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**HOUSE BILL NO. 1842**

Offered January 12, 2011

Prefiled January 11, 2011

*A BILL to amend and reenact §§ 2.2-215, 2.2-306, 2.2-1503, 2.2-2282, 2.2-2400, 2.2-2404, 2.2-2413, 2.2-4343, 2.2-2666.1, 2.2-2669, 2.2-2696, 2.2-2699.5, 3.2-1401, 3.2-1700, 3.2-2401, 9.1-108, 9.1-202, 9.1-802, 10.1-1102, 10.1-1800, 10.1-2136, 22.1-164, 22.1-337, 22.1-346.2, 23-253.1, 30-193, 54.1-2950.1, 54.1-2956, 54.1-2956.8, 54.1-2956.11, 54.1-2957.5, 54.1-3703, and 63.2-1735 of the Code of Virginia and to repeal Article 4 (§§ 10.1-217.1 through 10.1-217.6) of Chapter 2 and Chapter 21.2 (§§ 10.1-2135 through 10.1-2140) of Title 10.1 of the Code of Virginia, relating to boards, commissions and councils; membership; appointing authority; abolition.*

Patrons—Cole, Athey, Bell, Richard P., Robinson and Villanueva

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-215, 2.2-306, 2.2-1503, 2.2-2282, 2.2-2400, 2.2-2404, 2.2-2413, 2.2-4343, 2.2-2666.1, 2.2-2669, 2.2-2696, 2.2-2699.5, 3.2-1401, 3.2-1700, 3.2-2401, 9.1-108, 9.1-202, 9.1-802, 10.1-1102, 10.1-1800, 10.1-2136, 22.1-164, 22.1-337, 22.1-346.2, 23-253.1, 30-193, 54.1-2950.1, 54.1-2956, 54.1-2956.8, 54.1-2956.11, 54.1-2957.5, 54.1-3703, and 63.2-1735 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-215. Position established; agencies for which responsible.

The position of Secretary of Natural Resources (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Conservation and Recreation, Department of Historic Resources, Marine Resources Commission, Department of Game and Inland Fisheries, ~~Chippokes Plantation Farm Foundation~~, Virginia Museum of Natural History, Council on Indians, and the Department of Environmental Quality. The Governor may, by executive order, assign any state executive agency to the Secretary of Natural Resources, or reassign any agency listed above to another Secretary.

§ 2.2-306. Secure Commonwealth Panel; membership; duties; compensation; staff.

A. The Secure Commonwealth Panel (the Panel), is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Panel shall consist of 34 members as follows: three members of the House of Delegates and two nonlegislative citizens to be appointed by the Speaker of the House of Delegates; three members of the Senate of Virginia and two nonlegislative citizens to be appointed by the Senate Committee on Rules; the Lieutenant Governor; the Attorney General; the Executive Secretary of the Supreme Court of Virginia; the Assistant to the Governor for Commonwealth Preparedness, the Secretary of Commerce and Trade, the Secretary of Health and Human Resources, the Secretary of Public Safety, the Secretary of Technology and the Secretary of Transportation or their designees; two local first responders; three local government representatives; two physicians with knowledge of public health; four members from the business or industry sector; and four ~~additional members from the private sector~~ *citizens from the Commonwealth at large*. Except for appointments made by the Speaker of the House of Delegates and the Senate Committee on Rules, all other appointments shall be made by the Governor. Additional ex officio members may be appointed to the Panel by the Governor at his discretion. Legislative members shall serve terms coincident with their terms of office or until their successors shall qualify. Nonlegislative citizen members shall serve for terms of four years. The Assistant to the Governor of the Office shall be the chairman of the Panel.

B. The Panel shall monitor and assess the implementation of statewide prevention, preparedness, response, and recovery initiatives and where necessary to review, evaluate, and make recommendations relating to the emergency preparedness of government at all levels in the Commonwealth. Additionally, the Panel shall facilitate cabinet-level coordination among the various agencies of state government related to emergency preparedness and shall facilitate private sector preparedness and communication. The Panel shall make quarterly reports to the Governor concerning the state's emergency preparedness, response, recovery, and prevention efforts.

C. Members of the Panel shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

D. Staff support for the Panel and funding for the costs of expenses of the members shall be provided by the Office of Commonwealth Preparedness.

§ 2.2-1503. Filing of six-year revenue plan by Governor.

INTRODUCED

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59 A. In every year, the Governor shall by December 15 prepare and submit to the members of the  
60 General Assembly an estimate of anticipated general fund revenue, an estimate of anticipated  
61 transportation fund revenues, and estimates of anticipated revenues for each of the remaining major  
62 nongeneral funds, for a prospective period of six years.

63 The Governor's estimates of anticipated general, transportation, and other nongeneral fund revenues  
64 shall be based on the following:

65 1. Forecasts of economic activity in the Commonwealth.

66 2. Review by an advisory board of economists with respect to economic assumptions and technical  
67 econometric methodology. The Joint Advisory Board of Economists (the Board) is established as an  
68 advisory board, within the meaning of § 2.2-2100, in the executive branch of state government for such  
69 purpose. The Board shall be chaired by the Secretary of Finance, and consist of the Staff Director of the  
70 House Committee on Appropriations, the Staff Director of the Senate Committee on Finance, and 15  
71 nonlegislative citizen members, 12 to be appointed by the Governor, at least eight being citizens of the  
72 Commonwealth, and three by the Joint Rules Committee, at least two being citizens of the  
73 Commonwealth. The 15 nonlegislative citizen members of the Board shall (i) be economists from either  
74 the public or private sector; (ii) serve at the pleasure of the appointing authority; (iii) be citizens of the  
75 United States with at least 10 being citizens of the Commonwealth; (iv) have their vacancies filled in  
76 the same manner as the original appointments; and (v) not receive compensation for their services, but  
77 shall be reimbursed for all reasonable and necessary expenses for the performance of their duties as  
78 provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be  
79 provided by the Department of Taxation. The Department of Taxation shall provide staff support. A  
80 majority of the members of the Board shall constitute a quorum. Meetings of the Board shall be held  
81 upon the call of the chairman or whenever a majority of the members so request.

82 3. Review by an advisory council of revenue estimates with respect to economic assumptions and the  
83 general economic climate of the Commonwealth. The Advisory Council on Revenue Estimates (the  
84 Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch  
85 of state government for such purpose. The Council, of which the Governor shall be chairman, shall  
86 include the Speaker and Majority Leader of the House of Delegates; the President pro tempore and  
87 Majority Leader of the Senate; the Chairmen of the House Committee on Appropriations, the House  
88 Committee on Finance, and the Senate Committee on Finance or their designees; two members of the  
89 House of Delegates to be appointed by the Speaker of the House, two members of the Senate to be  
90 appointed by the Chairman of the Senate Committee on Finance; and *up to 20* nonlegislative citizen  
91 members representing the private sector appointed by the Governor. Legislative members appointed shall  
92 serve terms coincident with their terms of office and nonlegislative citizen members shall serve at the  
93 pleasure of the Governor. All members shall be citizens of the Commonwealth. Vacancies shall be filled  
94 in the same manner as the original appointments. Members shall not receive compensation for their  
95 services, but shall be reimbursed for all reasonable and necessary expenses for the performance of their  
96 duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall  
97 be provided by the Department of Taxation. The Department of Taxation shall provide staff support. A  
98 majority of the members of the Council shall constitute a quorum. Meetings of the Council shall be held  
99 upon the call of the chairman or whenever a majority of the members so request.

100 4. Any such other advisory bodies as the Governor may desire.

101 B. At the time the Governor submits the estimate of general fund revenues in accordance with  
102 subsection A, he shall also submit any alternative general fund revenue forecasts considered by the  
103 Advisory Council on Revenue Estimates.

104 § 2.2-2282. Board of directors; membership; terms, compensation and expenses; chairman,  
105 vice-chairman, secretary and treasurer; quorum; staff.

