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**HOUSE BILL NO. 1958****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on General Laws  
on January 16, 2003)

(Patron Prior to Substitute—Delegate Hamilton)

*A BILL to amend and reenact §§ 2.2-200, 2.2-203, 2.2-401, 2.2-1102, 2.2-1162, 2.2-1180, 2.2-1303, 2.2-2428, 2.2-2435, 2.2-2705, 2.2-2817.1, 2.2-4118, 2.2-4306, 15.2-2903, 18.2-340.17, 22.1-168.1, 30-193, 51.1-126, and 62.1-215 of the Code of Virginia, and to repeal § 2.2-400 of the Code of Virginia, relating to the consolidation of the offices of the Secretary of Administration and the Secretary of the Commonwealth.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-200, 2.2-203, 2.2-401, 2.2-1102, 2.2-1162, 2.2-1180, 2.2-1303, 2.2-2428, 2.2-2435, 2.2-2705, 2.2-2817.1, 2.2-4118, 2.2-4306, 15.2-2903, 18.2-340.17, 22.1-168.1, 30-193, 51.1-126, and 62.1-215 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-200. Appointment of Governor's Secretaries; general powers.

A. The Governor's Secretaries shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. Each Secretary shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until a successor is appointed and qualified. Before entering upon the discharge of duties, each Secretary shall take an oath to faithfully execute the duties of the office.

B. Each Secretary shall be subject to direction and supervision by the Governor. Except as provided in Article 5 (§ 2.2-208 et seq.) of this chapter, the agencies assigned to each Secretary shall:

1. Exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor;

2. Provide such assistance to the Governor or the Secretary as may be required; and

3. Forward all reports to the Governor through the Secretary.

C. Unless the Governor expressly reserves such power to himself and except as provided in Article 5 (§ 2.2-208 et seq.) of this chapter, each Secretary may:

1. Resolve administrative, jurisdictional, operational, program, or policy conflicts between agencies or officials assigned;

2. Direct the formulation of a comprehensive program budget for the functional area identified in § 2.2-1508 encompassing the services of agencies assigned for consideration by the Governor;

3. Hold agency heads accountable for their administrative, fiscal and program actions in the conduct of the respective powers and duties of the agencies;

4. Direct the development of goals, objectives, policies and plans that are necessary to the effective and efficient operation of government;

5. Sign documents on behalf of the Governor that originate with agencies assigned to the Secretary; and

6. Employ such personnel and to contract for such consulting services as may be required to perform the powers and duties conferred upon the Secretary by law or executive order.

D. As used in this chapter, "Governor's Secretaries" means the Secretary of ~~Administration~~ *the Commonwealth*, the Secretary of Commerce and Trade, the Secretary of Education, the Secretary of Finance, the Secretary of Health and Human Resources, the Secretary of Natural Resources, the Secretary of Public Safety, the Secretary of Technology, and the Secretary of Transportation.

§ 2.2-203. Position established; agencies for which responsible.

The position of Secretary of Administration ~~(the "Secretary")~~ *is created hereby continued as the Secretary of the Commonwealth (the "Secretary").* ~~The~~ *In addition to performing the duties specified in Chapter 4 (§ 2.2-400 et seq.) of this title, the* Secretary shall be responsible to the Governor for the following agencies and boards: Department of Human Resource Management, Department of General Services, Compensation Board, ~~Secretary of the Commonwealth~~, Department of Employment Dispute Resolution, Department of Veterans' Affairs, Virginia Veterans Care Center Board of Trustees, Commission on Local Government, Charitable Gaming Commission, and Virginia Public Broadcasting Board. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

§ 2.2-401. Secretary in charge of division of records.

The Secretary of the Commonwealth, ~~who shall be ex officio Secretary to the Governor~~, shall be in direct charge of the division of records.

§ 2.2-1102. Additional powers of Department.

60 A. The Department shall have the following additional powers, all of which, with the approval of the  
61 Director of the Department, may be exercised by a division of the Department with respect to matters  
62 assigned to that division:

63 1. Prescribe regulations necessary or incidental to the performance of duties or execution of powers  
64 conferred under this chapter; and

65 2. Establish fee schedules that may be collectible from users when general fund appropriations are  
66 not applicable to the services rendered.

67 B. All statewide contracts and agreements made and entered into by the Department for the purchase  
68 of computers, software, supplies, and related peripheral equipment and services shall provide for the  
69 inclusion of counties, cities, and towns in such contracts and agreements. For good cause shown, the  
70 Secretary of ~~Administration~~ *the Commonwealth* may disapprove the inclusion from a specific contract or  
71 agreement.

