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## SENATE BILL NO. 1309

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee  
on February 23, 2015)

(Patron Prior to Substitute—Senator Ruff)

A BILL to amend and reenact § 2.2-2455 of the Code of Virginia, relating to the Board for Charitable Gaming; membership.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2455 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2455. Charitable Gaming Board; membership; terms; quorum; compensation; staff.

A. The Charitable Gaming Board (the Board) is hereby established as a policy board within the meaning of § 2.2-2100 in the executive branch of state government. The purpose of the Board shall be to advise the Department of Agriculture and Consumer Services on all aspects of the conduct of charitable gaming in Virginia.

B. The Board shall consist of ~~nine~~ eleven members who shall be appointed by the Governor subject to confirmation by the General Assembly as follows in the following manner:

~~one member who is a member~~ 1. Six nonlegislative citizen members appointed by the Governor subject to confirmation by the General Assembly as follows: two members who are members of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department; one member who is a charitable gaming supplier registered and in good standing with the Department; one member who is an owner, lessor, or lessee of premises where charitable gaming is conducted; at least one member who is or has been a law-enforcement officer in Virginia but who is ~~not~~ (i) is not a charitable gaming supplier registered with the Department, (ii) is not a lessor of premises where charitable gaming is conducted, ~~or~~ (iii) is not a member of a charitable organization, or ~~who has~~ (iv) does not have an interest in or is not affiliated with such supplier or charitable organization or owner, lessor, or lessee of premises where charitable gaming is conducted; and ~~five citizens~~ one member who ~~are~~ does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted;

2. Three nonlegislative citizen members appointed by the Speaker of the House of Delegates as follows: two members who are members of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department and one member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted; and

3. Two nonlegislative citizen members appointed by the Senate Committee on Rules as follows: one member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department and one member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted.

To the extent practicable, the Board shall consist of individuals from different geographic regions of the Commonwealth. Each member of the Board shall have been a resident of the Commonwealth for a period of at least three years next preceding his appointment, and his continued residency shall be a condition of his tenure in office. ~~Upon initial appointment, three members shall be appointed for four-year terms, three for three-year terms, and three for two-year terms. Thereafter, all members~~ Members shall be appointed for four-year terms. Vacancies shall be filled by the ~~Governor~~ appointing authority in the same manner as the original appointment for the unexpired portion of the term. Each Board member shall be eligible for reappointment for a second consecutive term at the discretion of the ~~Governor~~ appointing authority. Persons who are first appointed to initial terms of less than four years shall thereafter be eligible for reappointment to two consecutive terms of four years each. No sitting member of the General Assembly shall be eligible for appointment to the Board. The members of the Board shall serve at the pleasure of the ~~Governor~~ appointing authority.

C. The Board shall elect ~~from among its members~~ a chairman ~~from among its members who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2.~~ The Board shall elect a vice-chairman from among its members.

D. A quorum shall consist of five members. The decision of a majority of those members present and voting shall constitute a decision of the Board.

E. For each day or part thereof spent in the performance of his duties, each member of the Board shall receive such compensation and reimbursement for his reasonable expenses as provided in § 2.2-2104.

60 F. The Board shall adopt rules and procedures for the conduct of its business, including a provision  
61 that Board members shall abstain or otherwise recuse themselves from voting on any matter in which  
62 they or a member of their immediate family have a personal interest in a transaction as defined in  
63 § 2.2-3101. The Board shall meet at least four times a year, and other meetings may be held at any time  
64 or place determined by the Board or upon call of the chairman or upon a written request to the  
65 chairman by any two members. Except for emergency meetings and meetings governed by § 2.2-3708  
66 requiring a longer notice, all members shall be duly notified of the time and place of any regular or  
67 other meeting at least 10 days in advance of such meeting.

68 G. Staff to the Board shall be provided by the Department of Agriculture and Consumer Services.  
69 **2. That this act shall not be construed to affect existing appointments to the Charitable Gaming**  
70 **Board for the terms that have not expired. However, any new appointments shall be made in**  
71 **accordance with this act as follows: (i) the first vacancy created by the expiration of a term shall**  
72 **be filled by appointment by the Speaker of the House of Delegates of a nonlegislative citizen**  
73 **member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et**  
74 **seq.) of Chapter 8 of Title 18.2 of the Code of Virginia in good standing with the Department of**  
75 **Agriculture and Consumer Services; (ii) the second vacancy created by the expiration of a term**  
76 **shall be filled by appointment by the Senate Committee on Rules of a nonlegislative citizen**  
77 **member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et**  
78 **seq.) of Chapter 8 of Title 18.2 of the Code of Virginia in good standing with the Department of**  
79 **Agriculture and Consumer Services; (iii) the third vacancy created by the expiration of a term**  
80 **shall be filled by appointment by the Speaker of the House of Delegates of a one nonlegislative**  
81 **citizen member who does not have an interest in or is not affiliated with a charitable organization,**  
82 **charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is**  
83 **conducted; (iv) the fourth vacancy created by the expiration of a term shall be filled by**  
84 **appointment by the Senate Committee on Rules of a nonlegislative citizen member who does not**  
85 **have an interest in or is not affiliated with a charitable organization, charitable gaming supplier,**  
86 **or owner, lessor, or lessee of premises where charitable gaming is conducted; and (v) the fifth**  
87 **vacancy created by the expiration of a term shall be filled by appointment by the Speaker of the**  
88 **House of Delegates of a nonlegislative citizen member who is a member of a charitable**  
89 **organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 of the Code**  
90 **of Virginia in good standing with the Department of Agriculture and Consumer Services.**  
91 **3. That the provisions of the second enactment shall not apply to the appointment to the**  
92 **Charitable Gaming Board by the Governor on or after July 1, 2015, of an additional member who**  
93 **is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter**  
94 **8 of Title 18.2 of the Code of Virginia in good standing with the Department of Agriculture and**  
95 **Consumer Services.**