106 A. The Board shall consist of the State Treasurer or his designee, the Director of the Department of  
107 Business Assistance, and nine members who are not employees of the Commonwealth or of any political  
108 subdivision thereof who shall be appointed by the Governor and who shall have such small business  
109 experience as he deems necessary or desirable. The appointment of members of the Board by the  
110 Governor shall be subject to confirmation by the General Assembly. All members of the Board shall be  
111 residents of the Commonwealth and shall have full voting privileges. Appointments shall be for terms of  
112 four years, except that appointments to fill vacancies shall be made for the unexpired terms. No member  
113 appointed by the Governor shall serve more than two complete terms in succession. The members of the  
114 Board shall receive no salaries but shall be paid travel and other expenses incurred to attend meetings or  
115 while otherwise engaged in the discharge of their duties, all as may be deemed appropriate by the  
116 Board.

117 B. The Governor shall appoint one member as chairman *for a two-year term. No member shall be*  
118 *eligible to serve more than two consecutive terms as chairman.* Five members of the Board shall  
119 constitute a quorum for the transaction of all business of the Authority. The Board shall elect one  
120 member from the group of nine members appointed by the Governor as vice-chairman who shall

exercise the powers of the chairman in the absence of the chairman. The Board shall elect a secretary and a treasurer, or a secretary-treasurer, who need not be members of the Board and who shall continue to hold such office until their respective successors are elected. The Department of Business Assistance of the Commonwealth shall serve as staff to the Authority.

§ 2.2-2400. Art and Architectural Review Board; members and officers; travel expenses; quorum; compensation; staff; report.

A. The Art and Architectural Review Board (the Board) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of six members as follows: the Director of the Department of Historic Resources, or his designee, serving as an ex officio member and five citizen members, appointed by the Governor. Of the citizen members, one ~~shall~~ *may* be appointed from a list of architects nominated by the governing board of the Virginia Society of the American Institute of Architects; one ~~shall~~ *may* be appointed from a list of persons nominated by the governing board of the University of Virginia; one ~~shall~~ *may* be appointed from a list of persons nominated by the board of trustees of the Virginia Museum of Fine Arts; and two shall be appointed from the Commonwealth at large, one of whom shall be a painter or sculptor.

B. ~~The Beginning July 1, 2011, the Governor's appointments of the five citizen members shall be staggered as follows: two members for a term of one year, two members for a term of two years, and one member for a term of three years. Thereafter,~~ members of the Board shall be appointed for terms of four years each, except appointments to fill vacancies, which shall be for the unexpired terms. No member shall serve for more than two consecutive four-year terms, except that any member appointed to the unexpired term of another shall be eligible to serve two consecutive four-year terms. Vacancies shall be filled in the manner of the original appointments. The Director of the Department of Historic Resources shall serve a term coincident with his term of office.

C. Annually, the Board shall elect a chairman and vice-chairman and may elect such other officers as the Board deems proper from among its membership. A majority of the members of the Board shall constitute a quorum.

D. The members of the Board shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

E. The Division of Engineering and Buildings of the Department of General Services shall provide assistance to the Board in the undertaking of its responsibilities.

F. The Board shall submit a biennial report to the Governor and General Assembly on or before October 1 of each even-numbered year.

§ 2.2-2404. Design-Build/Construction Management Review Board; membership; terms; compensation; staff; seal.

A. The Design-Build/Construction Management Review Board (the "Review Board") is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government.

B. The Board shall consist of nine members to be appointed by the Governor as follows: the Director of the Division of Engineering and Buildings of the Department of General Services, or his designee; two Class A general contractors *who may be* selected from a list recommended by the Associated General Contractors; one architect and one engineer *who may be* selected from a list recommended by the Consulting Engineers Council of Virginia, the Virginia Society of the American Institute of Architects, and the Virginia Society of Professional Engineers; and four representatives of public bodies other than the Commonwealth *who may be* selected from a list recommended by the Virginia Municipal League and the Virginia Association of Counties. Each such list, other than those recommended as representatives of public bodies, shall include the names of at least four persons who are experienced and actively engaged in competitive sealed bidding or competitive negotiation and in design-build or construction management procedures. The list for representatives of public bodies shall include at least four persons who are experienced in competitive sealed bidding or competitive negotiation and in design-build or construction management procedures. The Director of the Division of Engineering and Buildings or his designee shall be a nonvoting member of the Review Board, except in the event of a tie vote of the Review Board.

C. After the original appointments, all appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be eligible to serve for more than two successive full terms, except the Director of the Division of Engineering and Buildings, who shall serve until a successor qualifies.

D. The Review Board shall elect its chairman and vice-chairman from among its members. The Review Board shall meet monthly to conduct its business as required by § 2.2-2405. However, monthly meetings may be canceled by the chairman if there is no business before the Review Board. Five members shall constitute a quorum.

E. Members of the Review Board shall receive no compensation for their services, but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as

182 provided in § 2.2-2825.

183 F. Such staff support as is necessary for the conduct of the Review Board's business shall be  
184 furnished by the Division of Engineering and Buildings of the Department of General Services pursuant  
185 to § 2.2-1134.

186 G. The Review Board shall adopt a seal by which it shall authenticate its proceedings.

187 § 2.2-2413. Small Business Advisory Board; membership; terms; quorum; compensation.

188 A. The Small Business Advisory Board (the "Board") is established as an advisory board, within the  
189 meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of the  
190 following members: ~~fourteen~~ 14 members appointed by the Governor and subject to confirmation by the  
191 General Assembly; the Chairman of the Small Business Financing Authority and the Director of the  
192 Department of Business Assistance and the District Director for Virginia of the U.S. Small Business  
193 Administration or their designees as nonvoting ex officio members. The appointed members of the  
194 Board shall represent small businesses as defined by the Small Business Financing Act (§ 2.2-2279 et  
195 seq.). There shall be at least one member appointed from each congressional district who does business  
196 in that district and three members appointed at large from within the Commonwealth.

197 B. Terms of the appointed members shall be for four years except that appointments to fill vacancies  
198 shall be for the unexpired terms. No member appointed by the Governor shall serve more than two  
199 complete terms in succession.

200 C. The Governor shall appoint one member of the Board to be chairman *for a term of two years. No*  
201 *member shall be eligible to serve more than two consecutive terms as chairman.* The Board shall  
202 annually elect one of its members as vice-chairman, and shall also elect annually a secretary, who need  
203 not be a member of the Board. The chairman, or in his absence, the vice-chairman, shall preside at all  
204 meetings of the Board. In the absence of both the chairman and the vice-chairman at any meeting, the  
205 Board shall elect a chairman pro tempore, who shall preside at such meeting.

206 D. The Board shall meet at least semiannually, at the call of the chairman, Director of the  
207 Department of Business Assistance or Governor or at the request of a majority of the Board members. A  
208 majority of the members of the Board shall constitute a quorum.

209 E. Members of the Board shall serve without compensation but shall be reimbursed for all reasonable  
210 and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

211 § 2.2-4343. Exemption from operation of chapter for certain transactions.

212 A. The provisions of this chapter shall not apply to:

213 1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10  
214 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by  
215 the Board of Commissioners and approved by the Department of General Services, procedures to ensure  
216 fairness and competitiveness in the procurement of goods and services and in the administration of its  
217 capital outlay program. This exemption shall be applicable only so long as such policies and procedures  
218 meeting the requirements remain in effect.

219 2. The Virginia Retirement System for selection of services related to the management, purchase or  
220 sale of authorized investments, actuarial services, and disability determination services. Selection of these  
221 services shall be governed by the standard set forth in § 51.1-124.30.

222 3. The State Treasurer in the selection of investment management services related to the external  
223 management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to  
224 competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by  
225 the Department of General Services.