72 C. The Department may operate or provide for the operation of hazardous waste management  
73 facilities.

74 § 2.2-1162. Definitions.

75 As used in this article.

76 "Asbestos" means any material containing more than one percent of the asbestiform varieties of:

77 1. chrysotile (serpentine),

78 2. crocidolite (riebeckite),

79 3. amosite (cummingtonite-grunerite),

80 4. anthophyllite,

81 5. tremolite, or

82 6. actinolite.

83 "Director" means the Director of the Department of General Services.

84 "Friable" means material that is capable of being crumbled, pulverized or reduced to powder by hand  
85 pressure or which under normal use or maintenance emits or can be expected to emit asbestos fibers into  
86 the air.

87 "Local education agency" or "LEA" means the same as that term is defined in the United States  
88 Environmental Protection Agency Asbestos Hazard and Emergency Response Act regulations set forth in  
89 40 CFR 763.

90 "Operations and maintenance program" means work practices to maintain asbestos-containing material  
91 in good condition and to minimize and control disturbance or damage to such materials.

92 "Response actions" means any action, including removal, encapsulation, enclosure, repair, method of  
93 operation, maintenance, record keeping or notification that protects human health from building materials  
94 containing asbestos.

95 "Secretary" means the Secretary of ~~Administration~~ *the Commonwealth*.

96 § 2.2-1180. Regulations governing state-owned passenger-type vehicles.

97 The Director may promulgate regulations for the purchase, use, storage, maintenance, repair and  
98 disposal of all passenger-type vehicles owned by the Commonwealth and assigned to the centralized  
99 fleet. By executive order of the Governor, such regulations may extend to all motor vehicles of any type  
100 owned by the Commonwealth, or such of them as the Governor may designate.

101 If any state officer, agent, or employee fails to comply with any regulation of the Director made  
102 pursuant to the provisions of this section, the Secretary of ~~Administration~~ *the Commonwealth* shall be so  
103 notified, and the Comptroller shall, upon request of the Secretary, refuse to issue any warrant or  
104 warrants on account of expenses incurred, or to be incurred in the purchase, operation, maintenance, or  
105 repair of any motor vehicle now or to be in the possession or under the control of such officer, agent or  
106 employee, or the Secretary of ~~Administration~~ *the Commonwealth* may order the Director to take  
107 possession of any such vehicle and to return or transfer it to the centralized fleet for assignment or use  
108 as prescribed by this chapter. Regulations previously promulgated by the Commonwealth Transportation  
109 Board under the authority granted by § 33.1-407 concerning the purchase, use, storage, maintenance,  
110 repair and disposal of all passenger-type vehicles owned by the Commonwealth and assigned to the  
111 centralized fleet shall remain in effect until the Director promulgates replacement regulations under the  
112 authority granted by this article.

113 § 2.2-1303. Additional powers and duties relating to communications equipment and services and  
114 information technology equipment and services.

115 A. The Department shall have the following additional powers and duties concerning the planning,  
116 budgeting, acquiring, using and disposing of communications equipment and services:

117 1. Formulate specifications for telecommunications, automated data and word processing, and  
118 management information systems.

119 2. Analyze and approve all procurements of interconnective telecommunications facilities, telephones,  
120 automated data and word processing, and other communications equipment and goods.

121 3. Review and approve all agreements and contracts for communications services prior to execution

between a state agency and another public or private agency.

4. Develop and administer a system to monitor and evaluate executed contracts and billing and collection systems.

5. Exempt from review requirements, but not from the state's competitive procurement process, any state agency that establishes, to the satisfaction of the Department, (i) its ability and willingness to administer efficiently and effectively the procurement of communications services or (ii) that it has been subjected to another review process coordinated through or approved by the Department.

B. The Department shall have the following powers and duties concerning the development, operation and management of communications services:

1. Manage and coordinate the various communications facilities, centers, and operations used by the Commonwealth.

2. Acquire, lease, or construct such facilities and equipment as necessary to deliver comprehensive communications services; and to maintain such facilities and equipment owned or leased.

3. Provide technical assistance to state agencies in such areas as: (i) designing management information systems; (ii) performing systems development services, including design, application programming, and maintenance; (iii) conducting research and sponsoring demonstration projects pertaining to all facets of telecommunications; (iv) effecting economies in telephone systems and equipment; (v) planning and forecasting for future needs in communications services; and (vi) management studies and surveys of organizational structure, management practices and systems and procedures.

