

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-271.2 of the Code of Virginia, relating to appointments to the*
3 *Commission on Virginia Alcohol Safety Action Program.*

4 [H 1160]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-271.2 of the Code of Virginia is amended and reenacted as follows:**8 **§ 18.2-271.2. Commission on VASAP; purpose; membership; terms; meetings; staffing;**
9 **compensation and expenses; chairman's executive summary.**

10 A. There is hereby established in the legislative branch of state government the Commission on the
11 Virginia Alcohol Safety Action Program (VASAP). The Commission shall administer and supervise the
12 state system of local alcohol and safety action programs, develop and maintain operation and
13 performance standards for local alcohol and safety action programs, and allocate funding to such
14 programs. The Commission shall have a total membership of 15 members that shall consist of six
15 legislative members and nine nonlegislative citizen members. Members shall be appointed as follows:
16 four current or former members of the House Committee for Courts of Justice, to be appointed by the
17 Speaker of the House of Delegates; two members of the Senate Committee for Courts of Justice, to be
18 appointed by the Senate Committee on Rules; three sitting or retired judges, one each from the circuit,
19 general district and juvenile and domestic relations district courts, who regularly hear or heard cases
20 involving driving under the influence and are familiar with their local alcohol safety action programs, to
21 be appointed by the Chairman of the Committee on District Courts; ~~two directors of local alcohol safety~~
22 ~~action programs, to be appointed by the legislative members of the Commission; one director of a local~~
23 ~~alcohol safety action program to be appointed by the Speaker of the House of Delegates upon~~
24 ~~consideration of the recommendations of the legislative members of the Commission; one director of a~~
25 ~~local alcohol safety action program to be appointed by the Senate Committee on Rules upon~~
26 ~~consideration of the recommendations of the legislative members of the Commission; one representative~~
27 ~~from the law-enforcement profession, to be appointed by the Speaker of the House and one~~
28 ~~nonlegislative citizen at large, to be appointed by the Senate Committee on Rules; one representative~~
29 ~~from the Virginia Department of Motor Vehicles whose duties are substantially related to matters to be~~
30 ~~addressed by the Commission to be appointed by the Commissioner of the Department of Motor~~
31 ~~Vehicles, and one representative from the Department of Behavioral Health and Developmental Services~~
32 ~~whose duties also substantially involve such matters, to be appointed by the Commissioner of Behavioral~~
33 ~~Health and Developmental Services. Legislative members shall serve terms coincident with their terms~~
34 ~~of office. In accordance with the staggered terms previously established, nonlegislative citizen members~~
35 ~~shall serve two-year terms. All members may be reappointed. Appointments to fill vacancies, other than~~
36 ~~by expiration of a term, shall be made for the unexpired terms. Any appointment to fill a vacancy shall~~
37 ~~be made in the same manner as the original appointment.~~

38 B. The Commission shall meet at least four times each year at such places as it may from time to
39 time designate. A majority of the members shall constitute a quorum. The Commission shall elect a
40 chairman and vice-chairman from among its membership.

41 The Commission shall be empowered to establish and ensure the maintenance of minimum standards
42 and criteria for program operations and performance, accounting, auditing, public information and
43 administrative procedures for the various local alcohol safety action programs and shall be responsible
44 for overseeing the administration of the statewide VASAP system. Such programs shall be certified by
45 the Commission in accordance with procedures set forth in the Commission on VASAP Certification
46 Manual. The Commission shall also oversee program plans, operations and performance and a system
47 for allocating funds to cover deficits that may occur in the budgets of local programs.

48 C. The Commission shall appoint and employ and, at its pleasure, remove an executive director and
49 such other persons as it may deem necessary, and determine their duties and fix their salaries or
50 compensation.

51 D. The Commission shall appoint a Virginia Alcohol Safety Action Program Advisory Board to
52 make recommendations to the Commission regarding its duties and administrative functions. The
53 membership of such Board shall be appointed in the discretion of the Commission and include personnel
54 from (i) local safety action programs, (ii) the State Board of Behavioral Health and Developmental
55 Services, community services boards, or behavioral health authorities and (iii) other community mental
56 health services organizations. An assistant attorney general who provides counsel in matters relating to

57 driving under the influence shall also be appointed to the Board.

58 E. Legislative members of the Commission shall receive compensation as provided in § 30-19.12.
59 Funding for the costs of compensation of legislative members shall be provided by the Commission. All
60 members shall be reimbursed for all reasonable and necessary expenses as provided in §§ 2.2-2813 and
61 2.2-2825 to be paid out of that portion of moneys paid in VASAP defendant entry fees which is
62 forwarded to the Virginia Alcohol Safety Action Program.

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

68 **2. That this act shall not be construed to affect existing appointments of directors of local alcohol**
69 **safety action programs to the Commission on the Virginia Alcohol Safety Action Program**
70 **(Commission) for which the terms have not expired. However, any new appointments made after**
71 **the effective date of this act shall be made in accordance with the provisions of this act, provided**
72 **that the first vacancy of a Commission seat that was held by a director of a local alcohol safety**
73 **action program immediately prior to the vacancy shall be filled by appointment made by the**
74 **Speaker of the House of Delegates.**