## **2017 SESSION**

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SUBSTITUTE

SB1415H1

17105321D **SENATE BILL NO. 1415** 1 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE 3 (Proposed by the House Committee on Appropriations 4 on February 13, 2017) 5 (Patron Prior to Substitute—Senator Spruill) 6 A BILL to amend and reenact § 62.1-129, as it is currently effective and as it shall become effective, of 7 the Code of Virginia, relating to Virginia Port Authority; removal of members on Board of 8 Commissioners. Q Be it enacted by the General Assembly of Virginia: 10 1. That § 62.1-129, as it is currently effective and as it shall become effective, of the Code of 11 Virginia is amended and reenacted as follows:  $\bar{\$}$  62.1-129. (Effective until April 1, 2017) Board of Commissioners; members and officers; 12 13 Executive Director; agents and employees. A. All powers, rights and duties conferred by this chapter, or other provisions of law, upon the 14 15 Authority shall be exercised by the Board of Commissioners of the Virginia Port Authority, hereinafter referred to as Board or Board of Commissioners. The Board shall consist of the State Treasurer, the 16 17 Chief Executive Officer of the Virginia Economic Development Partnership, and 11 members appointed by the Governor, subject to confirmation by the General Assembly, who shall serve at the pleasure of 18 19 the Governor. The terms of members of the Board of Commissioners appointed or reappointed by the 20 Governor on or after January 1, 1981, shall be for five years. Any appointment to fill a vacancy shall be for the unexpired term. Members of the Board shall receive their expenses and shall be compensated at 21 22 the rate provided in § 2.2-2813 for each day spent on business of the Board. No member appointed by 23 the Governor shall be eligible to serve more than two successive terms. A person appointed to fill a 24 vacancy may be appointed to serve two additional terms. Beginning with those members of the Board of 25 Commissioners appointed or reappointed by the Governor on or after January 1, 1981: (i) appointments shall be made by the Governor in such a manner as to ensure the widest possible geographical 26 27 representation of all parts of the Commonwealth, and (ii) no resident of the Cities of Chesapeake, 28 Hampton, Newport News, Norfolk, Portsmouth, or Virginia Beach shall be eligible for appointment or 29 reappointment to the Board of Commissioners if his appointment or reappointment would increase or 30 maintain the number of members of the Board of Commissioners residing in such cities above the 31 number of five. One of the members appointed or reappointed from the cities previously mentioned in 32 this section shall be a resident of the City of Portsmouth or the City of Chesapeake, one of the members appointed or reappointed shall be a resident of the City of Norfolk or the City of Virginia Beach, one of 33 34 the members appointed or reappointed shall be a resident of the City of Newport News or the City of 35 Hampton, one of the members appointed or reappointed shall be a resident of Greater Hampton Roads, 36 and one of the members appointed or reappointed shall be a resident of Greater Hampton Roads, but not 37 a resident of any of the above-mentioned cities. Additionally, one member shall be appointed from the 38 City of Richmond or the County of Chesterfield, Hanover, or Henrico to serve as a nonvoting ex officio 39 member representing the Port of Richmond, and one member shall be appointed from the City of 40 Winchester or the County of Clarke, Frederick, or Warren to serve as a nonvoting ex officio member 41 representing the Virginia Inland Port. Of the members appointed by the Governor, all members shall have executive level experience and represent one in any of the following industries: agriculture, 42 distribution and warehousing, manufacturing, logistics and transportation, mining, marketing, legal, 43 financial, or transportation infrastructure. In addition, the Governor shall appoint at least one member 44 with maritime shipping experience from a list of at least three nominees provided by the Virginia 45 Maritime Association, who shall not be a paid member of the Virginia Maritime Association or have 46 47 any other conflict of interest with the Virginia Port Authority.

48 The Board shall elect from its membership a chairman and vice-chairman and may also elect from its49 membership, or appoint from its staff, a secretary and treasurer and prescribe their powers and duties.