4. Develop and implement information, billing and collections systems that will aid state agencies in forecasting their needs and managing their operations.

C. Notwithstanding § 2.2-1110, telecommunications goods and services of every description may and information technology goods and services of every description shall be procured by (i) the Department for its own benefit or on behalf of other state agencies and institutions or (ii) such other agencies or institutions to the extent authorized by the Department. Procurements made in accordance with this subsection shall be made in accordance with the regulations specified in § 2.2-1111, unless the Department has adopted alternative regulations governing these procurements pursuant to the Administrative Process Act (§ 2.2-4000 et seq.).

D. All statewide contracts and agreements made and entered into by the Department for the purchase of computers, software, supplies, and related peripheral equipment and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. For good cause shown, the Secretary of Administration ~~the Commonwealth~~ may disapprove the inclusion from a specific contract or agreement. Notwithstanding the provisions of § 2.2-4301, the Department may enter into multiple vendor contracts for the referenced hardware, software, and services.

E. This section shall not be construed or applied so as to infringe upon, in any manner, the responsibilities for accounting systems assigned to the Comptroller under § 2.2-803.

§ 2.2-2428. Virginia Public Broadcasting Board; membership; terms; chairman; compensation.

A. To achieve the public purposes set forth in § 2.2-2426, the Virginia Public Broadcasting Board (the "Board") is established as a policy board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall be under the direction and supervision of the Secretary of Administration ~~the Commonwealth~~. The exercise by the Board of the powers conferred by this article shall be deemed and held to be the performance of essential governmental functions.

B. The Board shall consist of fifteen members. The Governor shall appoint eleven members, one from each congressional district of the Commonwealth, each of whom shall be confirmed by the affirmative vote of a majority of those voting in each house of the General Assembly. Three of the appointees shall have expertise in at least one of the areas of education, tourism, telecommunications, and economic development, and two shall be participating members of different public broadcasting stations in the Commonwealth. The president of the State Board of Education and the chairmen of the State Council of Higher Education, the State Board of Community Colleges, and the Board of Trustees of the Virginia Museum of Fine Arts, or their designees, shall serve as Board members concurrent with their terms in office. No Board member shall be the chief executive officer or head of any state agency, a member of the General Assembly, or an officer, director, employee, or member of the board of directors of any public broadcasting station.

C. After the original appointments, all other appointments shall be for four-year terms. A member appointed to an initial term may serve one additional four-year term.

D. Vacancies for unexpired terms shall be filled by the Governor in the same manner as the original appointment. If the General Assembly refuses or fails to confirm any appointment, such person shall not be eligible for reappointment.

E. The Governor shall designate a Board member to serve as chairman, who shall preside over meetings of the Board, communicate on behalf of the Board to the outside entities interested in public

183 broadcasting, and perform additional duties as may be set by resolution of the Board. Board members  
184 may elect a vice-chairman from their membership and appoint a secretary who need not be a member of  
185 the Board. The Board shall meet at the call of its chairman. A majority of the Board members shall  
186 constitute a quorum.

187 F. Board members shall be reimbursed for the reasonable and necessary expenses incurred in  
188 discharge of their duties as provided in § 2.2-2823. Such reimbursements and other expenses of the  
189 Board shall be paid from funds that the Department of Planning and Budget shall annually withhold  
190 from appropriations to public broadcasting stations in an amount sufficient to defray the estimated  
191 reasonable and necessary expenses of the Board.

192 § 2.2-2435. Virginia Veterans Care Center Board of Trustees; purpose; membership; terms; quorum.

193 A. The Virginia Veterans Care Center Board of Trustees (the "Board") is established as a supervisory  
194 board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall  
195 operate as an agency under the supervision and direction of the Secretary of ~~Administration~~*the*  
196 *Commonwealth*. The Board shall govern and oversee the administration of (i) the Virginia Veterans Care  
197 Center, located in the City of Roanoke, adjacent to the United States Veterans Administration hospital,  
198 and (ii) any other centers that may be established for the care of Virginia veterans. The purpose of the  
199 Virginia Veterans Care Center is to provide adult home and nursing home care for Virginia residents  
200 who are veterans of the armed forces of the United States or those who were Virginia residents at the  
201 time of their entry in the armed forces.

