission on Immigration.

§ 2.2-2530. Virginia Commission on Immigration; purpose; membership, terms, compensation; staff.

A. The Virginia Commission on Immigration (the Commission) is established as an advisory commission within the meaning of § 2.2-2100 in the executive branch of state government. The purpose of the Commission is to study, report, and make recommendations to address the costs and benefits of immigration on the Commonwealth, including the impact on education, health care, law enforcement, local demands for services and the economy, and the effect on the Commonwealth of federal immigration and funding policies. The Commission may make recommendations and coordinate the proposals of all commissions and agencies related to this purpose.

B. The Commission shall consist of 20 members as follows: five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the rules of proportional representation contained in the Rules of the House; three members of the Senate to be appointed by the Senate Committee on Rules; a citizen of the Commonwealth appointed by the Speaker of the House of Delegates and a citizen of the Commonwealth appointed by Senate Committee on Rules who each may be, but are not required to be, a person with business, education, health care or law enforcement experience; and 10 members to be appointed by the Governor to include the following: (i) a naturalized citizen who is a resident of the Commonwealth; (ii) a resident of the Commonwealth who holds a permanent resident visa issued by the United States Department of State; (iii) a representative of a faith-based organization providing services to immigrants; (iv) a small business owner; (v) a representative of a local school division with a significant enrollment in English as a Second Language programs; (vi) a health care provider; (vii) a representative of local law enforcement; (viii) a person with knowledge and expertise in immigration law; (ix) a current or former member of a federal law-enforcement agency with jurisdiction over terrorism or homeland security issues; and (x) a representative of a local social services agency or health department. In its deliberations, the Commission shall provide for the contributions and participation of the Superintendent of State Police, the Commissioner of the Department of Motor Vehicles, the Director of the Department of Corrections, the Superintendent of Public Instruction, the Commissioner of the Department of Social Services and the Commissioner of the Department of Health, or their designees. These persons shall contribute and participate in the manner deemed appropriate by the Commission in the furtherance of its work.

C. Nonlegislative members of the Commission shall serve two-year terms. Legislative members shall serve terms coincident with their terms of office, and any vacancy shall be filled in the original manner of appointment. Vacancies for unexpired terms shall be filled in the same manner as the original appointments.

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

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

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

Resources. Technical assistance shall be provided by the Joint Legislative Audit and Review Commission, and the Department of Planning and Budget. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

G. As used in this article:

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

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

§ 2.2-2531. Powers and duties of the Commission.

A. The Commission shall have the power and duty to gather and analyze information and data to accomplish its purpose as set forth in § 2.2-2530.

B. The Commission shall submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The Commission shall also make such interim reports as it deems advisable. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

2. For its first year of existence, if the Commission is not funded by a separate appropriation in the Appropriation Act, compensation and reimbursement of expenses for legislative members of the Commission may be funded from the operating budgets of the Clerk of the House of Delegates and the Clerk of the Senate upon the approval of the Joint Rules Committee. If the Commission is not funded by a separate appropriation in the Appropriation Act for any year thereafter, this chapter shall expire on July 1 of the fiscal year that the Commission fails to receive such funding.

3. That the provisions of this act shall expire on August 1, 2009.