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**SENATE BILL NO. 747**

Offered January 18, 2008

*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 sections numbered 52-4.01 and 52-4.02, relating to the Special Commission on State Police Staffing.*

Patron—Stolle

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, is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 52-4.01 and 52-4.02, as follows:**

§ 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 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 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; to members of the Special Commission on State Police Staffing, who shall be appointed as provided in § 52-4.01; or to members of the Virginia Commission on Immigration, who shall be appointed as provided in § 2.2-2530.

§ 2.2-2101. (Contingent effective 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 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

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SB747

59 person from the Commonwealth at large to fill such a position.

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79 Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to  
80 members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306; to  
81 members of the Special Commission on State Police Staffing, who shall be appointed as provided in  
82 § 52-4.01; or to members of the Forensic Science Board, who shall be appointed as provided for in  
83 § 9.1-1109.

84 § 52-4.01. *Special Commission on State Police Staffing; membership; terms; meetings; compensation*  
85 *and expenses; staff.*

86 A. *The Special Commission on State Police Staffing (the Commission) is established as an advisory*  
87 *commission within the meaning of § 2.2-2100, in the executive branch of state government. The purpose*  
88 *of the Commission shall be to advise the Governor and the General Assembly on the adequate staffing*  
89 *level for the Department of State Police.*

90 B. *The Commission shall consist of nine members that include two legislative members and seven*  
91 *nonlegislative citizen members as follows: one member of the Senate appointed by the Senate Committee*  
92 *on Rules; one member of the House of Delegates appointed by the Speaker of the House of Delegates;*  
93 *five nonlegislative citizen members appointed by the Governor; one nonlegislative citizen member*  
94 *appointed by the Senate Committee on Rules; and one nonlegislative citizen member appointed by the*  
95 *Speaker of the House of Delegates.*

96 C. *All nonlegislative citizen members shall be appointed for terms of four years. Legislative members*  
97 *shall serve terms coincident with their terms of office. All members may be reappointed. However, no*  
98 *House member shall serve more than four consecutive two-year terms, no Senate member shall serve*  
99 *more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than*  
100 *two consecutive four-year terms. Vacancies occurring other than by expiration of a term shall be filled*  
101 *for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The*  
102 *remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in*  
103 *determining the member's eligibility for reappointment.*

104 D. *The Commission shall meet at least once annually or at the request of the chairman or a majority*  
105 *of the voting members. The Commission shall elect a chairman and a vice-chairman, as determined by*  
106 *the membership. A majority of the members of the Commission shall constitute a quorum.*

107 E. *Legislative members of the Commission shall receive such compensation as provided in*  
108 *§ 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of*  
109 *their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and*  
110 *necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.*

111 F. *The Department of State Police shall provide staff assistance to the Commission.*

112 §52-4.02. *Duties of the Commission.*

113 A. *The Commission shall have the power and duty to gather and analyze data related to the staffing*  
114 *needs of the Department of State Police in relation to statutorily mandated programs and functions. The*  
115 *Commission shall meet at least annually to review the Department's staffing needs.*

116 B. *Beginning on November 30, 2008, and every three years thereafter, the Commission shall perform*  
117 *a comprehensive review of the staffing needs of the Department and establish a recommended maximum*  
118 *employment level. The findings shall be submitted to the Governor and the chairmen of the House*  
119 *Committee on Appropriations and the Senate Committee on Finance and shall become the staffing levels*  
120 *for the Department.*