202 B. The Board shall consist of ten members, all residents of the Commonwealth who possess the  
203 qualifications and experience necessary to control the operations of the Virginia Veterans Care Center,  
204 so as to provide financially sound, high quality care to its residents, to be appointed as follows: five  
205 members shall be appointed by the Governor; three members shall be appointed by the Speaker of the  
206 House of Delegates; and two members shall be appointed by the Senate Committee on Privileges and  
207 Elections.

208 C. Members of the Board shall be appointed for four-year terms. Any appointment to fill a vacancy  
209 shall be for the unexpired term. No person shall be eligible to serve for more than two successive  
210 four-year terms. However, any person appointed to fill a vacancy may be eligible for two successive full  
211 terms after the term of the vacancy for which he was appointed has expired.

212 D. The Board shall elect from its members a chairman and other such officers as its bylaws may  
213 provide. The Board shall meet at such times as it deems appropriate and on call of the chairman. A  
214 majority of the members of the Board shall constitute a quorum.

215 § 2.2-2705. Virginia War Memorial Foundation; purpose; membership; terms; compensation; staff.

216 A. The Virginia War Memorial Foundation (the Foundation) is established to serve as a policy  
217 foundation, within the meaning of § 2.2-2100, in the executive branch of state government. The  
218 Foundation shall be governed and administered by a board of trustees for the purpose of honoring  
219 patriotic Virginians who rendered faithful service and sacrifice in the cause of freedom and liberty for  
220 the Commonwealth and the nation in time of war.

221 B. The Foundation shall consist of the Secretary of ~~Administration~~*the Commonwealth*, who shall  
222 serve ex officio, and seventeen other persons as follows: four members of the House of Delegates to be  
223 appointed by the Speaker of the House; three members of the Senate to be appointed by the Committee  
224 on Privileges and Elections of the Senate; and ten other persons appointed by the Governor, subject to  
225 confirmation by the General Assembly. A majority of the trustees shall be members or veterans of the  
226 armed forces of the United States or the Virginia National Guard. Members appointed should include  
227 representatives of some or all of the various veterans organizations active in Virginia, as the Governor  
228 deems appropriate.

229 C. Except for initial appointments, all appointments shall be for a term of three years. Appointments  
230 to fill vacancies shall be made for the unexpired term. No person shall be eligible to serve for more  
231 than three successive full three-year terms. However, any person appointed to an initial term of less than  
232 three years or to a vacancy shall be eligible to serve three additional successive full three-year terms  
233 thereafter. Trustees may be removed by the Governor at his pleasure.

234 D. Trustees shall be reimbursed for their actual expenses incurred while attending meetings of the  
235 trustees or performing other duties. However, such reimbursement shall not exceed the per diem rate  
236 established for members of the General Assembly pursuant to § 30-19.12.

237 E. The Secretary of ~~Administration~~*the Commonwealth* shall designate a state agency to provide the  
238 Foundation with administrative and other services.

239 F. The trustees shall adopt bylaws governing their organization and procedures and may amend the  
240 same. The trustees shall elect from their number a chairman and such other officers as their bylaws may  
241 provide. They shall also appoint an executive committee, composed of not less than five trustees, which  
242 committee shall exercise the powers and duties imposed on the Foundation by this section to the extent  
243 permitted by the trustees in their bylaws.

244 § 2.2-2817.1. State agencies to establish telecommuting policy; reporting requirement.

In accordance with the statewide telecommuting policy, to be developed by the Secretary of Administration ~~the Commonwealth~~ pursuant to § 2.2-203.1, the head of each state agency shall establish a telecommuting policy under which eligible employees of such agency may telecommute to the maximum extent possible without diminished employee performance or service delivery. The policy shall identify types of employees eligible for telecommuting and any benefits of telecommuting and shall be updated periodically as necessary. The head of each state agency shall annually report to the Secretary of Administration ~~the Commonwealth~~ or his designee on the status and efficiency of telecommuting.

§ 2.2-4118. Interagency Dispute Resolution Advisory Council.

A. The Interagency Dispute Resolution Advisory Council is hereby created as an advisory council to the Secretary of Administration ~~the Commonwealth~~.

B. The Council shall consist of two dispute resolution coordinators from each Secretariat appointed by each Secretary, the Director of the Department of Employment Dispute Resolution, and three persons who are not employees of the Commonwealth, at least two of whom have experience in mediation, appointed by the Governor. The appointees who are not employees of the Commonwealth may be selected from nominations submitted by the Virginia Mediation Network and the Virginia State Bar and the Virginia Bar Association Joint Committee on Alternative Dispute Resolution, who shall each nominate two persons for each such vacancy. In no case shall the Governor be bound to make any appointment from such nominations. The Secretary of Administration ~~the Commonwealth~~ or his designee shall serve as chairman of the Council.

