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## SENATE BILL NO. 1315

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules  
on February 4, 2003)

(Patron Prior to Substitute—Senator Trumbo)

A BILL to amend and reenact §§ 2.2-218, 2.2-220, 2.2-2424, 2.2-2503, 2.2-2506, 2.2-2628, 2.2-2666.1, 2.2-2705, 2.2-5601, 3.1-1108, 10.1-1018, 18.2-271.2, 20-108.2, 22.1-337, 22.1-354.1, 30-156, 30-173, 30-182, 32.1-73.7, 51.5-39.2, 56-579, 56-581.1, 56-585, 56-592, 56-592.1, 56-596, 62.1-69.34, 62.1-69.35, 62.1-69.38 and 62.1-69.43 of the Code of Virginia; to amend the Code by adding in Title 30 a chapter numbered 31, consisting of sections numbered 30-201 through 30-209, by adding in Title 30 a chapter numbered 32, consisting of sections numbered 30-210 through 30-217, and by adding in Chapter 5.4 of Title 62.1 sections numbered 62.1-69.35:1 and 62.1-69.35:2; and to repeal Article 3 (§§ 2.2-2709 and 2.2-2710) of Chapter 27 of Title 2.2 of the Code of Virginia and § 56-595 of the Code of Virginia; and to repeal Chapter 476 of the Acts of Assembly of 2002 and Chapter 657 of the Acts of Assembly of 2002, relating to certain requirements of collegial bodies; reports.

1. That §§ 2.2-218, 2.2-220, 2.2-2424, 2.2-2503, 2.2-2506, 2.2-2628, 2.2-2666.1, 2.2-2705, 2.2-5601, 3.1-1108, 10.1-1018, 18.2-271.2, 20-108.2, 22.1-337, 22.1-354.1, 30-156, 30-173, 30-182, 32.1-73.7, 51.5-39.2, 56-579, 56-581.1, 56-585, 56-592, 56-592.1, 56-596, 62.1-69.34, 62.1-69.35, 62.1-69.38 and 62.1-69.43 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Title 30 a chapter numbered 31, consisting of sections numbered 30-201 through 30-209, by adding in Title 30 a chapter numbered 32, consisting of sections numbered 30-210 through 30-217, and by adding in Chapter 5.4 of Title 62.1 sections numbered 62.1-69.35:1 and 62.1-69.35:2 as follows:

§ 2.2-218. Development of strategies to restore the water quality and living resources of the Chesapeake Bay and its tributaries.

The Secretary shall coordinate the development of tributary plans designed to improve water quality and restore the living resources of the Chesapeake Bay and its tributaries. Each plan shall be tributary-specific in nature and prepared for the Potomac, Rappahannock, York, and James River Basins as well as the western coastal basins (comprising the small rivers on the western Virginia mainland that drain to the Chesapeake Bay, not including the Potomac, Rappahannock, York and James Rivers) and the eastern coastal basin (encompassing the creeks and rivers of the Eastern Shore of Virginia that are west of U.S. Route 13 and drain to the Chesapeake Bay). Each plan shall (i) address the reduction of nutrients and suspended solids, including sediments, entering the Chesapeake Bay and its tributaries and (ii) summarize other existing programs, strategies, goals and commitments for reducing toxics; the preservation and protection of living resources; and the enhancement of the amount of submerged aquatic vegetation, for each tributary basin and the Bay. The plans shall be developed in consultation with affected stakeholders, including, but not limited to, local government officials; wastewater treatment operators; seafood industry representatives; commercial and recreational fishing interests; developers; farmers; local, regional and statewide conservation and environmental interests; the Virginia Chesapeake Bay Partnership Council; and the Virginia delegation to the Chesapeake Bay Commission.

§ 2.2-220. Annual reporting.

The Secretary shall report by November 1 of each year to the House Committee on Agriculture, Chesapeake and Its Tributaries Natural Resources, the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Appropriations, the Senate Committee on Finance, and the Virginia delegation to the Chesapeake Bay Commission and the Virginia Chesapeake Bay Partnership Council on progress made in the development and implementation of each plan. The annual report shall include, but not be limited to:

1. An analysis of actions taken and proposed and their relation to the timetables and programmatic and environmental benchmarks and indicators.