226 4. The Department of Social Services or local departments of social services for the acquisition of  
227 motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

228 5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University  
229 of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to  
230 the management and investment of their endowment funds, endowment income, gifts, all other  
231 nongeneral fund reserves and balances, or local funds of or held by the College or Universities pursuant  
232 to § 23-44.1, 23-50.10:01, 23-76.1, or 23-122.1. However, selection of these services shall be governed  
233 by the Uniform Prudent Management of Institutional Funds Act (§ 55-268.11 et seq.) as required by  
234 §§ 23-44.1, 23-50.10:01, 23-76.1, and 23-122.1.

235 6. The Board of the Virginia College Savings Plan for the selection of services related to the  
236 operation and administration of the Plan, including, but not limited to, contracts or agreements for the  
237 management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting  
238 services. However, such selection shall be governed by the standard set forth in § 23-38.80.

239 7. Public institutions of higher education for the purchase of items for resale at retail bookstores and  
240 similar retail outlets operated by such institutions. However, such purchase procedures shall provide for  
241 competition where practicable.

242 8. The purchase of goods and services by agencies of the legislative branch that may be specifically  
243 exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the

Senate. Nor shall the contract review provisions of § 2.2-2011 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4308, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377.

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections C and D of § 2.2-4303, and §§ 2.2-4305, 2.2-4308, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 shall apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services set forth in subdivision 3 a of § 2.2-4301 in the definition of competitive negotiation shall also apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$30,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 55-268.11 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services.

18. The Board of the Chippokes Plantation Farm Foundation in entering into agreements with persons for the construction, operation, and maintenance of projects consistent with the Chippokes Plantation State Park Master Plan approved by the Director of the Department of Conservation and Recreation pursuant to the requirements of § 10.1-200.1 and designed to further an appreciation for rural living and the contributions of the agricultural, forestry, and natural resource based industries of the Commonwealth, provided such projects are supported solely by private or nonstate funding.

19. The University of Virginia Medical Center to the extent provided by subdivision B 3 of

305 § 23-77.4.

306 2019. The purchase of goods and services by a local governing body or any authority, board,  
307 department, instrumentality, institution, agency or other unit of state government when such purchases  
308 are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or  
309 by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

310 2120. The contract by community services boards or behavioral health authorities with an  
311 administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

312 2221. (Contingent expiration date, see note.) Procurement of any construction or planning and design  
313 services and contracts with or assigned to George Mason University by the corporation or other legal  
314 entity created by the board of visitors of George Mason University for the establishment and operation  
315 of the branch campus of George Mason University in the Republic of Korea, pursuant to § 23-91.29:1.

316 B. Where a procurement transaction involves the expenditure of federal assistance or contract funds,  
317 the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or  
318 regulations not in conformance with the provisions of this chapter, a public body may comply with such  
319 federal requirements, notwithstanding the provisions of this chapter, only upon the written determination  
320 of the Governor, in the case of state agencies, or the governing body, in the case of political  
321 subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the  
322 public interest. Such determination shall state the specific provision of this chapter in conflict with the  
323 conditions of the grant or contract.

324 § 2.2-2666.1. Council created; composition; compensation and expenses; meetings; chairman's  
325 executive summary.

326 A. The Virginia Military Advisory Council (the Council) is hereby created as an advisory council,  
327 within the meaning of § 2.2-2100, in the executive branch of state government, to maintain a  
328 cooperative and constructive relationship between the Commonwealth and the leadership of the several  
329 Armed Forces of the United States and the military commanders of such Armed Forces stationed in the  
330 Commonwealth, and to encourage regular communication on continued military facility viability, the  
331 exploration of privatization opportunities and issues affecting preparedness, public safety and security.

332 B. The Council shall be composed of 27 28 members as follows: the Lieutenant Governor, the  
333 Attorney General, the Secretary of Public Safety, the Adjutant General, *the Assistant to the Governor for*  
334 *Commonwealth Preparedness*, the Chairman of the House Committee on Militia, Police and Public  
335 Safety and the Chairman of the Senate Committee on General Laws, or their designees; four members,  
336 one of whom shall be a representative of the Virginia State Defense Force, to be appointed by and serve  
337 at the pleasure of the Governor; and 17 members, including representatives of major military commands  
338 and installations located in the Commonwealth or in jurisdictions adjacent thereto, who shall be  
339 ~~appointed by requested to serve by the Governor after consideration of the persons nominated by the~~  
340 ~~Secretaries of the Armed Forces of the United States and who shall serve at the pleasure of the~~  
341 ~~Governor.~~ However, any legislative member who is appointed by the Governor shall serve a term  
342 coincident with his term of office. The provisions of § 49-1 shall not apply to federal civilian officials  
343 and military personnel appointed to the Council.

344 C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12,  
345 and nonlegislative members shall receive such compensation as provided in § 2.2-2813 for the  
346 performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses  
347 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the  
348 costs of compensation and expenses of the members shall be provided by the Department of Military  
349 Affairs.

350 D. The Council shall elect a chairman from among its membership. The vice-chairman of the  
351 Council shall be the Assistant to the Governor for Commonwealth Preparedness. The meetings of the  
352 Council shall be held at the call of the chairman or whenever the majority of members so request. A  
353 majority of the members shall constitute a quorum.

354 E. The chairman of the Council shall submit to the Governor and the General Assembly an annual  
355 executive summary of the interim activity and work of the Council no later than the first day of each  
356 regular session of the General Assembly. The executive summary shall be submitted as provided in the  
357 procedures of the Division of Legislative Automated Systems for the processing of legislative documents  
358 and reports and shall be posted on the General Assembly's website.

359 § 2.2-2669. Virginia Workforce Council; purpose; membership; terms; compensation and expenses;  
360 staff.

361 A. The Virginia Workforce Council (the Council) is established as a policy council, within the  
362 meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be  
363 to assist the Governor in meeting workforce training needs in the Commonwealth.

364 B. The Council shall consist of 29 members as follows:

365 1. The Council shall include two members of the House of Delegates to be appointed by the Speaker  
366 of the House of Delegates; and two members of the Senate to be appointed by the Senate Committee on

Rules. Legislative members shall serve terms coincident with their terms of office and may be reappointed for successive terms.

2. The Governor or his designee; the Secretaries of Commerce and Trade, Education, and Health and Human Resources; the Chancellor of the Virginia Community College System; the Commissioner of the Virginia Employment Commission; and the president of the Virginia AFL-CIO shall serve as members.

3. The Governor shall appoint members as follows: one mayor and one chairperson of a county board of supervisors; one representative of labor in addition to the president of the Virginia AFL-CIO; and 15 nonlegislative citizen members representing the business community, to include the presidents of the Virginia Chamber of Commerce and the Virginia Manufacturer's Association, one representative of proprietary employment training schools, one representative of health care employers, and the remaining members who are business owners, chief executive officers, chief operating officers, chief financial officers, senior managers or other business executives or employers with optimum policy-making or hiring authority and who shall represent diverse regions of the state, to include urban, suburban, and rural areas, at least two of whom shall be members of local workforce investment boards. Nonlegislative citizen members may be nonresidents of the Commonwealth.

Members appointed in accordance with this subdivision shall serve four-year terms, subject to the pleasure of the Governor, and may be reappointed.

C. If one person appointed to fill one of the enumerated positions in subsection B also qualifies to fill any other of the enumerated positions, such person may, at the discretion of the Governor, be deemed to fill any or all of the enumerated positions for which such person qualifies.

D. The Governor shall select a chairman and vice-chairman, *who shall serve two-year terms*, from among the 15 members representing the business community appointed in accordance with subdivision B ~~3 of subsection B~~. *No member shall be eligible to serve more than two consecutive terms as chairman.* The Council shall meet upon the call of the chair or the Governor.

E. Compensation and reimbursement of expenses of the members shall be as follows:

1. Legislative members appointed in accordance with subdivision B 1 shall receive such compensation and reimbursement of expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12.

2. Members of the Council appointed in accordance with subdivision B 2 shall not receive compensation but 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.