C. The Council shall have the power and duty to:

1. Conduct training seminars and educational programs for the members and staff of agencies and public bodies and other interested persons on the use of dispute resolution proceedings.

2. Publish educational materials as it deems appropriate on the use of dispute resolution proceedings.

3. Report on its activities as may be appropriate and on the use of dispute resolution proceedings, including recommendations for changes in the law to the Governor and General Assembly.

D. Every state agency shall cooperate with and provide such assistance to the Council as the Council may request.

§ 2.2-4306. Design-build or construction management contracts for Commonwealth authorized.

A. Notwithstanding any other provisions of law, the Commonwealth may enter into contracts on a fixed price design-build basis or construction management basis in accordance with the provisions of this section and § 2.2-1502. Procedures to implement this section and any changes to such procedures shall be adopted by the Secretary of Administration ~~the Commonwealth~~ after a public hearing and reviewed by the House Committee on Appropriations and the Senate Committee on Finance.

B. Procurement of construction by the design-build method shall be a two-step competitive negotiation process. In the first step, offerors shall be requested to submit their qualifications. Based upon the information submitted and any other relevant information which the Commonwealth may obtain, no more than five offerors deemed most suitable for the project shall be selected by the Commonwealth and requested to submit proposals.

C. Design-build contracts may be used by the Commonwealth only for those types of construction projects designated in the procedures adopted by the Secretary of Administration ~~the Commonwealth~~ to implement this section.

§ 15.2-2903. General powers and duties of Commission.

The Commission shall have the following general powers and duties:

1. To make regulations, including rules of procedure for the conducting of hearings;

2. To keep a record of its proceedings and to be responsible for the custody and preservation of its papers and documents;

3. To serve as a mediator between localities;

4. To investigate, analyze, and make findings of fact, as directed by law, as to the probable effect on the people residing in any area of the Commonwealth of any proposed action in that area:

a. To annex territory,

b. To have an area declared immune from annexation,

c. To establish a town or independent city,

d. To settle or adjust boundaries between localities,

e. To make a transition from city status to town status,

f. To make a transition from a county to a city,

g. To consolidate two or more localities, at least one of which is a county, into a city, or

h. To enter into economic growth-sharing agreements among localities;

5. To conduct investigations, analyses and determinations, in the sole discretion of the Commission, for the guidance of localities in the conduct of their affairs upon the request of such localities;

6. To receive from all agencies, as defined in § 2.2-128, assessments of all mandates imposed on localities administered by such agencies. The assessments shall be conducted on a schedule to be set by

306 the Commission, with the approval of the Governor and the Secretary of ~~Administration~~  
307 *Commonwealth*, provided that the assessments shall not be required to be performed more than once  
308 every four years. The purpose of the assessments shall be to determine which mandates, if any, may be  
309 altered or eliminated. If an assessment reveals that such mandates may be altered or eliminated without  
310 interruption of local service delivery and without undue threat to the health, safety and welfare of the  
311 residents of the Commonwealth, the Commission shall so advise the Governor and the General  
312 Assembly;

313 7. To prepare and annually update a catalog of state and federal mandates imposed on localities  
314 including, where available, a summary of the fiscal impact on localities of all new mandates. All  
315 departments, agencies of government, and localities are directed to make available such information and  
316 assistance as the Commission may request in maintaining the catalog; and

317 8. To perform such other duties as may be imposed upon it, from time to time, by law.

318 § 18.2-340.17. Charitable Gaming Commission established.

319 A. There is hereby established, in the Office of the Secretary of ~~Administration~~ *the Commonwealth*,  
320 the Charitable Gaming Commission. The Commission shall consist of seven members appointed by the  
321 Governor, subject to confirmation by the General Assembly. Each member of the Commission shall  
322 have been a resident of the Commonwealth for a period of at least three years next preceding his  
323 appointment, and his continued residency shall be a condition of his tenure in office. To the extent  
324 practicable, the Commission shall consist of individuals from different geographic regions of the  
325 Commonwealth. Upon initial appointment, three members shall be appointed for four-year terms, two for  
326 three-year terms, and two for two-year terms. Thereafter, all members shall be appointed for four-year  
327 terms. Vacancies shall be filled by the Governor in the same manner as the original appointment for the  
328 unexpired portion of the term. Each Commission member shall be eligible for reappointment for a  
329 second consecutive term at the discretion of the Governor. Persons who are first appointed to initial  
330 terms of less than four years shall thereafter be eligible for reappointment to two consecutive terms of  
331 four years each. The Commission shall elect a chairman from among its members. No member of the  
332 General Assembly while serving as a member shall be eligible for appointment to the Commission.