2. The results and analyses of quantitative or qualitative tests or studies, including but not limited to water quality monitoring and submerged aquatic vegetation surveys, which relate to actual resource improvements in each tributary. The results and analyses are to be clearly related to designated portions of each tributary.

3. A complete summary of public comments received on each plan.

4. The current or revised cost estimates for implementation of the plans.

5. The status of Virginia's strategies as compared to the development, content and implementation of tributary strategies by the other jurisdictions that are signatories to the Chesapeake Bay Agreement.

§ 2.2-2424. Virginia-Israel Advisory Board; purpose; membership; terms; compensation; staff.

A. The Virginia-Israel Advisory Board (the "Board") is established as an advisory board, within the

60 meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Board shall be  
 61 to advise the Governor on ways to improve economic and cultural links between the Commonwealth  
 62 and the State of Israel, with a focus on the areas of commerce and trade, art and education, and general  
 63 government.

64 B. The Board shall consist of ~~thirty-one~~ 31 members to be appointed that include 29 citizen members  
 65 and 2 ex officio members as follows: ~~six~~ 6 citizen members appointed by the Speaker of the House of  
 66 Delegates, who may be members of the House of Delegates or other state or local elected officials; ~~six~~ 6  
 67 citizen members appointed by the Senate Committee on Privileges and Elections, who may be members  
 68 of the Senate or other state or local elected officials; and ~~thirteen~~ 13 members appointed by the  
 69 Governor who represent business, industry, education, the arts, and government; and the president, or his  
 70 designee, of each of the ~~four~~ 4 Jewish Community Federations serving the Richmond, Northern Virginia,  
 71 Tidewater and Peninsula regions; ; and the ~~Secretaries~~ Secretary of Commerce and Trade; and the  
 72 Secretary of Education, or their designees, who shall serve as ex officio voting members of the Board.

73 C. Nonlegislative citizen members shall serve for terms of ~~four~~ 4 years. Legislative members and the  
 74 Secretaries of Commerce and Trade, and Education, or their designees, shall serve terms coincident with  
 75 their terms of office. Vacancies occurring other than by expiration of term shall be filled for the  
 76 unexpired term. Vacancies shall be filled in the same manner as the original appointments. Any member  
 77 may be reappointed for successive terms.

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

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

85 F. The Office of the Governor shall serve as staff to the Board.

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

91 § 2.2-2503. Special Advisory Commission on Mandated Health Insurance Benefits; membership;  
 92 terms; meetings; compensation; staff; chairman's executive summary.

93 A. The Special Advisory Commission on Mandated Health Insurance Benefits (the "Commission") is  
 94 established as an advisory commission within the meaning of § 2.2-2100, in the executive branch of  
 95 state government. The purpose of the Commission shall be to advise the Governor and the General  
 96 Assembly on the social and financial impact of current and proposed mandated benefits and providers,  
 97 in the manner set forth in this article.

98 B. The Commission shall consist of ~~sixteen~~ 18 members to be appointed that include 6 legislative  
 99 members, 10 nonlegislative citizen members, and 2 ex officio members as follows: ~~ten~~ 1 member of the  
 100 Senate Committee on Education and Health and 1 member of the Senate Committee on Commerce and  
 101 Labor appointed by the Senate Committee on Privileges and Elections; 2 members of the House  
 102 Committee on Health, Welfare and Institutions and 2 members of the House Committee on Commerce  
 103 and Labor appointed by the Speaker of the House of Delegates in accordance with the principles of  
 104 proportional representation contained in the Rules of the House of Delegates; 10 nonlegislative citizen  
 105 members shall be appointed by the Governor including one that include 1 physician, one 1 chief  
 106 executive officer of a general acute care hospital, one 1 allied health professional, one 1 representative  
 107 of small business, one 1 representative of a major industry, one 1 expert in the field of medical ethics,  
 108 two 2 representatives of the accident and health insurance industry, and two 2 nonlegislative citizen  
 109 members; and the State Commissioner of Health and the State Commissioner of Insurance, or their  
 110 designees, who shall serve as ex officio nonvoting members. The Senate Committee on Privileges and  
 111 Elections shall appoint 1 member from the Senate Committee on Education and Health and 1 member  
 112 from the Senate Committee on Commerce and Labor, and the Speaker of the House of Delegates shall  
 113 appoint 2 members from the House Committee on Health, Welfare and Institutions and 2 members from  
 114 the House Committee on Commerce and Labor in accordance with the principles of proportional  
 115 representation contained in the Rules of the House of Delegates. The State Commissioner of Health and  
 116 the State Commissioner of Insurance shall serve as ex officio, nonvoting members.