3. Members of the Council appointed in accordance with subdivision B 3 shall not receive compensation but 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 the costs of compensation and expenses of the members shall be provided from federal funds received under the Workforce Investment Act of 1998 (P.L. 105-220, as amended).

F. The Office of the Chancellor of the Virginia Community College System shall provide strategic guidance and staff support to the Council.

§ 2.2-2696. Substance Abuse Services Council.

A. The Substance Abuse Services 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 is to advise and make recommendations to the Governor, the General Assembly, and the State Board of Behavioral Health and Developmental Services on broad policies and goals and on the coordination of the Commonwealth's public and private efforts to control substance abuse, as defined in § 37.2-100.

B. The Council shall consist of 30 members. Four members of the House of Delegates shall 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, and two members of the Senate shall be appointed by the Senate Committee on Rules. The Governor shall appoint one member representing the Virginia Sheriffs' Association, one member representing the Virginia Drug Courts Association, one member representing the Substance Abuse Certification Alliance of Virginia, two members representing the Virginia Association of Community Services Boards, and two members representing statewide consumer and advocacy organizations. The Council shall also include the Commissioner of Behavioral Health and Developmental Services; the Commissioner of Health; the Commissioner of the Department of Motor Vehicles; the Superintendent of Public Instruction; the Directors of the Departments of Juvenile Justice, Corrections, Criminal Justice Services, Medical Assistance Services, and Social Services; the Chief Operating Officer of the Department of Alcoholic Beverage Control; the Executive Director of the Governor's Office for Substance Abuse Prevention or his designee; the Executive Director of the Virginia Foundation for Healthy Youth or his designee; the Executive Director of the Commission on the Virginia Alcohol Safety Action Program or his designee; and the chairs or their designees of the Virginia Association of Drug and Alcohol Programs, the Virginia Association of Alcoholism and Drug Abuse Counselors, and the Substance Abuse Council and the Prevention Task

428 Force of the Virginia Association of Community Services Boards.

429 C. Appointments of legislative members and heads of agencies or representatives of organizations  
430 shall be for terms consistent with their terms of office. ~~All other~~ *Beginning July 1, 2011, the Governor's*  
431 *appointments of the seven nonlegislative citizen members shall be staggered as follows: two members for*  
432 *a term of one year, three members for a term of two years, and two members for a term of three years.*  
433 *Thereafter,* appointments of nonlegislative members shall be for terms of three years, except an  
434 appointment to fill a vacancy, which shall be for the unexpired term. The Governor shall appoint a  
435 chairman from among the members. *No member shall be eligible to serve more than two*  
436 *consecutive terms as chairman.*

437 No person shall be eligible to serve more than two successive terms, provided that a person  
438 appointed to fill a vacancy may serve two full successive terms.

439 D. The Council shall meet at least four times annually and more often if deemed necessary or  
440 advisable by the chairman.

441 E. Members of the Council shall receive no compensation for their services but shall be reimbursed  
442 for all reasonable and necessary expenses incurred in the performance of their duties as provided in  
443 §§ 2.2-2813 and 2.2-2825. Funding for the cost of expenses shall be provided by the Department of  
444 Behavioral Health and Developmental Services.

445 F. The duties of the Council shall be:

446 1. To recommend policies and goals to the Governor, the General Assembly, and the State Board of  
447 Behavioral Health and Developmental Services;

448 2. To coordinate agency programs and activities, to prevent duplication of functions, and to combine  
449 all agency plans into a comprehensive interagency state plan for substance abuse services;

450 3. To review and comment on annual state agency budget requests regarding substance abuse and on  
451 all applications for state or federal funds or services to be used in substance abuse programs;

452 4. To define responsibilities among state agencies for various programs for persons with substance  
453 abuse and to encourage cooperation among agencies; and

454 5. To make investigations, issue annual reports to the Governor and the General Assembly, and make  
455 recommendations relevant to substance abuse upon the request of the Governor.

456 G. Staff assistance shall be provided to the Council by the Office of Substance Abuse Services of the  
457 Department of Behavioral Health and Developmental Services.

458 § 2.2-2699.5. Information Technology Advisory Council; membership; terms; quorum; compensation;  
459 staff.

460 A. The Information Technology Advisory Council (ITAC) is established as an advisory council,  
461 within the meaning of § 2.2-2100, in the executive branch of state government. The ITAC shall be  
462 responsible for advising the CIO and the Secretary of Technology on the planning, budgeting, acquiring,  
463 using, disposing, managing, and administering of information technology in the Commonwealth.

464 B. The ITAC shall consist of not more than 14 16 members as follows: (i) one representative from  
465 an agency under each of the Governor's Secretaries, as set out in Chapter 2 (§ 2.2-200 et seq.) *and the*  
466 *Secretary of the Commonwealth,* to be appointed by the Governor and serve with voting privileges; (ii)  
467 the Secretary of Technology and the CIO who shall serve ex officio with voting privileges; ~~and~~ (iii) *the*  
468 *Assistant to the Governor for Commonwealth Preparedness;* and (iv) at the Governor's discretion, not  
469 more than two nonlegislative citizen members to be appointed by the Governor and serve with voting  
470 privileges.

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

477 C. The Secretary of Technology shall serve as chairman of the ITAC. The CIO shall serve as  
478 vice-chairman. A majority of the members shall constitute a quorum. The ITAC shall meet at least  
479 quarterly each year. The meetings of the ITAC shall be held at the call of the chairman or whenever the  
480 majority of the members so request.

481 D. Nonlegislative citizen members shall receive compensation and shall be reimbursed for all  
482 reasonable and necessary expenses incurred in the performance of their duties, as provided in  
483 §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be  
484 provided by the Virginia Information Technologies Agency.

485 E. The disclosure requirements of subsection B of § 2.2-3114 of the State and Local Government  
486 Conflict of Interests Act shall apply to citizen members of the ITAC.

487 F. The Virginia Information Technologies Agency shall serve as staff to the ITAC.

488 § 3.2-1401. Corn Board; composition and appointment of members.

489 The Corn Board, established by the passage of a referendum held pursuant to Chapter 395 of the



1980 Acts of Assembly, is continued within the Department. The Corn Board shall be composed of 11 members appointed by the Governor and ~~confirmed in accordance with § 2.2-107~~ *from may be guided by nominations made by producer organizations representing corn producers.* These organizations shall nominate at least two producers from each production area of corn as defined in § 3.2-1410. The Governor shall appoint at least one producer from each production area and the membership of the Corn Board shall be composed of a majority of producers. The Governor shall appoint one member, if available, from each of the following classifications: seedsman, processor, country buyer, and exporter.

§ 3.2-1700. Horse Industry Board; composition and appointment of members; quorum.

The Horse Industry Board, established by the passage of a referendum held pursuant to Chapters 790 and 805 of the 1993 Acts of Assembly, is continued within the Department. The Horse Industry Board shall consist of 12 members representing the horse industry, industry support services, education, and equine health. Four members shall be the presidents of the following industry organizations: the Virginia Horse Council, Inc., the Virginia Thoroughbred Association, the Virginia Horse Shows Association, and the Virginia Quarter Horse Association. Four members shall serve at large, to be appointed by the Governor from nominations made by the remaining statewide horse breed or use organizations. The Governor ~~shall~~ *may* also appoint two members from recommendations submitted by the Virginia horse industry: one shall be a representative of the horse industry support services or professional community (feed manufacturing or sales, pharmaceutical sales, horseshoeing, marketing, veterinary services, etc.) and the other shall be an individual commercially involved in the horse industry (manager, trainer, etc.).

The extension horse specialist from Virginia Polytechnic Institute and State University shall serve as a voting member of the Horse Industry Board. The Commissioner shall serve as a nonvoting member.

Seven members shall constitute a quorum for the transaction of business.

