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**SENATE BILL NO. 627**

Offered January 9, 2008

Prefiled January 9, 2008

*A BILL to amend and reenact §§ 2.2-2101, as it is currently effective and as it shall become effective, and 22.1-23 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 9, consisting of sections numbered 2.2-2532 and 2.2-2533, relating to the creation of the Commission on Climate Change.*

Patrons—Ticer, Barker and Petersen; Delegates: Caputo, Marsden, Moran, Scott, J.M. and Watts

Referred to Committee on Rules

**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, and 22.1-23 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 9, consisting of sections numbered 2.2-2532 and 2.2-2533 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 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; 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; *or to members of the Commission on Climate Change, who shall be appointed as provided in § 2.2-2532.*

§ 2.2-2101. (Effective July 1, 2008, for contingent expiration date, see Editor's note) 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

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83 Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to  
84 members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306; to  
85 members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; ~~or~~ to  
86 members of the Virginia Commission on Immigration, who shall be appointed as provided in  
87 § 2.2-2530; *or to members of the Commission on Climate Change, who shall be appointed as provided*  
88 *in § 2.2-2532.*

#### 89 Article 9.

##### 90 Commission on Climate Change.

91 § 2.2-2532. *Commission on Climate Change; purpose; membership, terms, compensation; staff.*

92 A. *The Commission on Climate Change (the Commission) is established as an advisory commission*  
93 *within the meaning of § 2.2-2100 in the executive branch of state government. The purpose of the*  
94 *Commission is to study, report on, and make recommendations to mitigate the risks of climate change*  
95 *for the Commonwealth and to study and report on prospective greenhouse gas regulation.*

96 B. *The Commission shall consist of 21 members as follows: six members of the House of Delegates*  
97 *to be appointed by the Speaker of the House of Delegates in accordance with the rules of proportional*  
98 *representation contained in the Rules of the House; three members of the Senate to be appointed by the*  
99 *Senate Committee on Rules; and 12 nonlegislative citizen members to be appointed by the Governor to*  
100 *include representatives of the following industries or sectors: (i) agriculture; (ii) building design; (iii)*  
101 *climate science; (iv) coal production; (v) conservation; (vi) electricity generation; (vii) forestry; (viii)*  
102 *insurance; (ix) local government; (x) oceanic science; (xi) taxation; and (xii) transportation.*

103 C. *Legislative members shall serve terms coincident with their office. Nonlegislative members of the*  
104 *Commission shall serve two-year terms. Any vacancy shall be filled in the original manner of*  
105 *appointment. Vacancies for unexpired terms shall be filled in the same manner as the original*  
106 *appointments.*

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

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

113 F. *Staff to the Commission shall be provided by the office of the Secretary of Natural Resources.*

114 § 2.2-2533. *Powers and duties of the Commission.*

115 A. *The Commission shall have the power and duty to gather and analyze information and data to*  
116 *accomplish its purpose as set forth in § 2.2-2532.*

117 B. *The Commission shall develop a Climate Change Action Plan that: (i) calculates the size of and*  
118 *contributors to Virginia's carbon footprint; (ii) addresses the effects of increasing atmospheric*  
119 *greenhouse gas concentrations on the state; (iii) identifies what the Commonwealth needs to do to*  
120 *prepare for the likely consequences of climate change; and (iv) identifies actions that are needed to*

121 *meet goals for reducing greenhouse gas emissions. In its development of the Climate Change Action*  
122 *Plan, the Commission shall consider demand-side energy conservation by utilities and consumers;*  
123 *expanding renewable energy portfolios; rate decoupling; time-of-use pricing; and transportation demand*  
124 *management. Wherever possible, the Commission shall examine opportunities for economic development.*

125 *C. The Commission shall report annually to the Governor and the General Assembly on its activities*  
126 *and findings, including any recommendations. The Commission shall make such interim reports to the*  
127 *Governor and the General Assembly as it deems advisable or as may be required by the Governor or*  
128 *the General Assembly. The chairman shall submit to the Governor and the General Assembly an annual*  
129 *executive summary of the interim activity and work of the Commission no later than the first day of*  
130 *each regular session of the General Assembly. The executive summary shall be submitted for publication*  
131 *as a report document as provided in the procedures of the Division of Legislative Automated Systems*  
132 *for the processing of legislative documents and reports and shall be posted on the General Assembly's*  
133 *website.*

134 § 22.1-23. Duties in general.

135 The Superintendent of Public Instruction shall:

136 1. Serve as secretary of the Board of Education;

137 2. Provide such assistance in his office as shall be necessary for the proper and uniform enforcement  
138 of the provisions of the school laws in cooperation with the local school authorities;

139 3. Prepare and furnish such forms for attendance officers, teachers and other school officials as are  
140 required by law;

141 4. (Expires July 1, 2010) At least annually, survey all local school divisions to identify critical  
142 shortages of teachers and administrative personnel by geographic area, by school division, or by subject  
143 matter, and report such critical shortages to each local school division and to the Virginia Retirement  
144 System;

145 5. Along with the State Health Commissioner, work to combat childhood obesity and other chronic  
146 health conditions that affect school-age children; and

147 6. *Establish and supervise the High School Climate Change Leadership Awards Program in*  
148 *consultation with the Commission on Climate Change to provide 40 annual scholarships of \$1,500 to*  
149 *students who demonstrate leadership in addressing climate change through academic excellence,*  
150 *completion of a research project, or community service. The award shall only be used to offset tuition at*  
151 *state-supported institutions of higher education in the Commonwealth; and*

152 67. Perform such other duties as the Board of Education may prescribe.

153 **2. That the State Council of Higher Education shall require a state-supported institution of higher**  
154 **education to organize and host a 2009 Mid-Atlantic Regional Climate Change Leadership**  
155 **Consortium in consultation with the Commission on Climate Change. Invitees shall include**  
156 **representatives from academia, government, and industry throughout the Mid-Atlantic region to**  
157 **discuss limiting greenhouse gas emissions and cooperative policies.**