117 C. All nonlegislative citizen members shall be appointed for terms of four 4 years each, except that  
 118 appointments to fill vacancies shall be made for the unexpired terms. No person shall be eligible to  
 119 serve for or during more than two successive four-year terms; but after the expiration of a term of two  
 120 years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two  
 121 additional four-year terms may be served by such a member if so appointed. Legislative and ex officio

122 *members shall serve terms coincident with their terms of office. All members may be reappointed.*  
 123 *However, no House member shall serve more than 4 consecutive 2-year terms, no Senate member shall*  
 124 *serve more than 2 consecutive 4-year terms, and no nonlegislative citizen member shall serve more than*  
 125 *2 consecutive 4-year terms. Vacancies occurring other than by expiration of a term shall be filled for*  
 126 *the unexpired term. Vacancies shall be filled in the manner as the original appointments. The remainder*  
 127 *of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining*  
 128 *the member's eligibility for reappointment.*

129 D. The Commission shall meet ~~regularly~~ ~~and~~ at the request of the *chairman, the majority of the*  
 130 *voting members or the Governor.* The Commission shall select a chairman and a vice chairman, as  
 131 determined by the membership. A majority of the members of the Commission shall constitute a  
 132 quorum.

133 E. *Legislative members of the Commission shall receive ~~reimbursement~~ such compensation as*  
 134 *provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation for the*  
 135 *performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all*  
 136 *reasonable and necessary expenses incurred in the ~~discharge~~ performance of their duties as provided in*  
 137 *§§ 2.2-2813 and 2.2-2825. Funding for the compensation and costs of expenses of the members shall be*  
 138 *provided by the State Corporation Commission.*

139 F. The Bureau of Insurance, the State Health Department, and such other state agencies as may be  
 140 considered appropriate by the Commission shall provide staff assistance to the Commission.

141 G. *The chairman of the Commission shall submit to the Governor and the General Assembly an*  
 142 *annual executive summary of the interim activity and work of the Commission no later than the first day*  
 143 *of each regular session of the General Assembly. The executive summary shall be submitted as provided*  
 144 *in the procedures of the Division of Legislative Automated Systems for the processing of legislative*  
 145 *documents and reports and shall be posted on the General Assembly's website.*

146 § 2.2-2506. Virginia Advisory Commission on Intergovernmental Relations; membership; terms;  
 147 compensation; reports to Governor and General Assembly; chairman's executive summary.

148 A. The Virginia Advisory Commission on Intergovernmental Relations (the "Commission") is  
 149 established as an advisory commission within the meaning of § 2.2-2100, in the executive branch of  
 150 state government.

151 B. The Commission shall consist of ~~twenty~~ 22 members *that include 8 legislative members, 3*  
 152 *members of the executive branch, and 11 nonlegislative citizen members to be appointed as follows:*  
 153 ~~three~~ 5 members shall be appointed ~~from~~ of the House of Delegates to be appointed by the Speaker of  
 154 the House of Delegates *in accordance with the principles of proportional representation contained in the*  
 155 *Rules of the House of Delegates; ~~three~~ 3 members shall of the Senate to be appointed by the Senate*  
 156 *Privileges and Elections Committee; and ~~three~~ 3 members ~~from~~ of the executive branch of state*  
 157 *government; ~~four~~ , 4 elected local government officials upon the recommendation of the Virginia*  
 158 *Association of Counties and ~~four~~ , 4 elected municipal officers upon the recommendation of the Virginia*  
 159 *Municipal League; ~~one~~ , 1 representative of a planning district commission upon the recommendation of*  
 160 *the Virginia Association of Planning Commissions; , and ~~two~~ 2 citizen members who have no current*  
 161 *government affiliation, all of whom shall be appointed by the Governor.*