The presidents of the Virginia Horse Council, Inc., the Virginia Thoroughbred Association, the Virginia Horse Shows Association, and the Virginia Quarter Horse Association may each designate in writing a member of his organization as an alternate who may attend meetings in his place and be counted as a member of the Horse Industry Board for the purposes of a quorum and for voting.

§ 3.2-2401. Bright Flue-Cured Tobacco Board; composition and appointment of members.

The Bright Flue-Cured Tobacco Board is continued within the Department. The Bright Flue-Cured Tobacco Board shall consist of seven members with one member from each production area of flue-cured tobacco. The Governor ~~shall~~ *may* appoint members from nominations made by the Flue-Cured Tobacco Committee of the Virginia Farm Bureau Federation and other tobacco grower organizations existing in tobacco-producing counties. Each member shall be a citizen of the Commonwealth and engaged in producing tobacco in the Commonwealth.

§ 9.1-108. Criminal Justice Services Board membership; terms; vacancies; members not disqualified from holding other offices; designation of chairmen; meetings; compensation.

A. The Criminal Justice Services Board is established as a policy board within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of 29 members as follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General or his designee; the Superintendent of the Department of State Police; the Director of the Department of Corrections; the Director of the Department of Juvenile Justice; the Superintendent of the Department of Correctional Education; the Chairman of the Parole Board; the Executive Director of the Virginia Indigent Defense Commission or his designee; and the Executive Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the Department of Corrections, the Director of the Department of Juvenile Justice, the Superintendent of the Department of Correctional Education, or the Chairman of the Parole Board will be absent from a Board meeting, he may appoint a member of his staff to represent him at the meeting.

Sixteen members shall be appointed by the Governor from among citizens of the Commonwealth. At least one shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01. The remainder shall be representative of the broad categories of state and local governments, criminal justice systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally elected and appointed administrative and legislative officials. Among these members there shall be two sheriffs representing the Virginia ~~Sheriffs~~ *Sheriffs'* Association selected from among names submitted by the Association; one member who is an active duty law-enforcement officer appointed after consideration of the names, if any, submitted by police or fraternal associations that have memberships of at least 1,000; two representatives of the *Virginia Association of Chiefs of Police Association* appointed after consideration of the names submitted by the Association, if any; one attorney for the Commonwealth appointed after consideration of the names submitted by the *Virginia Association for* of Commonwealth's Attorneys, if any; one person who is a mayor, city or town manager, or member of a city or town council representing the Virginia Municipal

League appointed after consideration of the names submitted by the League, if any; one person who is a county executive, manager, or member of a county board of supervisors representing the Virginia Association of Counties appointed after consideration of the names submitted by the Association, if any; one member representing the Virginia Crime Prevention Association appointed after consideration of the names submitted by the Association, if any; one member of the Private Security Services Advisory Board; and one representative of the Virginia Association of Regional Jail Superintendents Jails appointed after consideration of the names submitted by the Association, if any.

Four members of the Board shall be members of the General Assembly appointed as follows: one member of the House Committee on Appropriations appointed by the Speaker of House of Delegates after consideration of the recommendation by the committee's chairman; one member of the House Committee for Courts of Justice appointed by the Speaker of the House of Delegates after consideration of the recommendation by the committee's chairman; one member of the Senate Committee on Finance appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman of the Senate Committee on Finance; and one member of the Senate Committee for Courts of Justice appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman of the Senate Committee for Courts of Justice. The legislative members shall serve for terms coincident with their terms of office and shall serve as ex officio, nonvoting members. Legislative members may be reappointed for successive terms.

B. The members of the Board appointed by the Governor shall serve for terms of four years, provided that no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment. Gubernatorial appointed members of the Board shall not be eligible to serve for more than two consecutive full terms. Three or more years within a four-year period shall be deemed a full term. Any vacancy on the Board shall be filled in the same manner as the original appointment, but for the unexpired term.

C. The Governor shall appoint a chairman of the Board *for a two-year term. No member shall be eligible to serve more than two consecutive terms as chairman;* ~~and the~~ The Board shall designate one or more vice-chairmen from among its members, who shall serve at the pleasure of the Board.

D. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the contrary, membership on the Board shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

E. The Board shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Board.

F. The Board may adopt bylaws for its operation.

G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for the performance of their duties. All 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 the costs of compensation and expenses of the members shall be provided by the Department of Criminal Justice Services.

§ 9.1-202. Virginia Fire Services Board; membership; terms; compensation.

A. The Virginia Fire Services Board (the Board) is established as a policy board within the meaning of § 2.2-2100 in the executive branch of state government. The Board shall consist of 15 members to be appointed by the Governor as follows: a representative of the insurance industry; two members of the general public with no connection to the fire services, one of whom shall be a representative of those industries affected by SARA Title III and OSHA training requirements; and one member each from the Virginia Fire Chiefs Association, the Virginia State Firefighter's Firefighters Association, the Virginia Association of Professional Firefighters Fire Fighters, the Virginia Fire Service Council, the Virginia Fire Prevention Association, the State Virginia Chapter of the International Association of Arson Investigators, the Virginia Municipal League, and the Virginia Association of Counties, and a member of the Virginia Chapter of the International Society of Fire Service Instructors who is a faculty member who teaches fire science at a public institution of higher education. Of these appointees, at least one shall be a volunteer firefighter. The State Fire Marshal, the State Forester and a member of the Board of Housing and Community Development, appointed by the chairman of that Board shall also serve as members of the Board.

Each of the organizations represented shall submit *at least three* names for *each position* for the Governor's consideration in making these appointments.

B. Members of the Board appointed by the Governor shall serve for terms of four years. An appointment to fill a vacancy shall be for the unexpired term. No appointee shall serve more than two successive four-year terms but neither shall any person serve beyond the time he holds the office or organizational membership by reason of which he was initially eligible for appointment.

C. The Board annually shall elect its chairman and vice-chairman from among its membership and

shall adopt rules of procedure.

D. Members of the Board shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825. Funding for the compensation and costs of expenses of the members shall be provided from the Fire Programs Fund established pursuant to § 38.2-401.

§ 9.1-802. Medal of Valor Review Board.

The Medal of Valor Review Board is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall be composed of seven members appointed by the Governor as follows: one police officer, one deputy sheriff, one paid firefighter, one volunteer firefighter, one corrections officer, one volunteer rescue squad member and one citizen member. The Virginia Public Safety Foundation may nominate persons to serve as Board members; however, the Governor shall not be bound to make any appointments from among the nominees of the Foundation. The police officer, paid firefighter, corrections officer and citizen member shall serve four-year terms, and the remainder shall serve three-year terms. All terms shall commence July 1, 2002. No member shall serve more than two successive terms. A vacancy occurring other than by expiration of term shall be filled for the unexpired term.

Each year, the Board shall elect a chairman and a vice-chairman from among its members. A majority of the members of the Board shall constitute a quorum.

§ 10.1-1102. Board of Forestry.

The Board of Forestry within the Department of Forestry, referred to in this chapter as the Board, shall be composed of one member from each congressional district appointed by the Governor for a term of four years. ~~Upon notification to the Commonwealth by the United States Department of Justice that there is no objection to Chapter 6 of the 1991 Acts of Assembly, Special Session II, the Governor shall appoint a member to represent the new congressional district. Such member shall serve a term coincident with the terms of the current members. Beginning July 1, 2011, the Governor's appointments shall be staggered as follows: four members for a term of two years, three members for a term of two years, and four members for a term of three years. Thereafter, appointments shall be for four-year terms.~~ The State Forester shall serve as executive officer of the Board.

No member of the Board, except the executive officer, shall be eligible for more than two successive terms; however, persons subsequently appointed to fill vacancies may serve two additional successive terms after the terms of the vacancies they were appointed to fill have expired. All vacancies in the membership of the Board shall be filled by the Governor for the unexpired term.

The Board shall meet at least three times a year for the transaction of business. Special meetings may be held at any time upon the call of the executive officer of the Board, or a majority of the members of the Board.