50 The Board of Commissioners shall appoint the chief executive officer of the Authority, who shall not 51 be a member of the Board, who shall be known as the Executive Director and who shall serve at the 52 pleasure of the Board. The Executive Director's compensation from the Commonwealth shall be fixed by 53 the Board in accordance with law. This compensation shall be established at a level which will enable 54 the Authority to attract and retain a capable Executive Director.

55 The Board may also appoint from the staff an assistant secretary and an assistant treasurer, who 56 shall, in addition to other duties, discharge such functions of the secretary and treasurer, respectively, as 57 may be directed by the Board.

58 B. The Board may, at its discretion and from time to time, also form a Maritime Advisory Council, 59 consisting of representatives from the maritime industry, to provide advice and counsel to the Board of 60 Commissioners on all matters associated with the Authority with the exception of the annual budget and 61 personnel matters.

## 62 § 62.1-129. (Effective April 1, 2017) Board of Commissioners; members and officers; Executive 63 Director; agents and employees.

64 A. All powers, rights, and duties conferred by this chapter, or other provisions of law, upon the 65 Authority shall be exercised by the Board of Commissioners of the Virginia Port Authority, hereinafter 66 referred to as the Board or Board of Commissioners. The Board shall consist of the State Treasurer, the 67 Chief Executive Officer of the Virginia Economic Development Partnership, the Chief Executive Officer of the Virginia International Trade Corporation, and 11 members appointed by the Governor, subject to 68 confirmation by the General Assembly, who shall serve at the pleasure of the Governor. The terms of 69 70 members of the Board of Commissioners appointed or reappointed by the Governor on or after January 1, 1981, shall be for five years. Any appointment to fill a vacancy shall be for the unexpired term. 71 72 Members of the Board shall receive their expenses and shall be compensated at the rate provided in 73 § 2.2-2813 for each day spent on business of the Board. No member appointed by the Governor shall be 74 eligible to serve more than two successive terms. A person appointed to fill a vacancy may be appointed 75 to serve two additional terms. Beginning with those members of the Board of Commissioners appointed or reappointed by the Governor on or after January 1, 1981: (i) appointments shall be made by the 76 Governor in such a manner as to ensure the widest possible geographical representation of all parts of 77 78 the Commonwealth, and (ii) no resident of the Cities of Chesapeake, Hampton, Newport News, Norfolk, 79 Portsmouth, or Virginia Beach shall be eligible for appointment or reappointment to the Board of 80 Commissioners if his appointment or reappointment would increase or maintain the number of members 81 of the Board of Commissioners residing in such cities above the number of five. One of the members 82 appointed or reappointed from the cities previously mentioned in this section shall be a resident of the 83 City of Portsmouth or the City of Chesapeake, one of the members appointed or reappointed shall be a resident of the City of Norfolk or the City of Virginia Beach, one of the members appointed or 84 reappointed shall be a resident of the City of Newport News or the City of Hampton, one of the 85 86 members appointed or reappointed shall be a resident of Greater Hampton Roads, and one of the 87 members appointed or reappointed shall be a resident of Greater Hampton Roads, but not a resident of 88 any of the above-mentioned cities. Additionally, one member shall be appointed from the City of 89 Richmond or the County of Chesterfield, Hanover, or Henrico to serve as a nonvoting ex officio 90 member representing the Port of Richmond, and one member shall be appointed from the City of Winchester or the County of Clarke, Frederick, or Warren to serve as a nonvoting ex officio member 91 92 representing the Virginia Inland Port. Of the members appointed by the Governor, all members shall 93 have executive level experience and represent in any one of the following industries: agriculture, 94 distribution and warehousing, manufacturing, logistics and transportation, mining, marketing, legal, 95 financial, or transportation infrastructure. In addition, the Governor shall appoint at least one member 96 with maritime shipping experience from a list of at least three nominees provided by the Virginia 97 Maritime Association, who shall not be a paid member of the Virginia Maritime Association or have 98 any other conflict of interest with the Virginia Port Authority.

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