333 B. The members of the Commission shall serve at the pleasure of the Governor.

334 C. For each day or part thereof spent in the performance of his duties, each member of the  
335 Commission shall receive such compensation and reimbursement for his reasonable expenses as provided  
336 in § 2.2-2104.

337 D. A quorum shall consist of four members. The decision of a majority of those members present  
338 and voting shall constitute a decision of the Commission.

339 E. The Commission shall adopt rules and procedures for the conduct of its business. The  
340 Commission shall establish and maintain a business office within the Commonwealth at a place to be  
341 determined by the Commission. The Commission shall meet at least six times a year, and other meetings  
342 may be held at any time or place determined by the Commission or upon call of the chairman or upon a  
343 written request to the chairman by any two members. Except for emergency meetings and meetings  
344 governed by § 2.2-3708 requiring a longer notice, all members shall be duly notified of the time and  
345 place of any regular or other meeting at least ten days in advance of such meetings.

346 F. The Commission shall keep a complete and accurate record of its proceedings. A copy of the  
347 record and any other public records not exempt from disclosure under the Freedom of Information Act  
348 (§ 2.2-3700 et seq.) shall be available for public inspection and copying during regular office hours at its  
349 principal office.

350 § 22.1-168.1. Reserve fund; limitations.

351 A. If the Board of Commissioners deems it proper to create a reserve fund or funds from bond  
352 proceeds to support an issuance of bonds in accordance with the provisions of this section, all moneys  
353 held in such reserve fund, except as hereinafter provided, shall be pledged solely for the payment of the  
354 principal and interest on the bonds secured in whole or in part by such a fund. Any income or interest  
355 earned on, or increment to, any reserve fund may be transferred by the Board of Commissioners to other  
356 funds or accounts of the Authority to the extent it does not reduce the amount of the reserve fund below  
357 its minimum requirement.

358 B. The Board of Commissioners shall not at any time issue bonds secured in whole or in part by any  
359 reserve fund referred to in subsection C, if upon the issuance of the bonds, the amount in the reserve  
360 fund will be less than its minimum requirement unless the Board of Commissioners, at the time of  
361 issuance of the bonds, deposits in the fund an amount which, together with the amount then in the fund,  
362 will not be less than the fund's minimum reserve requirement.

363 C. In order to ensure further the maintenance of reserve funds established in accordance with the  
364 provisions of this section, the chairman of the Board of Commissioners shall annually, on or before  
365 December 1, make and deliver to the Governor and the Secretary of ~~Administration~~ *the Commonwealth* a  
366 certificate stating the sum, if any, required to restore each reserve fund to its minimum requirement.  
367 Within five days after the beginning of each session of the General Assembly, the Governor shall submit

to the presiding officer of each house of the General Assembly printed copies of a budget including the sum, if any, required to restore each reserve fund to its minimum requirement. All sums, if any, which may be appropriated by the General Assembly for any restoration and paid to the Authority shall be deposited by the Authority in the applicable reserve fund. All amounts paid to the Board of Commissioners by the Commonwealth pursuant to the provisions of this section shall constitute and be accounted for as advances by the Commonwealth to the Authority and, subject to the rights of the holders of any bonds of the Authority, shall be repaid to the Commonwealth without interest from available revenues of the Authority in excess of the amounts required for the payment of bonds or other obligations of the Authority, the maintenance of reserve funds, and operating expenses.

D. Excluding bonds issued prior to July 1, 1991, the total principal amount of bonds outstanding at any one time, issued by the Board of Commissioners in accordance with the provisions of this section, shall not exceed the sum of \$800 million without the prior approval of the General Assembly.

E. Nothing in this section shall be construed as limiting the power of the Board of Commissioners to issue bonds (i) not secured by a reserve fund or (ii) secured by a reserve fund not described in this section.

§ 30-193. Capitol Square Preservation Council; membership; terms; meetings; compensation; "Capitol Square" defined.

