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HOUSE BILL NO. 87

Offered January 12, 2022

Prefiled January 6, 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 Chapter 26 of Title 2.2 an article numbered 38, consisting of sections numbered 2.2-2699.16, 2.2-2699.17, and 2.2-2699.18, relating to Virginia Pandemic Response and Preparedness Council; report; sunset.

Patron—Ware

Referred to Committee on Health, Welfare and Institutions

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 Chapter 26 of Title 2.2 an article numbered 38, consisting of sections numbered 2.2-2699.16, 2.2-2699.17, and 2.2-2699.18, 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~~ *that* 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 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; *or to members of the Virginia Pandemic Response and Preparedness Council, who shall be appointed as provided in § 2.2-2699.16.*

Article 38.

Virginia Pandemic Response and Preparedness Council.

§ 2.2-2699.16. Virginia Pandemic Response and Preparedness Council; purpose; membership; compensation; chairman.

INTRODUCED

HB87

59 A. The Virginia Pandemic Response and Preparedness Council (the Council) is established as an
60 advisory council in the executive branch of state government. The purpose of the Council is to advise
61 the Governor and develop recommendations regarding the performance of existing laws in the
62 Commonwealth in relation to the Commonwealth's pandemic response.

63 B. The Council shall have a total membership of 25 members that shall consist of 10 legislative
64 members, eight nonlegislative citizen members, and seven ex officio members. Members shall be
65 appointed as follows: five members of the House of Delegates, to be appointed by the Speaker of the
66 House of Delegates in accordance with the principles of proportional representation contained in the
67 Rules of the House of Delegates; five members of the Senate, to be appointed by the Senate Committee
68 on Rules; eight nonlegislative citizen members, to include a representative from the K-12 public
69 education system, a representative from a four-year institution of higher education, representatives from
70 public and private hospitals or health care systems, a representative from a private business, and a
71 local elected official, each to be appointed by the Governor. The Secretaries of Commerce and Trade,
72 Education, Finance, Health and Human Resources, Labor, Public Safety and Homeland Security, and
73 Veterans and Defense Affairs, or their designees, shall serve ex officio with voting privileges.
74 Nonlegislative citizen members of the Council shall be citizens of the Commonwealth.

75 Legislative members and ex officio members shall serve terms coincident with their terms of office.
76 Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill
77 vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and
78 nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall
79 serve more than four consecutive two-year terms. The remainder of any term to which a member is
80 appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for
81 reappointment. Vacancies shall be filled in the same manner as the original appointments.

82 C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12.
83 Nonlegislative citizen members shall not receive compensation. All members shall be reimbursed for
84 reasonable and necessary expenses incurred in the performance of their duties as provided in
85 §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official
86 meetings of the Council shall be paid by the office of the Clerk of the House of Delegates or office of
87 the Clerk of the Senate, as applicable. Reimbursement for the reasonable and necessary expenses of
88 nonlegislative citizen members of the Council shall be paid by the Office of the Secretary of Health and
89 Human Resources.

90 D. The Council shall elect a chairman and vice-chairman from among its membership. A majority of
91 the members shall constitute a quorum. The meetings of the Council shall be held at the call of the
92 chairman or whenever a majority of the members so request.

93 E. The Office of the Secretary of Health and Human Resources shall provide staff support to the
94 Council. All agencies of the Commonwealth shall provide assistance to the Council, upon request.

95 **§ 2.2-2699.17. Powers and Duties of the Council.**

96 The Council shall have the power and duty to:

97 1. Examine the performance of existing laws in the Commonwealth in relation to the
98 Commonwealth's pandemic response.

99 2. Develop recommendations regarding:

100 a. The scope of the Governor's powers in long-term states of emergency and the feasibility of
101 legislative oversight of such powers;

102 b. The adequacy, resilience, and performance of the General Assembly and local governments;

103 c. The adequacy, resilience, and performance of public and private health care systems, including an
104 assessment of the adequacy of regulations relating to vulnerable Virginians, such as those in nursing
105 homes or congregate care;

106 d. The adequacy, resilience, and performance of the emergency management and public health care
107 systems, including (i) the need for stockpiling and planning for distribution of pandemic response
108 supplies and materials; (ii) the performance of local health districts and the feasibility of allowing for
109 local decision-making during pandemics, in contrast to delivery of routine services; and (iii) the existing
110 system's ability to detect and prevent future outbreaks and deploy health care solutions;

111 e. The adequacy, resilience, and performance of the judicial system and the need to develop future
112 emergency plans to facilitate better responsiveness;

113 f. The adequacy, resilience, and performance of Virginia Freedom of Information Act, homeowners'
114 association, and corporate meeting rules and the need to develop future emergency plans to facilitate
115 better responsiveness;

116 g. The adequacy, resilience, and performance of the K-12 and higher education systems and the need
117 to develop future emergency plans to facilitate better responsiveness; and

118 h. The adequacy, resilience, and performance of the business regulatory system and the need to
119 develop future emergency plans to facilitate better responsiveness.

120 3. Submit to the Governor and the General Assembly an annual report for publication as a report

121 document as provided in the procedures of the Division of Legislative Automated Systems for the
122 processing of legislative documents and reports. The chairman shall submit to the Governor and the
123 General Assembly an annual executive summary of the interim activity and work of the Council no later
124 than the first day of each regular session of the General Assembly. The executive summary shall be
125 submitted for publication as a report document as provided in the procedures of the Division of
126 Legislative Automated Systems for the processing of legislative documents and reports and shall be
127 posted on the General Assembly's website.
128 § 2.2-2699.18. *Sunset.*
129 This article shall expire on July 1, 2024.