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HOUSE BILL NO. 3175

Offered January 19, 2007

A BILL 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 24 of Title 2.2 an article numbered 22, consisting of sections numbered 2.2-2462 and 2.2-2463, relating to the creation of the Virginia-Africa Advisory Board.

Patrons—Hall, Jones, D.C., McClellan, McEachin, Nixon and Waddell; Senator: Lambert

Referred to Committee on General Laws

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 24 of Title 2.2 an article numbered 22, consisting of sections numbered 2.2-2462 and 2.2-2463 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-Africa Advisory Board, who shall be appointed as provided for in § 2.2-2462.

§ 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

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59 General Assembly, such portion of such law shall be void, and the Governor shall appoint another
60 person from the Commonwealth at large to fill such a position.

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62 be appointed as provided for in § 54.1-901; to members of the Council on Indians, who shall be
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66 provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who
67 shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating
68 Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans
69 Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of
70 Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the
71 Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to
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74 Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the
75 Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of
76 the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the
77 State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be
78 appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be
79 appointed as provided for in § 2.2-2669; to members of the Commission on Civics Education, who shall
80 be appointed as provided for in § 22.1-212.18; to members of the Volunteer Firefighters' and Rescue
81 Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to
82 members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306; ~~or~~ to
83 members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; *or to*
84 *members of the Virginia-Africa Advisory Board, who shall be appointed as provided for in § 2.2-2462.*

85 Article 22.

86 Virginia-Africa Advisory Board.

87 § 2.2-2462. *Virginia-Africa Advisory Board; purpose; membership; terms; compensation and*
88 *expenses; staff; chairman's executive summary.*

89 A. *The Virginia-Africa Advisory Board (the Board) is established as an advisory board, within the*
90 *meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Board shall be*
91 *to advise the Governor on ways to improve economic and cultural links between the Commonwealth and*
92 *African nations, with a focus on the areas of commerce and trade, art and education, and general*
93 *government.*

94 B. *The Board shall consist of 27 members that include 25 citizen members and two ex officio*
95 *members as follows: six citizen members appointed by the Speaker of the House of Delegates, who may*
96 *be members of the House of Delegates or other state or local elected officials; six citizen members*
97 *appointed by the Senate Committee on Rules, who may be members of the Senate or other state or local*
98 *elected officials; 13 members appointed by the Governor who represent business, industry, education,*
99 *the arts, and government; and the Secretary of Commerce and Trade and the Secretary of Education, or*
100 *their designees, who shall serve as ex officio voting members of the Board.*

101 C. *Nonlegislative citizen members appointed by the Governor shall serve for terms of four years and*
102 *nonlegislative citizen members appointed by the Senate Committee on Rules and the Speaker of the*
103 *House of Delegates shall serve for terms of two years. Legislative members and the Secretaries of*
104 *Commerce and Trade, and Education, or their designees, shall serve terms coincident with their terms*
105 *of office. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term.*
106 *Vacancies shall be filled in the same manner as the original appointments. Any member may be*
107 *reappointed for successive terms.*

108 D. *The members of the Board shall elect a chairman and vice-chairman annually from among its*
109 *membership. The Board shall meet at such times as it deems appropriate or on call of the chairman. A*
110 *majority of the members of the Board shall constitute a quorum.*

111 E. *Members shall receive no compensation for their services. However, all members shall be*
112 *reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as*
113 *provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of the expenses of the members shall be*
114 *provided by the Office of the Governor.*

115 F. *The Office of the Governor shall serve as staff to the Board.*

116 G. *The chairman of the Board shall submit to the Governor and the General Assembly an annual*
117 *executive summary of the interim activity and work of the Board no later than the first day of each*
118 *regular session of the General Assembly. The executive summary shall be submitted as provided in the*
119 *procedures of the Division of Legislative Automated Systems for the processing of legislative documents*
120 *and reports and shall be posted on the General Assembly's website.*

121 § 2.2-2463. Powers and duties of the Board.

122 The Board shall have the power and duty to:

123 1. Undertake studies and gather information and data in order to accomplish its purposes as set
124 forth in § 2.2-2462, and to formulate and present its recommendations to the Governor and the General
125 Assembly.

126 2. Apply for, accept, and expend gifts, grants, or donations from public, quasi-public, or private
127 sources, including any matching funds as may be designated in the appropriation act, to enable it to
128 better carry out its purposes.

129 3. Report annually its findings and recommendations to the Governor. The Board may make interim
130 reports to the Governor as it deems advisable.

131 4. Account annually on its fiscal activities, including any matching funds received or expended by the
132 Board.