A. The Capitol Square Preservation Council (the "Council") is established in the legislative branch of state government. The Council shall consist of fourteen members including three ex officio members as follows: three members selected by the Speaker of the House, one each from lists of nominations provided by the governing bodies of The Garden Club of Virginia, the Historic Richmond Foundation and the Association for the Preservation of Virginia Antiquities; two members selected by the Senate Committee on Privileges and Elections, one each from lists of nominations provided by the governing bodies of the Virginia Society of the American Institute of Architects and the Virginia Museum of Fine Arts; and six members selected by the Governor, one each from lists of nominations provided by the governing bodies of the Virginia Chapter of the American Society of Landscape Architects and the Virginia Historical Society, one each from the memberships of the Virginia Public Buildings Board and the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion and two citizens at large. The Secretary of Administration ~~the Commonwealth~~, or his designee, and the Clerks of the House of Delegates and the Senate shall serve ex officio.

B. All appointments to the Council shall be for terms of three years, except that initial appointments shall be for the following terms: of those appointed by the Speaker of the House, one shall have a three-year term, one shall have a two-year term and one shall have a one-year term; of those appointed by the Senate Committee on Privileges and Elections, one shall have a three-year term and one shall have a two-year term; of those appointed by the Governor, two shall have three-year terms, two shall have two-year terms and two shall have one-year terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment. No member shall be eligible to serve more than two successive three-year terms. However, after expiration of a term of three years or less, or after the expiration of the remainder of a term to which he was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.

C. The members of the Council shall elect from among its membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings quarterly, or upon the call of the chairman. A majority of the members of the Council shall constitute a quorum.

D. Members of the Council shall not receive compensation, but shall be reimbursed for their reasonable and necessary expenses incurred by them in the discharge of their duties as provided in § 2.2-2825.

E. For the purposes of this article, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad and Ninth Streets. The term also includes the exterior of all state buildings that are at least fifty years old and bordering the boundary streets. The term does not include the interiors of the General Assembly Building, the Washington Building, the Jefferson Building or the Governor's Mansion.

§ 51.1-126. Employees of institutions of higher education.

A. Any institution of higher education which has established, or establishes, a retirement plan covering in whole or in part its employees who are engaged in the performance of teaching, administrative, or research duties is hereby authorized to make contributions for the benefit of its employees who elect to participate in such plan rather than in the retirement system established by this chapter. Any present or future employee of such institution may elect to participate in either the retirement system established by this chapter or the plan provided by the institution employing him, in accordance with guidelines established by the Virginia Retirement System. The election herein provided shall, as to any future employee, be exercised not later than sixty days from the time of entry upon the

429 performance of his duties. The University of Virginia is authorized on and after July 1, 1996, to transfer  
430 any University of Virginia Medical Center employee who is a participant in a retirement plan established  
431 pursuant to this section to any retirement plan established pursuant to § 51.1-126.3 as an alternative to  
432 the retirement system established by this chapter, provided that the employee has elected to transfer to  
433 the plan established pursuant to § 51.1-126.3. All University of Virginia Medical Center employees who  
434 are (i) first employed by the Medical Center on or after July 1, 2000, and (ii) engaged in the  
435 performance of teaching, administrative or research duties, shall be afforded the retirement plan coverage  
436 provided by § 51.1-126.3 rather than the election options provided by this section.

437 B. No employee of an institution of higher education who is an active member in a plan established  
438 under this section shall also be an active member of the retirement system or beneficiary other than a  
439 contingent annuitant.

440 C. 1. The contribution by the Commonwealth to such employee's retirement plan shall be 10.4  
441 percent of creditable compensation. An institution of higher education may adopt a supplementation  
442 program for participants who, before January 1, 1991, exercise or have exercised the election to  
443 participate in the plan provided by the institution employing him as referred to in subsection A. Under  
444 such supplementation program, the institution may supplement such contribution using funds other than  
445 general funds, tuition or fees, up to an additional 2.17 percent of creditable compensation.

446 2. These contribution rates shall be examined by the Secretary of ~~Administration~~ *the Commonwealth*  
447 prior to July 1, 1996, and at least once every six years thereafter. The Secretary shall consider the salary  
448 peer group mean contribution as determined by the State Council of Higher Education and the Virginia  
449 Retirement System actuary, and, if necessary, recommend a revision to the rate of contribution by the  
450 Commonwealth.

