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SENATE BILL NO. 1280

Offered January 12, 2011

Prefiled January 12, 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, 10.1-1800, 10.1-2136, 22.1-164, 22.1-337, 22.1-346.2, 23-253.1, 30-193, 51.5-39.2, 54.1-2911, 54.1-2950.1, 54.1-2956, 54.1-2956.8, 54.1-2956.11, 54.1-2957.5, 59.1-291, 59.1-3703, and 63.2-1735 of the Code of Virginia and to repeal Article 17 (§§ 2.2-2448 through 2.2-2451) and Article 21 (§§ 2.2-2459 through 2.2-2461) of Chapter 24 and Article 7 (§§ 2.2-2518 through 2.2-2522) of Chapter 25 of Title 2.2 and 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.*

Patron—McWaters

Referred to Committee on Rules

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, 10.1-1800, 10.1-2136, 22.1-164, 22.1-337, 22.1-346.2, 23-253.1, 30-193, 54.1-2911, 54.1-2950.1, 54.1-2956, 54.1-2956.8, 54.1-2956.11, 54.1-2957.5, 59.1-3703, 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

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59 provided by the Office of Commonwealth Preparedness.

60 § 2.2-1503. Filing of six-year revenue plan by Governor.

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

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

67 1. Forecasts of economic activity in the Commonwealth.

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

84 3. Review by an advisory council of revenue estimates with respect to economic assumptions and the
85 general economic climate of the Commonwealth. The Advisory Council on Revenue Estimates (the
86 Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch
87 of state government for such purpose. The Council, of which the Governor shall be chairman, shall
88 include the Speaker and Majority Leader of the House of Delegates; the President pro tempore and
89 Majority Leader of the Senate; the Chairmen of the House Committee on Appropriations, the House
90 Committee on Finance, and the Senate Committee on Finance or their designees; two members of the
91 House of Delegates to be appointed by the Speaker of the House, two members of the Senate to be
92 appointed by the Chairman of the Senate Committee on Finance; and 15 nonlegislative citizen members
93 representing the private sector appointed by the Governor. Legislative members appointed shall serve
94 terms coincident with their terms of office and nonlegislative citizen members shall serve at the pleasure
95 of the Governor. All members shall be citizens of the Commonwealth. Vacancies shall be filled in the
96 same manner as the original appointments. Members shall not receive compensation for their services,
97 but shall be reimbursed for all reasonable and necessary expenses for the performance of their duties as
98 provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be
99 provided by the Department of Taxation. The Department of Taxation shall provide staff support. A
100 majority of the members of the Council shall constitute a quorum. Meetings of the Council shall be held
101 upon the call of the chairman or whenever a majority of the members so request.

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

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

106 § 2.2-2282. Board of directors; membership; terms, compensation and expenses; chairman,
107 vice-chairman, secretary and treasurer; quorum; staff.

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

119 B. The Governor shall appoint one member as chairman *for a two-year term*. Five members of the
120 Board shall constitute a quorum for the transaction of all business of the Authority. The Board shall

elect one 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. *The Governor shall not be bound to make any appointments from among the nominees of the respective associations or entities.*

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 Governor shall not be bound to make any appointment from among the nominees of the respective entities.* 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 provided in § 2.2-2825.

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

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

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

A. The Small Business Advisory 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 the following members: ~~fourteen~~ 14 members appointed by the Governor and subject to confirmation by the General Assembly; the Chairman of the Small Business Financing Authority and the Director of the Department of Business Assistance and the District Director for Virginia of the U.S. Small Business Administration or their designees as nonvoting ex officio members. The appointed members of the Board shall represent small businesses as defined by the Small Business Financing Act (§ 2.2-2279 et seq.). There shall be at least one member appointed from each congressional district who does business in that district and three members appointed at large from within the Commonwealth.

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

C. The Governor shall appoint one member of the Board to be chairman *for a term of two years*. The Board shall annually elect one of its members as vice-chairman, and shall also elect annually a secretary, who need not be a member of the Board. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board. In the absence of both the chairman and the vice-chairman at any meeting, the Board shall elect a chairman pro tempore, who shall preside at such meeting.