Members of the Board shall be reimbursed for all reasonable and necessary expenses incurred as a result of their membership on the Board.

§ 10.1-1800. Establishment and administration of Foundation; appointment, terms, chairman, quorum, etc., of board of trustees.

The Virginia Outdoors Foundation is established to promote the preservation of open-space lands and to encourage private gifts of money, securities, land or other property to preserve the natural, scenic, historic, scientific, open-space and recreational areas of the Commonwealth. The Virginia Outdoors Foundation is a body politic and shall be governed and administered by a board of trustees composed of seven trustees from the Commonwealth at large to be appointed by the Governor for four-year terms. Appointments shall be made to achieve a broad geographical representation of members. Vacancies shall be filled for the unexpired term. No trustee-at-large shall be eligible to serve more than two consecutive four-year terms. All trustees-at-large shall post bond in the penalty of \$5,000 with the State Comptroller prior to entering upon the functions of office.

The Governor shall appoint a chairman of the board from among the seven trustees-at-large to a two-year term. *No member shall be eligible to serve more than two consecutive terms as chairman.* A majority of the members of the board serving at any one time shall constitute a quorum for the transaction of business.

§ 10.1-2136. Foundation for Virginia's Natural Resources Board of Trustees; membership; terms; expenses.

A. The Foundation shall be governed and administered by a Board of Trustees. The Board shall consist of 13 citizen members from the Commonwealth to be appointed by the Governor, and the Secretaries of Natural Resources and Agriculture and Forestry, or their designees, to serve ex officio with voting privileges. Appointments shall be made so that each of the 13 major river basins, pursuant to § 10.1-2137, is represented insuring there is adequate representation from the agriculture and forestry industries. Citizen members shall be appointed for four-year terms, except that initial appointments shall

674 be made for terms of one to four years in a manner whereby no more than four members shall have  
675 terms that expire in the same year. The ex officio members shall serve a term coincident with their  
676 terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be made for the  
677 unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All  
678 members may be reappointed. However, no citizen member shall serve more than two consecutive  
679 four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not  
680 constitute a term in determining the member's eligibility for reappointment.

681 B. The Governor shall appoint a chairman of the Board of Trustees *who shall serve a two-year term.*  
682 *No member shall be eligible to serve more than two consecutive terms as chairman.* The members shall  
683 elect a vice-chairman annually from among the members of the Board. A majority of the members of  
684 the Board serving at any one time shall constitute a quorum for the transaction of business. The Board  
685 shall meet at least four times a year and at the call of the chairman or whenever a majority of the  
686 members so request.

687 C. The Board shall seek assistance in developing grant criteria and advice on grant priorities and any  
688 other appropriate issues from a task force consisting of the following agency heads or their designees:  
689 the Director of the Department of Conservation and Recreation, the Commissioner of Agriculture and  
690 Consumer Services, the State Forester, the Director of the Department of Historic Resources, the  
691 Director of the Department of Game and Inland Fisheries, and the Director of the Department of  
692 Environmental Quality, and the Director of the Virginia Museum of Natural History. The Board may  
693 request any other agency head, agency employee, or environmental steward to serve on the task force.

694 D. The chairman of the Board shall submit to the Governor and the General Assembly a biennial  
695 executive summary of the interim activity and work of the Board no later than the first day of each  
696 even-numbered year regular session of the General Assembly. The executive summary shall be  
697 submitted as provided in the procedures of the Division of Legislative Automated Systems for the  
698 processing of legislative documents and reports and shall be posted on the General Assembly's website.

699 E. Members shall receive no compensation for their services, but shall be reimbursed out of the Fund  
700 for all reasonable and necessary expenses incurred in the performance of their duties as provided in  
701 §§ 2.2-2813 and 2.2-2825.

702 § 22.1-164. Board of Commissioners; membership; terms; compensation and expenses; chairman and  
703 vice-chairman; quorum; employees, agents, etc.

704 All powers, rights and duties conferred by this chapter or other provisions of law upon the Authority  
705 shall be exercised by the Board of Commissioners of the Virginia Public School Authority. The Board  
706 of Commissioners shall consist of the State Treasurer, the State Comptroller, the Superintendent of  
707 Public Instruction or his designee, and five additional members to be appointed by the Governor, subject  
708 to confirmation by the General Assembly, who shall serve at the pleasure of the Governor for terms of  
709 six years each. Appointments to fill vacancies other than by expiration of term shall be made for the  
710 unexpired terms. The chairman and members of the Board of Commissioners shall receive such  
711 compensation as provided for by law.

712 The Governor shall designate one member of the Board of Commissioners as chairman *who shall*  
713 *serve a two-year term. No member shall be eligible to serve more than two consecutive terms as*  
714 *chairman.* The chairman shall be the chief executive officer of the Authority and shall receive such  
715 compensation as the Governor shall fix. The State Treasurer, the State Comptroller, the Superintendent  
716 of Public Instruction and his designee shall be ineligible to serve as chairman. The chairman shall sign  
717 and execute all vouchers for the disbursement of funds belonging to the Authority upon authorization by  
718 the Board. Five members of the Board of Commissioners shall constitute a quorum for the transaction of  
719 all business of the Authority. The Board of Commissioners shall elect one of its members as  
720 vice-chairman, who shall exercise the powers of the chairman when so directed by the chairman.

721 The Board of Commissioners may employ or retain such employees, agents, financial advisers and  
722 attorneys as it may deem necessary and fix their compensation.

723 § 22.1-337. Virginia representatives on Education Commission of the States; membership; terms;  
724 compensation and expenses; chairman's executive summary.

725 In accordance with the Compact for Education of 1968, which established the Education Commission  
726 of the States, there shall be seven commissioners representing Virginia on the Education Commission of  
727 the States. The Virginia commissioners shall consist of one member of the House of Delegates, to be  
728 appointed by the Speaker of the House of Delegates; one member of the Senate, to be appointed by the  
729 Senate Committee on Rules; four nonlegislative citizen members, of whom one shall be the  
730 Superintendent of Public Instruction, to be appointed by the Governor; and the Governor. The  
731 commissioners representing Virginia shall by virtue of their training, experience, knowledge, or  
732 affiliations, collectively reflect the broad interests of state government, the state's system of education,  
733 public and higher education, nonprofessional and professional public and nonpublic educational  
734 leadership.

735 Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen

members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

The Governor shall designate one commissioner to serve as chairman of the Virginia commissioners for a two-year term. The commissioners shall meet on the call of the chairman or at the request of a majority of the members. A majority of the commissioners shall constitute a quorum. The commissioners may consider any and all matters related to recommendations of the Education Commission of the States or the general activities and business of the organization and shall have the authority to represent the Commonwealth in all actions of the Commission.

The commissioners shall serve without compensation. All 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. The costs of expenses of the legislative commissioners incurred in the performance of their duties shall be paid from appropriations to the Virginia Commission on Intergovernmental Cooperation for the attendance of conferences. The costs of expenses of nonlegislative citizen commissioners incurred in the performance of their duties shall be paid from such funds as may be provided for this purpose in the appropriations act.

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

§ 22.1-346.2. Board of Visitors of the Virginia School for the Deaf and the Blind established.

A. There is hereby established the Board of Visitors of the Virginia School for the Deaf and the Blind (Board), as a policy agency in the executive branch of state government under the name of the "Virginia School for the Deaf and the Blind," for the purpose of governing the educational programs and services to deaf, blind, and multi-disabled students enrolled at the Virginia School for the Deaf and the Blind.

B. The Board shall have a total membership of 11 members that shall consist of four legislative members, and seven nonlegislative citizen members. Members shall be appointed as follows: two 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; two members of the Senate, to be appointed by the Senate Committee on Rules; and seven nonlegislative citizen members, of whom one shall be a parent ~~representative from~~ *of a child who is deaf or blind representing* the Eastern region of the Commonwealth, one shall be a parent ~~representative from~~ *of a child who is deaf or blind representing* the Western region of the Commonwealth, and one shall be a representative of the Virginia School for the Deaf and the Blind Alumni Association, to be appointed by the Governor, subject to confirmation by the General Assembly. Nonlegislative citizen members of the Board shall be citizens of the Commonwealth. Legislative members of the Board shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative members appointed shall serve for four-year terms. 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. However, no House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative member appointed by the Governor shall serve more than two consecutive four-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.