451 D. The Virginia Retirement System shall develop policies and procedures for the administration of all  
452 retirement plans established pursuant to this section. To assist the Virginia Retirement System in  
453 developing such policies and procedures, the Board may appoint an advisory committee of higher  
454 education employees to supply guidance in the process. Such policies and procedures shall not, under  
455 any circumstances, result in the elimination of any benefit program at any institution as such benefit  
456 program existed on June 30, 1991.

457 § 62.1-215. Establishment of capital reserve funds.

458 A. 1. The Authority may create and establish one or more capital reserve funds and may pay into  
459 each capital reserve fund (i) any moneys appropriated and made available by the Commonwealth for the  
460 purpose of such a fund, (ii) any proceeds of the sale of bonds of the Authority, to the extent provided in  
461 the resolution authorizing the issuance of, or the trust indenture securing, the bonds, and (iii) any other  
462 moneys which may be made available to the Authority for the purpose of such a fund from any other  
463 source. All moneys held in any capital reserve fund, except as hereinafter provided, shall be used solely  
464 for the payment when due of the principal of and premium, if any, and interest on the bonds or  
465 obligations under credit enhancements issued by the Authority secured in whole or in part by such a  
466 fund. If, however, moneys in any such fund are ever less than the minimum capital reserve fund  
467 requirement established for the fund, the Authority shall not use the moneys for any optional purchase  
468 or redemption of bonds. Any income or interest earned on, or increment to, any capital reserve fund due  
469 to its investment may be transferred by the Authority to other funds or accounts of the Authority to the  
470 extent it does not reduce the amount of the capital reserve fund below its minimal requirement.

471 2. The Authority shall not at any time issue bonds or credit enhancements secured in whole or in  
472 part by any capital reserve fund, if upon the issuance of the bonds or credit enhancements, the amount  
473 in the capital reserve fund will be less than its minimal requirement unless the Authority, at the time of  
474 issuance of the bonds or credit enhancements, deposits in the fund an amount which, together with the  
475 amount then in the fund, will not be less than the fund's minimal capital reserve requirement.

476 B. In order to assure further the maintenance of capital reserve funds, the chairman of the Authority  
477 shall annually, on or before December 1, make and deliver to the Governor and the Secretary of  
478 ~~Administration~~ *the Commonwealth* a certificate stating the sum, if any, required to restore each capital  
479 reserve fund to its minimal requirement. Within five days after the beginning of each session of the  
480 General Assembly, the Governor shall submit to the presiding officer of each House of the General  
481 Assembly printed copies of a budget including the sum, if any, required to restore each capital reserve  
482 fund to its minimal requirement. All sums, if any, which may be appropriated by the General Assembly  
483 for any restoration and paid to the Authority shall be deposited by the Authority in the applicable capital  
484 reserve fund. All amounts paid to the Authority by the Commonwealth pursuant to the provisions of this  
485 section shall constitute and be accounted for as advances by the Commonwealth to the Authority and,  
486 subject to the rights of the holders of any bonds of the Authority or the beneficiaries of credit  
487 enhancements of the Authority, shall be repaid to the Commonwealth without interest from available  
488 operating revenues of the Authority in excess of amounts required for the payment of bonds, credit  
489 enhancements or other obligations of the Authority, the maintenance of capital reserve funds, and  
490 operating expenses. In addition, no bonds issued by the Authority to finance a professional sports

491 facility shall be secured by a capital reserve fund.

492 C. The Authority may create and establish other funds as necessary or desirable for its corporate  
493 purposes.

494 D. Nothing in this section shall be construed as limiting the power of the Authority to issue bonds or  
495 credit enhancements not secured by a capital reserve fund.

496 **2. That § 2.2-400 of the Code of Virginia is repealed.**

497 **3. That any reference in the Code of Virginia or the Acts of Assembly to the Secretary of**  
498 **Administration shall be construed to mean the Secretary of the Commonwealth.**

499 **4. That as of July 1, 2003, the Office of the Secretary of the Commonwealth shall be deemed the**  
500 **successor in interest to the Office of the Secretary of Administration. All right, title and interest in**  
501 **and to any real or tangible personal property vested in the Office of the Secretary of the**  
502 **Administration as of July 1, 2003, shall be transferred to and taken as standing in the name of the**  
503 **Secretary of the Commonwealth.**

504 **5. That the caption to Chapter 4 (§ 2.2-400 et seq.) of Title 2.2 is hereby changed from the**  
505 **"Secretary of the Commonwealth" to "Additional Duties of the Secretary of the Commonwealth."**