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

E. 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.

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

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

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

C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12, and nonlegislative 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 Military Affairs.

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

E. The chairman of the Council shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Council 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.

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

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

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

1. The Council shall include two members of the House of Delegates to be appointed by the Speaker 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. 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 Force of the Virginia Association of Community Services Boards.

C. Appointments of legislative members and heads of agencies or representatives of organizations shall be for terms consistent with their terms of office. *All other Beginning July 1, 2011, the Governor's appointments of the seven nonlegislative citizen members shall be staggered as follows: two members for a term of one year, three members for a term of two years, and two members for a term of three years. Thereafter,* appointments of nonlegislative members shall be for terms of three years, except an appointment to fill a vacancy, which shall be for the unexpired term. The Governor shall appoint a chairman from among the members.

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

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

E. Members of the Council shall receive no compensation for their services 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 cost of expenses shall be provided by the Department of Behavioral Health and Developmental Services.

F. The duties of the Council shall be:

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

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

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

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

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

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

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

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

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

Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member 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. Vacancies shall be filled in the same manner as the original appointments.

C. The Secretary of Technology shall serve as chairman of the ITAC. The CIO shall serve as vice-chairman. A majority of the members shall constitute a quorum. The ITAC shall meet at least

quarterly each year. The meetings of the ITAC shall be held at the call of the chairman or whenever the majority of the members so request.

D. Nonlegislative citizen members shall receive compensation and 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 Virginia Information Technologies Agency.

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

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

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

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

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

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

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

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

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

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

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

8. The purchase of goods and services by agencies of the legislative branch that may be specifically 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.

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

432 12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of
433 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,
434 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
435 and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

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

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

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

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

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

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

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

469 ~~19. The University of Virginia Medical Center to the extent provided by subdivision B 3 of~~
470 ~~§ 23-77.4.~~

471 ~~2019.~~ The purchase of goods and services by a local governing body or any authority, board,
472 department, instrumentality, institution, agency or other unit of state government when such purchases
473 are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or
474 by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

475 ~~2120.~~ The contract by community services boards or behavioral health authorities with an
476 administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

477 ~~2221.~~ (Contingent expiration date, see note.) Procurement of any construction or planning and design
478 services and contracts with or assigned to George Mason University by the corporation or other legal
479 entity created by the board of visitors of George Mason University for the establishment and operation
480 of the branch campus of George Mason University in the Republic of Korea, pursuant to § 23-91.29:1.

481 B. Where a procurement transaction involves the expenditure of federal assistance or contract funds,
482 the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or
483 regulations not in conformance with the provisions of this chapter, a public body may comply with such
484 federal requirements, notwithstanding the provisions of this chapter, only upon the written determination
485 of the Governor, in the case of state agencies, or the governing body, in the case of political
486 subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the
487 public interest. Such determination shall state the specific provision of this chapter in conflict with the
488 conditions of the grant or contract.

489 § 3.2-1401. Corn Board; composition and appointment of members.

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 nominations 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 not be bound to make any appointments from among the nominees of the respective producer organizations.* 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 Governor shall not be bound to make any appointments from among the nominees of the respective associations.*

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. *The Governor shall not be bound to make any appointments from among the nominees of the committee or other organizations.*

§ 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

551 fraternal associations that have memberships of at least 1,000; two representatives of the *Virginia*
552 *Association of Chiefs of Police Association* appointed after consideration of the names submitted by the
553 Association, if any; one attorney for the Commonwealth appointed after consideration of the names
554 submitted by the *Virginia Association for* of Commonwealth's Attorneys, if any; one person who is a
555 mayor, city or town manager, or member of a city or town council representing the Virginia Municipal
556 League appointed after consideration of the names submitted by the League, if any; one person who is a
557 county executive, manager, or member of a county board of supervisors representing the Virginia
558 Association of Counties appointed after consideration of the names submitted by the Association, if any;
559 one member representing the Virginia Crime Prevention Association appointed after consideration of the
560 names submitted by the Association, if any; one member of the Private Security Services Advisory
561 Board; and one representative of the Virginia Association of Regional ~~Jail Superintendents~~ *Jails*
562 appointed after consideration of the names submitted by the Association, if any. *The Governor shall not*
563 *be bound, however, to make any appointments from among the nominees of the committee or other*
564 *organizations.*

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

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

582 C. The Governor shall appoint a chairman of the Board *for a two-year term*, and the Board shall
583 designate one or more vice-chairmen from among its members, who shall serve at the pleasure of the
584 Board.

