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HOUSE BILL NO. 1490**FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by Senator Newman

on February 22, 2017)

(Patron Prior to Substitute—Delegate Marshall, R.G.)

A BILL to amend and reenact § 2.2-2802 of the Code of Virginia, relating to school board members who engage in war service or are called to active duty in the Armed Forces of the United States; appointment of acting school board members.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2802 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2802. Exception as to public officer or employee who engages in war service or is called to active duty in the Armed Forces of the United States.

A. No ~~local or state, county or municipal~~ officer or employee shall forfeit his title to office or position or vacate the same by reason of either engaging in the war service of the United States when called forth by the Governor pursuant to the provisions of § 44-75.1, or ~~when being~~ called to active duty in the ~~armed forces~~ *Armed Forces* of the United States. Any such officer or employee who, voluntarily or otherwise, enters upon such war service or is called to ~~service~~ *active duty* may notify the officer or body authorized by law to fill vacancies in his office, of such fact, and thereupon be relieved from the duties of his office or position during the period of such war service *or active duty*. ~~The~~ *Except as otherwise provided in subsection B, the* officer or body authorized to fill vacancies shall designate some suitable person to perform the duties of such office as acting officer during the period the regular officer is engaged in such war service, ~~and during~~ *or active duty*. During such period, the acting officer shall be vested with all the powers, authority, rights, and duties of the regular officer for whom he is acting.

B. *In the case of a school board member who is relieved from the duties of his office by reason of engaging in the war service of the United States when called forth by the Governor pursuant to the provisions of § 44-75.1 or being called to active duty in the Armed Forces of the United States, such school board member shall submit to the school board a list of names of suitable persons to perform the duties of such office as acting school board member during the period in which the regular school board member is engaged in such war service or active duty, in which case the school board shall consider appointing and may appoint an acting school board member from such list of names. During such period, the acting school board member shall be vested with all the powers, authority, rights, and duties of the regular school board member for whom he is acting. However if the school board decides not to appoint an acting member from the submitted list, the school board shall notify the submitting school board member in writing of the rationale for the school board's decision not to appoint an acting member from the list.*