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HOUSE BILL NO. 2618

Offered January 23, 2009

A BILL to amend and reenact § 2.2-4118 of the Code of Virginia, relating to the Virginia Administrative Dispute Resolution Act; Interagency Dispute Resolution Advisory Council; membership terms.

 Patron—Barlow

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-4118 of the Code of Virginia is amended and reenacted as follows:**

§ 2.2-4118. Interagency Dispute Resolution Advisory Council.

A. The Interagency Dispute Resolution Advisory Council is hereby created as an advisory council to the Secretary of Administration.

B. The Council shall consist of *the Secretary of Administration or his designee, the Director of the Department of Employment Dispute Resolution, both serving ex officio*, two dispute resolution coordinators from each Secretariat appointed by each Secretary, ~~the Director of the Department of Employment Dispute Resolution~~, and three persons who are not employees of the Commonwealth, at least two of whom have experience in mediation, appointed by the Governor. The appointees who are not employees of the Commonwealth may be selected from nominations submitted by the Virginia Mediation Network and the Virginia State Bar and the Virginia Bar Association Joint Committee on Alternative Dispute Resolution, who ~~shall~~ *may* each nominate two persons for each such vacancy. In no case shall the Governor be bound to make any appointment from such nominations. *Ex officio members of the Council shall serve terms coincident with their terms of office.* The Secretary of Administration or his designee shall serve as chairman of the Council.

C. *Beginning July 1, 2009, members of the Council shall serve the following terms:*

1. *For members appointed by each Secretariat, one shall serve a term of two years and one shall serve a term of three years; and*

2. *For members appointed by the Governor, two shall serve terms of two years and one shall serve a term of three years.*

Thereafter, the members of the Council shall be appointed for terms of three years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive three-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

D. The Council shall have the power and duty to:

1. Conduct training seminars and educational programs for the members and staff of agencies and public bodies and other interested persons on the use of dispute resolution proceedings.

2. Publish educational materials as it deems appropriate on the use of dispute resolution proceedings.

3. Report on its activities as may be appropriate and on the use of dispute resolution proceedings, including recommendations for changes in the law to the Governor and General Assembly.

~~D.E.~~ Every state agency shall cooperate with and provide such assistance to the Council as the Council may request.

2. That this act shall not be construed to affect existing appointments, except to the extent necessary to effectuate the setting and staggering of terms in accordance with this act.

INTRODUCED

HB2618