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

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

591 F. The Board may adopt bylaws for its operation.

592 G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and
593 nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for the
594 performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses
595 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the
596 costs of compensation and expenses of the members shall be provided by the Department of Criminal
597 Justice Services.

598 § 9.1-202. Virginia Fire Services Board; membership; terms; compensation.

599 A. The Virginia Fire Services Board (the Board) is established as a policy board within the meaning
600 of § 2.2-2100 in the executive branch of state government. The Board shall consist of 15 members to be
601 appointed by the Governor as follows: a representative of the insurance industry; two members of the
602 general public with no connection to the fire services, one of whom shall be a representative of those
603 industries affected by SARA Title III and OSHA training requirements; and one member each from the
604 Virginia Fire ~~Chiefs~~ *Chiefs* Association, the Virginia State ~~Firefighter's~~ *Firefighters* Association, the
605 Virginia Association of Professional ~~Firefighters~~ *Fire Fighters*, the Virginia Fire Service Council, the
606 Virginia Fire Prevention Association, the ~~State~~ *Virginia* Chapter of the International Association of
607 Arson Investigators, the Virginia Municipal League, and the Virginia Association of Counties, and a
608 member of the Virginia Chapter of the International Society of Fire Service Instructors who is a faculty
609 member who teaches fire science at a public institution of higher education. Of these appointees, at least
610 one shall be a volunteer firefighter. The State Fire Marshal, the State Forester and a member of the
611 Board of Housing and Community Development, appointed by the chairman of that Board shall also
612 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. *The Governor shall not be bound to make any appointment from among the nominees of the respective associations.*

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.

§ 10.1-1800. 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.* 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 be made for terms of one to four years in a manner whereby no more than four members shall have terms that expire in the same year. The *ex officio* members shall serve a term coincident with their terms of office. 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. All members may be reappointed. However, no citizen member 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.

B. The Governor shall appoint a chairman of the Board of Trustees *who shall serve a two-year term.* The members shall elect a vice-chairman annually from among the members of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet at least four times a year and at the call of the chairman or whenever a majority of the members so request.

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

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

686 E. Members shall receive no compensation for their services, but shall be reimbursed out of the Fund
687 for all reasonable and necessary expenses incurred in the performance of their duties as provided in
688 §§ 2.2-2813 and 2.2-2825.

689 § 22.1-164. Board of Commissioners; membership; terms; compensation and expenses; chairman and
690 vice-chairman; quorum; employees, agents, etc.

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

699 The Governor shall designate one member of the Board of Commissioners as chairman *who shall*
700 *serve a two-year term*. The chairman shall be the chief executive officer of the Authority and shall
701 receive such compensation as the Governor shall fix. The State Treasurer, the State Comptroller, the
702 Superintendent of Public Instruction and his designee shall be ineligible to serve as chairman. The
703 chairman shall sign and execute all vouchers for the disbursement of funds belonging to the Authority
704 upon authorization by the Board. Five members of the Board of Commissioners shall constitute a
705 quorum for the transaction of all business of the Authority. The Board of Commissioners shall elect one
706 of its members as vice-chairman, who shall exercise the powers of the chairman when so directed by the
707 chairman.

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

710 § 22.1-337. Virginia representatives on Education Commission of the States; membership; terms;
711 compensation and expenses; chairman's executive summary.