162 C. ~~Members from the executive branch shall serve at the pleasure of the Governor.~~ All other  
 163 *nonlegislative members, except the 3 members of the executive branch, shall serve for a ~~four~~ 4-year*  
 164 *term. No member shall serve more than eight consecutive years terms. Legislative members shall serve*  
 165 *terms coincident with their terms of office. Members from the executive branch shall serve at the*  
 166 *pleasure of the Governor and shall serve no more than 8 consecutive years. All members may be*  
 167 *reappointed. However, no Senate member shall serve more than 2 consecutive 4-year terms, no House*  
 168 *member shall serve more than 4 consecutive 2-year terms and no nonlegislative member appointed to a*  
 169 *term shall serve more than 2 consecutive 4-year terms. The remainder of any term to which a member*  
 170 *is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for*  
 171 *reappointment. Vacancies shall be filled by the appointing authority to fill for the unexpired term.*  
 172 *Vacancies shall be filled in the manner as the original appointments.*

173 D. A chairman and vice chairman shall be elected annually from the membership. The Commission  
 174 shall meet at least ~~four~~ 4 times a year. A majority of members of the Commission shall constitute a  
 175 quorum.

176 E. The members of the Commission shall be paid their necessary expenses incident to their work on  
 177 the Commission as provided in ~~§ 2.2-2823~~. *Legislative members of the Commission shall receive such*  
 178 *compensation as is set forth in § 30-19.12, and nonlegislative members shall receive such compensation*  
 179 *for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all*  
 180 *reasonable and necessary expenses incurred in the performance of their duties as provided in*  
 181 *§§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses shall be provided by the*  
 182 *Commission on Local Government.*

183 F. The Commission shall report its findings as it deems proper and shall submit a biennial report to  
 184 the Governor and the General Assembly on or before October 1 of each ~~even-numbered~~ *odd-numbered*  
 185 year *as provided in the procedures of the Division of Legislative Automated Systems for the processing*  
 186 *of legislative documents and reports.* The biennial report shall be distributed in accordance with the  
 187 provisions of § 2.2-1127.

188 G. *The chairman of the Commission shall submit to the Governor and the General Assembly a*  
 189 *biennial executive summary of the interim activity and work of the Commission no later than the first*  
 190 *day of each odd-numbered year session of the General Assembly. The executive summary shall be*  
 191 *submitted as provided in the procedures of the Division of Legislative Automated Systems for the*  
 192 *processing of legislative documents and reports and shall be posted on the General Assembly's website.*

193 § 2.2-2628. Council on Indians; membership; terms; chairman; chairman's executive summary.

194 A. The Council on Indians (the "Council") is established as an advisory council, within the meaning  
 195 of § 2.2-2100, in the executive branch of state government. The Council shall be composed of ~~thirteen~~  
 196 *16 members to be appointed that include 4 legislative members, 11 nonlegislative citizen members, and*  
 197 *1 ex officio member* as follows: (i) the ~~eight~~ *8* Virginia tribes officially recognized by the  
 198 Commonwealth shall be entitled but not required to be represented by ~~one~~ *1* member from each tribe,  
 199 (ii) ~~two~~ *2* members ~~at large~~ *at large* from the Indian population residing in Virginia, and (iii) ~~one~~ *1*  
 200 member from the Commonwealth at large, all of whom shall be appointed by the Governor; ~~and~~ (iv)  
 201 ~~one member from~~ *3 members of* the House of Delegates appointed by the Speaker of the House of  
 202 Delegates *in accordance with the principles of proportional representation contained in the Rules of the*  
 203 *House of Delegates;* ~~and~~; (v) ~~one~~ *1* member ~~from~~ of the Senate of Virginia appointed by the Senate  
 204 Committee on Privileges and Elections; ~~and~~ (vi) *the Secretary of Health and Human Resources, or his*  
 205 *designee, shall be an ex officio voting member.* If a recognized tribe elects not to be represented, then  
 206 that seat on the Council shall be filled by appointment of an additional member from the at-large Indian  
 207 population of Virginia. ~~The Secretary of Health and Human Resources shall be an ex officio member of~~  
 208 ~~the Council.~~

209 B. After the original appointments, all *nonlegislative citizen* appointments shall be for terms of ~~three~~  
 210 *3* years except appointments to fill vacancies, which shall be for the unexpired terms. *Legislative*  
 211 *members shall serve terms coincident with their terms of office. All members may be reappointed.*  
 212 *However, no nonlegislative citizen member shall be eligible to serve more than two 3 successive 3-year*  
 213 *terms in succession, no member of the Senate shall be eligible to serve more than 2 successive 4-year*  
 214 *terms, and no member of the House of Delegates shall be eligible to serve more than 4 successive*  
 215 *2-year terms, provided that no appointments to terms commencing prior to July 1, 1988, shall not be*  
 216 *considered in determining such limit, nor shall appointments to fill vacancies for an unexpired term shall*  
 217 *be included in determining the term limit.*