The Board shall elect a chairman and vice-chairman from among its membership. The Board shall elect a secretary, who shall keep an accurate record of the proceedings of the Board and of the executive committee if one is created by the Board, and such other officers as the Board deems appropriate. A majority of the members shall constitute a quorum. The Board shall meet no more than four times each year. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

C. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All 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 the costs of expenses of the members shall be provided from such funds as may be appropriated to the Board of Visitors of the Virginia School for the Deaf and the Blind, in accordance with the appropriations act.

D. The Superintendent of Public Instruction shall designate a member of the staff of the Department of Education to serve as a consultant to the Board of Visitors of the Virginia School for the Deaf and

797 the Blind on matters pertaining to instruction, federal and state special education requirements, and  
798 school accreditation, and to provide technical assistance to assist the Board in meeting specific  
799 instructional and school accreditation needs.

800 E. The Board shall have the following powers and duties:

801 1. Establish such rules, policies, and regulations for the governance of the Virginia School for the  
802 Deaf and the Blind.

803 2. Prescribe the criteria and procedures governing admissions to the school, and the review of student  
804 placement, to ensure the appropriateness of the placement and instructional program of each student  
805 admitted to the school, pursuant to § 22.1-348 and in accordance with federal and state special education  
806 laws and regulations.

807 3. Establish a policy governing the transportation of students at the school to permit frequent home  
808 visits by students, and to provide to each student transportation to and from the school and the place of  
809 residence of such student's parent or guardian whenever the school is officially closed.

810 4. Prescribe and approve the education programs of the Virginia School for the Deaf and the Blind,  
811 in consultation with the Department of Education, the Virginia Department for the Deaf and  
812 Hard-of-Hearing, and the Virginia Department for the Blind and Visually Impaired.

813 5. Appoint the superintendent, other officers, and the faculty of the school. The superintendent shall  
814 be appointed every two years and the other officers and faculty annually. However, the superintendent,  
815 with the approval of the chairman of the Board, shall be authorized to fill vacancies in positions  
816 appointed by the Board occurring between meetings of the Board. The Board may remove at any time  
817 the superintendent, other officers, faculty and employees for cause, subject to the provisions of Chapter  
818 29 (§ 2.2-2900 et seq.) of Title 2.2.

819 6. Establish the qualifications, duties, and compensation of the superintendent, other officers, faculty,  
820 and employees of the school.

821 7. Prepare and submit to the Governor and General Assembly, beginning July 1, 2010, an annual  
822 report detailing the curricula and other educational programs and services of the school, including  
823 receipts and disbursements pertaining to the operation of the school for each fiscal year ending on June  
824 30.

825 § 23-253.1. Membership of board of trustees; quorum.

826 The management and control of the Virginia Museum of Fine Arts, hereinafter in this chapter called  
827 the "Museum," together with the building, contents, furnishings, grounds and other properties thereof  
828 shall be vested in a board of trustees composed of the following persons: (i) ex officio members: the  
829 Governor, the Speaker of the House of Delegates and the mayor of the City of Richmond; and (ii)  
830 regular members: the trustees who are in office on June 27, 1958, and their successors from time to  
831 time, consisting of not less than 25 persons and not more than 35 persons. The term of office of all  
832 regular members who are in office on June 27, 1958, shall continue until June 30, 1963, and shall  
833 expire at that time. All successors from time to time, whether for a full term or for the remainder of an  
834 unexpired term, shall be appointed and commissioned by the Governor, ~~upon the nomination of the~~  
835 ~~trustees from the~~ *after consideration from a list of nominated trustees* ~~members of~~ *from the Museum.*  
836 The trustees appointed to hold office beginning on July 1, 1963, shall be divided as nearly as may be,  
837 into five equal groups, their terms of office to expire, respectively, one, two, three, four and five years  
838 thereafter. All trustees subsequently appointed shall hold office for a term of five years unless appointed  
839 for the remainder of an unexpired term. No person shall be eligible to serve consecutively for more than  
840 two successive complete terms. Nine trustees shall constitute a quorum at any meeting and a majority  
841 vote of those present shall control in all matters.

842 § 30-193. Capitol Square Preservation Council; membership; terms; compensation and expenses;  
843 quorum; "Capitol Square" defined.

844 A. The Capitol Square Preservation Council (the Council) is established in the legislative branch of  
845 state government. The Council shall consist of 14 members as follows: three members appointed by the  
846 Speaker of the House of Delegates, after consideration of the lists of nominations provided by the  
847 governing bodies of The Garden Club of Virginia, the Historic Richmond Foundation and the  
848 Association for the Preservation of Virginia Antiquities, if any; two members appointed by the Senate  
849 Committee on Rules, after consideration of the lists of nominations provided by the governing bodies of  
850 the Virginia Society of the American Institute of Architects and the Virginia Museum of Fine Arts, if  
851 any; six nonlegislative citizen members appointed by the Governor, two after consideration of the lists  
852 of nominations provided by the governing bodies of the Virginia Chapter of the American Society of  
853 Landscape Architects and the Virginia Historical Society, if any, one each from the memberships of the  
854 Virginia Public Buildings Board and the Citizens' Advisory Council on Furnishing and Interpreting the  
855 Executive Mansion and two citizens at large; and the Secretary of Administration, or his designee, and  
856 the Clerks of the House of Delegates and the Senate who shall serve ex officio with voting privileges.  
857 Nonlegislative citizen members shall be citizens of the Commonwealth.

858 B. Following the initial staggering of terms, all appointments to the Council shall be for terms of

three years, except any legislative member appointed shall serve a term coincident with his terms of office. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment. No member shall be eligible to serve more than two successive three-year terms, except any legislative member appointed may be reappointed for successive terms without limitation. However, after expiration of a term of three years or less, or after the expiration of the remainder of a term to which he was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.

C. The members of the Council shall elect from among its membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings quarterly, or upon the call of the chairman. A majority of the members of the Council shall constitute a quorum.

D. Members of the Council shall not receive compensation, but 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 the costs of expenses of the members shall be provided from existing appropriations to the Council.

E. For the purposes of this article, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad and Ninth Streets. The term also includes the exterior of all state buildings that are at least 50 years old and bordering the boundary streets. The term does not include the interiors of the General Assembly Building, the Washington Building, the Jefferson Building or the Governor's Mansion.

§ 54.1-2950.1. Advisory Board on Physician Assistants; membership; qualifications.

The Advisory Board on Physician Assistants shall consist of five members to be appointed by the Governor ~~for four-year terms~~, as follows: three members shall be licensed physician assistants who have practiced their professions in Virginia for not less than three years prior to their appointments; one shall be a physician who supervises at least one physician assistant; and one shall be a citizen member appointed from the Commonwealth at-large. *Beginning July 1, 2011, the Governor's appointments shall be staggered as follows: two members for a term of one year, one member for a term of two years, and two members for a term of three years. Thereafter, appointments shall be for four-year terms.* Vacancies occurring other than by expiration of term shall be filled for the unexpired term. No person shall be eligible to serve on the Advisory Board for more than two successive terms.

§ 54.1-2956. Advisory Board on Respiratory Care; appointment; terms; duties; etc.

A. The Advisory Board on Respiratory Care shall assist the Board in carrying out the provisions of this chapter regarding the qualifications, examination, and regulation of licensed respiratory care practitioners.