712 In accordance with the Compact for Education of 1968, which established the Education Commission
713 of the States, there shall be seven commissioners representing Virginia on the Education Commission of
714 the States. The Virginia commissioners shall consist of one member of the House of Delegates, to be
715 appointed by the Speaker of the House of Delegates; one member of the Senate, to be appointed by the
716 Senate Committee on Rules; four nonlegislative citizen members, of whom one shall be the
717 Superintendent of Public Instruction, to be appointed by the Governor; and the Governor. The
718 commissioners representing Virginia shall by virtue of their training, experience, knowledge, or
719 affiliations, collectively reflect the broad interests of state government, the state's system of education,
720 public and higher education, nonprofessional and professional public and nonpublic educational
721 leadership.

722 Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen
723 members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to
724 fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall
725 be filled in the same manner as the original appointments.

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

732 The commissioners shall serve without compensation. All members shall be reimbursed for all
733 reasonable and necessary expenses incurred in the performance of their duties as provided in
734 §§ 2.2-2813 and 2.2-2825. The costs of expenses of the legislative commissioners incurred in the
735 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 the Blind on matters pertaining to instruction, federal and state special education requirements, and school accreditation, and to provide technical assistance to assist the Board in meeting specific instructional and school accreditation needs.

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

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

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

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

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

800 5. Appoint the superintendent, other officers, and the faculty of the school. The superintendent shall
801 be appointed every two years and the other officers and faculty annually. However, the superintendent,
802 with the approval of the chairman of the Board, shall be authorized to fill vacancies in positions
803 appointed by the Board occurring between meetings of the Board. The Board may remove at any time
804 the superintendent, other officers, faculty and employees for cause, subject to the provisions of Chapter
805 29 (§ 2.2-2900 et seq.) of Title 2.2.

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

808 7. Prepare and submit to the Governor and General Assembly, beginning July 1, 2010, an annual
809 report detailing the curricula and other educational programs and services of the school, including
810 receipts and disbursements pertaining to the operation of the school for each fiscal year ending on June
811 30.

812 § 23-253.1. Membership of board of trustees; quorum.

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

830 § 30-193. Capitol Square Preservation Council; membership; terms; compensation and expenses;
831 quorum; "Capitol Square" defined.

832 A. The Capitol Square Preservation Council (the Council) is established in the legislative branch of
833 state government. The Council shall consist of 14 members as follows: three members appointed by the
834 Speaker of the House of Delegates, after consideration of the lists of nominations provided by the
835 governing bodies of The Garden Club of Virginia, the Historic Richmond Foundation and the
836 Association for the Preservation of Virginia Antiquities, if any; two members appointed by the Senate
837 Committee on Rules, after consideration of the lists of nominations provided by the governing bodies of
838 the Virginia Society of the American Institute of Architects and the Virginia Museum of Fine Arts, if
839 any; six nonlegislative citizen members appointed by the Governor, two after consideration of the lists
840 of nominations provided by the governing bodies of the Virginia Chapter of the American Society of
841 Landscape Architects and the Virginia Historical Society, if any, one each from the memberships of the
842 Virginia Public Buildings Board and the Citizens' Advisory Council on Furnishing and Interpreting the
843 Executive Mansion and two citizens at large; and the Secretary of Administration, or his designee, and
844 the Clerks of the House of Delegates and the Senate who shall serve ex officio with voting privileges.
845 Nonlegislative citizen members shall be citizens of the Commonwealth. *The Governor shall not be*
846 *bound to make any appointments from among the nominees provided by the governing bodies of the*
847 *Virginia Chapter of the American Society of Landscape Architects and the Virginia Historical Society.*

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

856 C. The members of the Council shall elect from among its membership a chairman and a
857 vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the
858 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.

§ 54.1-2911. Board; membership; terms of office; change of residence; executive director; etc.

The Board of Medicine shall consist of one ~~medical~~ physician from each congressional district, *who may be an osteopath, podiatrist or chiropractor*, one osteopathic physician, one podiatrist, one chiropractor, and four citizen members. No two citizen members shall reside in the same congressional district. Citizen members shall have all voting and participation rights of other members. The term of office of the members of the Board shall be four years. If any medical physician member of the Board ceases to reside in the district from which he was appointed, except by reason of redistricting, his office shall be deemed vacant.