218 C. The Governor shall appoint ~~one~~ *1* of the members appointed pursuant to *clause* (i) or (ii) of  
 219 subsection A as chairman, who shall serve in such position at the pleasure of the Governor. *The Council*  
 220 *shall elect a vice chairman from among its membership. The meetings of the Council shall be held at*  
 221 *the call of the chairman or whenever the majority of the voting members so request. A majority of the*  
 222 *members shall constitute a quorum.*

223 D. Members of the Council shall receive no compensation for their services, but shall be reimbursed  
 224 for all reasonable and necessary expenses incurred in the ~~discharge~~ *performance* of their duties as  
 225 provided in §§ 2.2-2813 and 2.2-2825. *Funding for the costs of expenses of the members shall be*  
 226 *provided by the Office of the Governor.*

227 E. *The chairman of the Council shall submit to the Governor and the General Assembly an annual*  
 228 *executive summary of the interim activity and work of the Council no later than the first day of each*  
 229 *regular session of the General Assembly. The executive summary shall be submitted as provided in the*  
 230 *procedures of the Division of Legislative Automated Systems for the processing of legislative documents*  
 231 *and reports and shall be posted on the General Assembly's website.*

232 § 2.2-2666.1. Council created; composition; compensation and expenses; meetings; chairman's  
 233 executive summary.

234 A. The Virginia Military Advisory Council (the "Council") is hereby created as an advisory council,  
 235 within the meaning of § 2.2-2100, in the executive branch of state government, to maintain a  
 236 cooperative and constructive relationship between the Commonwealth and the leadership of the several  
 237 Armed Forces of the United States and the military commanders of such Armed Forces stationed in the  
 238 Commonwealth, and to encourage regular communication on continued military facility viability, the  
 239 exploration of privatization opportunities and issues affecting preparedness, public safety and security.

240 B. The Council shall be composed of not more than ~~twenty-five~~ *25* members and shall include the  
 241 Lieutenant Governor, the Attorney General, the Adjutant General, the Chairman of the House Committee  
 242 on Militia, Police and Public Safety and the Chairman of the Senate Committee on General Laws, or  
 243 their designees; ~~four~~ *4* members, ~~one~~ *1* of whom shall be a representative of the Virginia Defense Force,  
 244 to be appointed by and serve at the pleasure of the Governor; and not more than ~~sixteen~~ *16* members,

245 including representatives of major military commands and installations located in the Commonwealth or  
 246 in jurisdictions adjacent thereto, who shall be appointed by the Governor from persons nominated by the  
 247 Secretaries of the Armed Forces of the United States and who shall serve at the pleasure of the  
 248 Governor. The provisions of § 49-1 shall not apply to federal civilian officials and military personnel  
 249 appointed to the Council.

250 *C. Legislative members of the Council shall receive such compensation as is set forth in § 30-19.12,*  
 251 *and nonlegislative members shall receive such compensation for the performance of their duties as*  
 252 *provided in § 2.2-2813. All members shall be reimbursed for the reasonable and necessary expenses*  
 253 *incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the*  
 254 *costs of compensation and expenses of the members shall be provided by the Department of Military*  
 255 *Affairs.*

256 *D. The Council shall elect a chairman and vice chairman from among its membership. The meetings*  
 257 *of the Council shall be held at the call of the chairman or whenever the majority of members so*  
 258 *request. A majority of the members shall constitute a quorum.*

259 *E. The chairman of the Council shall submit to the Governor and the General Assembly an annual*  
 260 *executive summary of the interim activity and work of the Council no later than the first day of each*  
 261 *regular session of the General Assembly. The executive summary shall be submitted as provided in the*  
 262 *procedures of the Division of Legislative Automated Systems for the processing of legislative documents*  
 263 *and reports and shall be posted on the General Assembly's website.*

264 § 2.2-2705. Virginia War Memorial Foundation; purpose; membership; terms; compensation and  
 265 expenses; staff; chairman's executive summary.