The Advisory Board shall consist of five members appointed by the Governor ~~for four-year terms. Three as follows: three~~ members shall be at the time of appointment respiratory care practitioners who have practiced for not less than three years, one member shall be a physician licensed to practice medicine in the Commonwealth, and one member shall be appointed by the Governor from the Commonwealth at large. *Beginning July 1, 2011, the Governor's appointments shall be staggered as follows: two members for a term of one year, one member for a term of two years, and two members for a term of three years. Thereafter, appointments shall be for four-year terms.*

Vacancies occurring other than by expiration of term shall be filled for the unexpired term. No person shall be eligible to serve on the Advisory Board for more than two consecutive terms.

B. The Advisory Board shall, under the authority of the Board, recommend to the Board for its enactment into regulation the criteria for licensure as a respiratory care practitioner and the standards of professional conduct for holders of licenses.

The Advisory Board shall also assist in such other matters dealing with respiratory care as the Board may in its discretion direct.

§ 54.1-2956.8. Advisory Board on Radiological Technology; appointments; terms; etc.

The Advisory Board on Radiological Technology shall assist the Board in carrying out the provisions of this chapter regarding the qualifications, examination, registration and regulation of certified radiological technology practitioners.

The Advisory Board shall consist of five members to be appointed by the Governor ~~for four-year terms. Three as follows: three~~ members shall be licensed radiological technology practitioners who have been practicing in the Commonwealth for not less than three years prior to their appointments. ~~One, one~~ member shall be a board-certified radiologist licensed in the Commonwealth, and one member shall be a citizen member appointed from the Commonwealth at large. *Beginning July 1, 2011, the Governor's appointments shall be staggered as follows: two members for a term of one year, one member for a term of two years, and two members for a term of three years. Thereafter, appointments shall be for four-year terms*

Vacancies occurring other than by expiration of term shall be filled for the unexpired term. No

920 person shall be eligible to serve on the Advisory Board for more than two consecutive terms.

921 § 54.1-2956.11. Advisory Board on Acupuncture; composition; appointment.

922 The Advisory Board on Acupuncture, hereinafter referred to as the "Advisory Board," shall assist the  
923 Board of Medicine in carrying out the provisions of this chapter regarding the qualifications,  
924 examination, licensure, and regulation of acupuncturists. Nothing in this chapter shall be construed to  
925 authorize the Advisory Board to advise the Board of Medicine in matters pertaining to the regulations of  
926 doctors of medicine, osteopathy, chiropractic, or podiatry who are qualified by such regulations to  
927 practice acupuncture.

928 The Advisory Board shall consist of five members to be appointed by the Governor ~~for four-year~~  
929 ~~terms. Three as follows: three~~ members shall be licensed acupuncturists who have been practicing in  
930 Virginia for not less than three years. ~~One;~~ *one* member shall be a doctor of medicine, osteopathy,  
931 chiropractic or podiatry who is qualified to practice acupuncture in Virginia; and one member shall be a  
932 citizen member appointed from the Commonwealth at large. *Beginning July 1, 2011, the Governor's*  
933 *appointments shall be staggered as follows: two members for a term of one year, two members for a*  
934 *term of two years, and one member for a term of three years. Thereafter, appointments shall be for*  
935 *four-year terms.* Any vacancy occurring during a member's term shall be filled for the unexpired balance  
936 of that term. No person shall be eligible to serve on the Advisory Board for more than two successive  
937 terms.

938 § 54.1-2957.5. Advisory Board on Athletic Training established; duties; composition; appointment;  
939 terms.

940 A. The Advisory Board on Athletic Training shall assist the Board in formulating its requirements  
941 for the licensure of athletic trainers. In the exercise of this responsibility, the Advisory Board shall  
942 recommend to the Board the criteria for licensure of athletic trainers and the standards of professional  
943 conduct for licensees. The Advisory Board shall also assist in such other matters relating to the practice  
944 of athletic training as the Board may require.

945 B. The Advisory Board shall consist of five members appointed by the Governor for four-year terms.  
946 The first appointments shall provide for staggered terms with two members being appointed for a  
947 two-year term, two members being appointed for a three-year term and one member being appointed for  
948 a four-year term. Three members shall be at the time of appointment athletic trainers who are currently  
949 licensed by the Board and who have practiced in Virginia for not less than three years, including one  
950 athletic trainer ~~practicing employed~~ at a secondary school, one ~~practicing employed~~ at an institution of  
951 higher education, and one ~~practicing in a nonacademic environment.~~ *One employed in the private sector;*  
952 *one* member shall be a physician licensed to practice medicine in the Commonwealth; and one member  
953 shall be a citizen appointed by the Governor from the Commonwealth at large.

954 Vacancies occurring other than by expiration of term shall be filled for the unexpired term. No  
955 person shall be eligible to serve on the Advisory Board for more than two full consecutive terms.

956 § 54.1-3703. Board of Social Work; members.

957 The Board of Social Work shall regulate the practice of social work.

958 The Board shall be composed of ~~nine~~ 10 nonlegislative citizen members appointed by the Governor;  
959 *as follows: seven of whom* members shall be licensed social workers who have been in active practice  
960 of social work for at least five years prior to appointment, *one member shall be a macro social worker*  
961 *who is not a clinician,* and two of ~~whom~~ members shall be nonlegislative citizen members at large. The  
962 terms of the members of the Board shall be four years.

963 § 63.2-1735. Child Day-Care Council created; members; terms; duties.

964 The Child Day-Care Council is hereby continued. Its members shall be appointed by the Governor  
965 and serve without compensation. Notwithstanding the provisions of § 2.2-2813, reimbursement for travel  
966 expenses of members shall be limited to in-state travel. The members of the Council shall consist of one  
967 nonprofit child day center operator; three private for-profit child day center operators; one representative  
968 from each of the Departments of Social Services, Health, Education, Fire Programs, and Housing and  
969 Community Development; one pediatric health professional; one child development specialist; one parent  
970 consumer; one legal professional; one representative of the National Association for the Education of  
971 Young Children; one representative of the YMCA; one representative of the National Academy of Early  
972 Childhood Programs; one representative of the Association of Christian Schools International; one  
973 representative of the American Association of Christian Schools; one representative of the National Early  
974 Childhood Program Accreditation; ~~one representative of the National Accreditation Council for Early~~  
975 ~~Childhood Professional Personnel and Programs;~~ one representative of the International Academy for  
976 Private Education; one representative of the American Montessori Society; one representative of the  
977 International Accreditation and Certification of Childhood Educators, Programs, and Trainers; one  
978 representative of the National Accreditation Commission; one representative of the Virginia Council for  
979 Private Education; and one representative each of a child day center offering a seasonal program  
980 emphasizing outdoor activities, a private child day center offering a half-day nursery school program,  
981 and a local governing body all of which operate programs required to be licensed under this chapter.



982 The membership of the Council shall also include such representatives of state agencies as advisory  
983 members as the Governor deems necessary. The Governor shall designate a member of the Council to  
984 serve as chairman *for a two-year term. No member shall be eligible to serve more than two*  
985 *consecutive terms as chairman.*

986 The members of the Council shall be appointed for four-year terms, except appointments to fill  
987 vacancies shall be for the unexpired term.

988 The Council shall adopt regulations for licensure and operation of child day centers in the  
989 Commonwealth in accordance with the regulations referred to in § 63.2-1734.

990 The Council shall adopt regulations in collaboration with the Virginia Recreation and Park Society  
991 and the Department of Behavioral Health and Developmental Services for therapeutic recreation  
992 programs.

993 All staff and other support services required by the Council shall be provided by the Department.

994 **2. That Article 4 (§§ 10.1-217.1 through 10.1-217.6) of Chapter 2 and Chapter 21.2 (§§ 10.1-2135**  
995 **through 10.1-2140) of Title 10.1 of the Code of Virginia are repealed.**

996 **3. That the provisions of this act providing for (i) staggered terms for board, council or**  
997 **commission members, and (ii) two-year terms for chairpersons appointed by the Governor shall**  
998 **not affect current members or chairpersons whose terms have not expired as of July 1, 2011.**