The officers of the Board shall be a president, vice-president and a secretary, who shall also act as treasurer, who shall be members of and selected by the Board.

Regular meetings of the Board shall be held at such times and places as prescribed by the Board. Special meetings may be held upon the call of the president and any 11 members. Twelve members of the Board shall constitute a quorum.

The Board may establish an executive committee composed of the president, vice-president, the secretary and five other members of the Board appointed by the president. The executive committee shall include at least two citizen members. In the absence of the Board, the executive committee shall have full powers to take any action and conduct any business authorized by this chapter. Five members of the executive committee shall constitute a quorum. Any actions or business conducted by the executive committee shall be acted upon by the full Board as soon as practicable.

There shall be an executive director for the Board of Medicine who shall be licensed or eligible for licensure in the Commonwealth as a physician.

§ 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

920 of this chapter regarding the qualifications, examination, registration and regulation of certified
921 radiological technology practitioners.

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

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

932 § 54.1-2956.11. Advisory Board on Acupuncture; composition; appointment.

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

939 The Advisory Board shall consist of ~~five~~ *six* members to be appointed by the Governor ~~for four-year~~
940 ~~terms. Three as follows:~~ *three* members shall be licensed acupuncturists who have been practicing in
941 Virginia for not less than three years. ~~One;~~ *one* member shall be a doctor of medicine, osteopathy,
942 chiropractic or podiatry who is qualified to practice acupuncture in Virginia; *one member shall be a*
943 *doctor of veterinary medicine qualified to practice acupuncture in Virginia;* and one member shall be a
944 citizen member appointed from the Commonwealth at large. *Beginning July 1, 2011, the Governor's*
945 *appointments shall be staggered as follows: two members for a term of one year, two members for a*
946 *term of two years, and two members for a term of three years. Thereafter, appointments shall be for*
947 *four-year terms.* Any vacancy occurring during a member's term shall be filled for the unexpired balance
948 of that term. No person shall be eligible to serve on the Advisory Board for more than two successive
949 terms.

950 § 54.1-2957.5. Advisory Board on Athletic Training established; duties; composition; appointment;
951 terms.

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

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

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

968 § 54.1-3703. Board of Social Work; members.

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

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

975 § 63.2-1735. Child Day-Care Council created; members; terms; duties.

976 The Child Day-Care Council is hereby continued. Its members shall be appointed by the Governor
977 and serve without compensation. Notwithstanding the provisions of § 2.2-2813, reimbursement for travel
978 expenses of members shall be limited to in-state travel. The members of the Council shall consist of one
979 nonprofit child day center operator; three private for-profit child day center operators; one representative
980 from each of the Departments of Social Services, Health, Education, Fire Programs, and Housing and
981 Community Development; one pediatric health professional; one child development specialist; one parent

consumer; one legal professional; one representative of the National Association for the Education of Young Children; one representative of the YMCA; one representative of the National Academy of Early Childhood Programs; one representative of the Association of Christian Schools International; one representative of the American Association of Christian Schools; one representative of the National Early Childhood Program Accreditation; ~~one representative of the National Accreditation Council for Early Childhood Professional Personnel and Programs~~; one representative of the International Academy for Private Education; one representative of the American Montessori Society; one representative of the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; one representative of the National Accreditation Commission; one representative of the Virginia Council for Private Education; and one representative each of a child day center offering a seasonal program emphasizing outdoor activities, a private child day center offering a half-day nursery school program, and a local governing body all of which operate programs required to be licensed under this chapter. The membership of the Council shall also include such representatives of state agencies as advisory members as the Governor deems necessary. The Governor shall designate a member of the Council to serve as chairman *for a two-year term*.

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

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

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

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

2. That Article 17 (§§ 2.2-2448 through 2.2-2451) and Article 21 (§§ 2.2-2459 through 2.2-2461) of Chapter 24 and Article 7 (§§ 2.2-2518 through 2.2-2522) of Chapter 25 of Title 2.2 and 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 are repealed.

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