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

271 B. The ~~Foundation~~ board of trustees shall consist of ~~the Secretary of Administration, who shall serve~~  
 272 ~~ex officio, and seventeen other persons as follows: four~~ 19 members that include 8 legislative members,  
 273 10 nonlegislative citizen members, and 1 ex officio member as follows: 5 members of the House of  
 274 Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles  
 275 of proportional representation contained in the Rules of House of Delegates; ~~three~~ 3 members of the  
 276 Senate to be appointed by the Senate Committee on Privileges and Elections of the Senate; and ~~ten~~  
 277 ~~other persons~~ 10 nonlegislative citizen members appointed by the Governor, subject to confirmation by  
 278 the General Assembly; and the Secretary of Administration who shall serve ex officio with voting  
 279 privileges. A majority of the trustees shall be members or veterans of the armed forces of the United  
 280 States or the Virginia National Guard. Members appointed should include representatives of some or all  
 281 of the various veterans organizations active in Virginia, as the Governor deems appropriate.

282 C. Except for initial appointments, all nonlegislative citizen member appointments shall be for a term  
 283 ~~terms of three~~ 3 years. ~~Appointments to fill vacancies shall be made for the unexpired term.~~ Legislative  
 284 ~~members and the Secretary of Administration shall serve terms coincident with their terms of office. All~~  
 285 ~~members may be reappointed. However, no person nonlegislative citizen member shall be eligible to~~  
 286 ~~serve for more than three~~ 3 successive full ~~three~~ 3-year terms. However, any person appointed to an  
 287 ~~initial term of less than three years or to a vacancy shall be eligible to serve three additional successive~~  
 288 ~~full three-year terms thereafter. No Senate member shall be eligible to serve more than 2 successive~~  
 289 ~~4-year terms and no member of the House of Delegates shall be eligible to serve more than 4 successive~~  
 290 ~~2-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not~~  
 291 ~~constitute a term in determining the member's eligibility for reappointment. Appointments to fill~~  
 292 ~~vacancies shall be made for the unexpired term. Vacancies shall be filled in the same manner as the~~  
 293 ~~original appointments. Trustees may be removed appointed by the Governor shall serve at his pleasure.~~

294 D. Trustees shall be reimbursed for their actual expenses incurred while attending meetings of the  
 295 trustees or performing other duties. However, such reimbursement shall not exceed the per diem rate  
 296 established for members of the General Assembly pursuant to § ~~30-19.12.~~ Legislative members of the  
 297 Foundation shall receive such compensation as is set forth in § 30-19.12, and nonlegislative members  
 298 shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All  
 299 members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of  
 300 their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation of  
 301 legislative members shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk  
 302 of the House of Delegates, as appropriate. Funding for the costs of expenses of all members shall be  
 303 provided by the Foundation.

304 E. The Secretary of Administration shall designate a state agency to provide the Foundation with  
 305 administrative and other services.

306 F. The trustees shall adopt bylaws governing their organization and procedures and may amend the  
 307 same. The trustees shall elect from their number a chairman, *vice chairman*, and such other officers as  
 308 their bylaws may provide. They shall also appoint an executive committee, composed of not less than  
 309 five 5 trustees, which committee shall exercise the powers and duties imposed on the Foundation by this  
 310 section to the extent permitted by the trustees in their bylaws. *Meetings of the board of trustees shall be*  
 311 *held at the call of the chairman or whenever a majority of the members so request. A majority of*  
 312 *members shall constitute a quorum.*

313 G. *The chairman of the board of trustees shall submit to the Governor and the General Assembly an*  
 314 *annual executive summary of the interim activity and work of the board no later than the first day of*  
 315 *each regular session of the General Assembly. The executive summary shall be submitted as provided in*  
 316 *the procedures of the Division of Legislative Automated Systems for the processing of legislative*  
 317 *documents and reports and shall be posted on the General Assembly's website.*

318 § 2.2-5601. Appointment and term of members of Southern States Energy Board; compensation and  
 319 expenses.

320 The Governor, the Senate Committee on Privileges and Elections, and the Speaker of the House of  
 321 Delegates shall each appoint ~~one~~ 1 member of the Southern States Energy Board as established by  
 322 Article II of the compact, ~~to serve at the pleasure of their appointive authority for a term of four years.~~  
 323 *Legislative members shall serve terms coincident with their terms of office. The gubernatorial appointee*  
 324 *shall serve at the pleasure of the Governor.* If any member appointed is the head of a department or  
 325 agency of the Commonwealth, he may designate a subordinate officer or employee of his department or  
 326 agency to serve in his stead as permitted by Article II A. of the compact and in conformity with any  
 327 applicable bylaws of the Board.

