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SENATE BILL NO. 23

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Science and Technology
on March 3, 2010)

(Patron Prior to Substitute—Senator Locke)

A BILL to amend and reenact §§ 2.2-2699.1 and 2.2-2699.2 of the Code of Virginia and to repeal the second enactment of Chapter 891 of the Acts of Assembly of 2007, relating to the Aerospace Advisory Council.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2699.1 and 2.2-2699.2 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2699.1. Aerospace Advisory Council; purpose; membership; compensation; chairman.

A. The Aerospace Advisory Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be to advise the Governor, on policy and funding priorities to promote the aerospace and space exploration industry in the Commonwealth, the Joint Commission on Technology and Science, and the Secretaries of Commerce and Trade, Technology, and Education on policy and funding priorities with respect to aerospace economic development, workforce training, educational programs, and educational curriculum. The Council shall suggest strategies to attract and promote the development of existing aerospace companies, new aerospace companies, federal aerospace agencies, aerospace research, venture and human capital, and applied research and technology that contribute to the growth and development of the aerospace sector in the Commonwealth.

B. The Council shall have a total membership of 19 members that shall consist of four legislative members and 15 nonlegislative citizen members. Members shall be appointed as follows: three members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate, to be appointed by the Senate Committee on Rules and 15 nonlegislative citizen members, of whom one shall represent the Mid-Atlantic Regional Spaceport, one shall represent Old Dominion University, one shall represent the University of Virginia, and one shall represent Virginia Tech, and five shall represent aerospace companies or suppliers within the Commonwealth, to be appointed by the Governor, and serve with voting privileges. The Director of Directors of the Department of Aviation, the National Institute of Aerospace, the Virginia Tourism Authority and the Virginia Space Grant Consortium shall serve as an ex officio member members with voting privileges. A representative of NASA Wallops Flight Facility, and a representative of NASA's Langley Research Center, and a representative of the National Institute of Aerospace, all each to be appointed by the Governor, shall serve as ex officio liaisons to members the Council with nonvoting privileges. Legislative members shall serve terms coincident with their terms of office. Other members shall be appointed for terms of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members shall serve without compensation or reimbursement for reasonable and necessary expenses. All legislative members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for compensation and expenses of legislative members shall be provided by the operating budgets of the Clerk of the House of Delegates and the Clerk of the Senate upon approval of the Joint Rules Committee. Funding for the costs of expenses of the nonlegislative citizen members and all other expenses of the Council shall be provided by the Office of the Secretary of Technology Department of Aviation.

D. The Council shall elect a chairman and a vice-chairman annually from among its legislative membership. A majority of the members shall constitute a quorum. The Council shall meet at such times as may be called by the chairman or a majority of the Council.

E. Staff to the Council shall be provided by the Office of the Secretary of Technology Department of Aviation. The Division of Legislative Services shall provide additional staff support to legislative members serving on the Council.

§ 2.2-2699.2. Powers and duties of the Council.

The Council shall have the power and duty to:

1. Identify any federal or state regulatory impediments, including taxation, to the development of the Mid-Atlantic Regional Spaceport;

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2. Identify threats to the spaceport's viability, such as encroachment, zoning, mineral exploration and exploitation, and noncompatible uses of the spaceport;

3. Advise the Governor on potential economic development opportunities and marketing strategies to attract launch companies to Virginia;

4. Identify and recommend policy and legislative solutions to potential state legal barriers to human spaceflight, including liability and assumption of risk issues;

5. Advise the Governor on infrastructure and marketing investments needed to achieve the spaceport's full potential and that of Virginia's aerospace sector as a whole;

6. Develop a long-term strategic plan to make the Mid-Atlantic Regional Spaceport the premiere commercial hub for space travel in the United States;

7. Identify and recommend actions to position Virginia's aerospace sector to take advantage of newly emerging opportunities as part of NASA's Vision for Space Exploration; and

8. Identify and recommend policies to support the critical role of Virginia's universities in providing human capital and research contributions that significantly impact aerospace-related economic development in the Commonwealth.

1. Identify opportunities and recommend actions to use the economic development engine offered by Virginia's aerospace sector to benefit the sector and the Commonwealth, including the attraction to Virginia of launch and other aerospace companies, as well as federal, national and international investments, such as the FAA's NextGen initiative and emerging NASA and other federal programs;

2. Develop a long-term strategic plan to make the Mid-Atlantic Regional Spaceport the commercial hub for space travel originating or concluding in the United States;

3. Contribute to the continued development of the Mid-Atlantic Regional Spaceport. Development efforts shall include, in part:

a. Identification of any federal or state regulatory impediments, including taxation, to the development of the Mid-Atlantic Regional Spaceport;

b. Identification of threats to the spaceport's viability, such as encroachment, zoning, mineral exploration and exploitation, and noncompatible uses of the spaceport; and

c. Identification and recommendation of policy and legislative solutions to potential state legal barriers to human spaceflight;

4. Advise the Governor and the General Assembly on infrastructure and marketing investments needed to achieve the full potential of Virginia's aerospace sector as a whole, including, but not limited to, the Mid-Atlantic Regional Spaceport;

5. Identify and recommend policies to support the critical role of Virginia's universities in providing human capital and research contributions that significantly impact the economic development of aerospace-related and aerodynamic-dependent industries in the Commonwealth;

6. Identify and recommend policies to support aerospace sector needs for workforce development as provided by the Virginia Community College System and precollege educational system, including suggestions for enhanced development of Virginia's high-tech workforce pipeline in engineering, technology, and science; and

7. Assist the Governor in any aerospace-related events and conferences hosted by the Commonwealth.

2. That the second enactment of Chapter 891 of the Acts of Assembly of 2007 is repealed.