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HOUSE BILL NO. 215

Offered January 12, 2022

Prefiled January 10, 2022

A BILL to amend and reenact § 2.2-2101 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 14 of Title 22.1 a section numbered 22.1-275.2, relating to the School Health Advisory Board; established.

Patrons—Robinson and Maldonado

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2101 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 14 of Title 22.1 a section numbered 22.1-275.2 as follows:

§ 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3126; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3121; to members of the Board of Directors of the New College Institute, who shall be appointed as provided for in § 23.1-3112; to members of the Advisory Board on Teacher Education and Licensure, who shall be appointed as provided for in § 22.1-305.2; to members of the School Health Advisory Board, who shall be appointed as provided for in § 22.1-275.2; to members of the Virginia Interagency Coordinating Council, who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23.1-3117; to members of the Board of Trustees of the Online Virginia Network Authority, who shall be appointed as provided in § 23.1-3136; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure and Resilient Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485; to members of the Henrietta Lacks Commission, who shall be appointed as provided in § 2.2-2538; or to members of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans, who shall be appointed as provided in § 2.2-2552.

§ 22.1-275.2. School Health Advisory Board; purpose.

A. The School Health 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 purpose of the Board is to (i) advise the General Assembly and the Governor on pending or proposed legislation concerning the role of employees in public elementary or secondary schools in providing health care services at such

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59 schools and (ii) provide guidance on any associated training requirements.

60 B. The Board shall consist of two legislative members, 10 nonlegislative citizen members, and two ex
61 officio members as follows: one member of the House of Delegates appointed by the Speaker of the
62 House of Delegates in accordance with the principles of proportional representation contained in the
63 Rules of the House of Delegates; one Senator appointed by the Senate Committee on Rules; three
64 nonlegislative citizen members appointed by the Speaker of the House of Delegates; three nonlegislative
65 citizen members appointed by the Senate Committee on Rules; four nonlegislative citizen members
66 appointed by the Governor, two of whom shall be public school educators and two of whom shall be
67 health care professionals; and the Secretary of Education, or his designee, and the Secretary of Health
68 and Human Resources, or his designee, who shall serve ex officio with voting privileges. Nonlegislative
69 citizen members of the Board shall be citizens of the Commonwealth.

70 C. Nonlegislative citizen members appointed by the Governor shall serve for terms of four years, and
71 nonlegislative citizen members appointed by the Speaker of the House of Delegates and the Senate
72 Committee on Rules shall serve for terms of two years. The Secretary of Education and the Secretary of
73 Health and Human Resources, or their designees, shall serve terms coincident with their terms of office.
74 Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies
75 shall be filled in the same manner as the original appointments. Any nonlegislative citizen member may
76 be reappointed for successive terms. After the initial staggering of terms, nonlegislative citizen members
77 shall be appointed for a term of four years.

78 D. The members of the Board shall elect a chairman and vice-chairman annually from among its
79 membership. The Board shall meet at such times as it deems appropriate or on call of the chairman. A
80 majority of the members of the Board shall constitute a quorum.

81 E. Nonlegislative citizen members shall receive no compensation for their services. However, all
82 members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of
83 their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members
84 shall be provided by the Department of Education.

85 F. The Department of Education shall provide staff support to the Board with assistance, as
86 necessary, from the Department of Health. All agencies of the Commonwealth shall provide assistance
87 to the Board, upon request.

88 G. The chairman of the Board shall submit to the Governor and the General Assembly an annual
89 executive summary of the interim activity and work of the Board no later than the first day of each
90 regular session of the General Assembly. The executive summary shall be submitted as provided in the
91 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
92 and reports and shall be posted on the General Assembly's website.

93 **2. That the initial appointments of nonlegislative citizen members shall be staggered as follows:**
94 **three members for a term of four years appointed by the Speaker of the House of Delegates; three**
95 **members for a term of three years appointed by the Senate Committee on Rules; and four**
96 **members for a term of two years appointed by the Governor.**