328 *Legislative members of the Board shall receive such compensation as is set forth in § 30-19.12 and*  
 329 *shall be reimbursed for the reasonable and necessary expenses incurred in the performance of their*  
 330 *duties as provided in §§ 2.2-2813 and 2.2-2825. The costs of compensation and expenses of the*  
 331 *legislative members shall be paid from appropriations to the Virginia Commission on Intergovernmental*  
 332 *Cooperation for the attendance of conferences.*

333 § 3.1-1108. Membership; terms; vacancies; compensation and expenses; chairman; chairman's  
 334 executive summary.

335 A. The Commission shall be composed of ~~thirty-one~~ 31 members as follows:

336 1. Six members ~~shall be of the House of Delegates~~ appointed by the Speaker of the House of  
 337 Delegates ~~from the membership thereof~~ in accordance with the principles of ~~Rule 16 of proportional~~  
 338 ~~representation contained in the Rules of the House of Delegates adopted at the 1998 Regular Session of~~  
 339 ~~the General Assembly;~~

340 2. Four members ~~shall be of the Senate~~ appointed by the *Committee on Privileges and Elections*  
 341 ~~Committee of the Senate from the membership of the Senate;~~

342 3. The Secretary of Commerce and Trade or his designee;

343 4. The Secretary of Finance or his designee;

344 5. The Commissioner of Agriculture and Consumer Affairs or his designee;

345 6. Three *nonlegislative citizen* members *who* shall be active flue-cured tobacco producers appointed  
 346 by the Governor. Of the active flue-cured tobacco producers, ~~two~~ 2 shall be appointed by the Governor  
 347 from a list of ~~six~~ 6 persons provided by the members of the General Assembly appointed to the  
 348 Commission;

349 7. Three *nonlegislative citizen* members *who* shall be active burley tobacco producers appointed by  
 350 the Governor. Of the active burley tobacco producers, ~~one~~ 1 member shall be appointed by the Governor  
 351 from a list of ~~three~~ 3 persons provided by the members of the General Assembly appointed to the  
 352 Commission;

353 8. One *nonlegislative citizen* member *who* shall be a representative of the Virginia Farm Bureau  
 354 Federation appointed by the Governor from a list of at least ~~three~~ 3 persons provided by Virginia Farm  
 355 Bureau Federation; and

356 9. Eleven members shall be *nonlegislative citizen* citizens appointed by the Governor. Of the ~~eleven~~  
 357 ~~11~~ *nonlegislative* citizen members, ~~three~~ 3 shall be appointed by the Governor from a list of ~~nine~~ 9  
 358 provided by the members of the General Assembly appointed to the Commission.

359 With the exception of the Secretary of Commerce and Trade or his designee, the Secretary of  
 360 Finance or his designee and the Commissioner of Agriculture and Consumer Affairs or his designee, all  
 361 members of the Commission shall reside in the Southside and Southwest regions of the Commonwealth  
 362 and shall be subject to confirmation by the General Assembly. To the extent feasible, appointments  
 363 representing the Southside and Southwest regions shall be proportional to the tobacco quota production  
 364 of each region.

365 Except as otherwise provided herein, all appointments shall be for terms of ~~four~~ 4 years each.  
 366 ~~Vacancies shall be filled for the unexpired terms.~~ *Legislative members, the Secretary of Commerce and*  
 367 *Trade, the Secretary of Finance, and the Commissioner of Agriculture and Consumer Affairs shall serve*

368 *terms coincident with their terms of office. No nonlegislative citizen member shall be eligible to serve*  
 369 *more than ~~two~~ 2 successive ~~four~~ 4-year terms; however, after expiration of a term of ~~three~~ 3 years or*  
 370 *less, or after the expiration of the remainder of a term to which he was appointed to fill a vacancy, two*  
 371 *additional 4-year terms may be served by such member if appointed thereto. Whenever any legislative*  
 372 *member fails to retain his membership in the house from which he was appointed, he shall relinquish*  
 373 *his membership on the Commission and the appointing authority who appointed such member shall*  
 374 *make an appointment from his respective house to complete the term. Vacancies shall be filled for the*  
 375 *unexpired terms. Any appointment to fill a vacancy shall be made in the same manner as the original*  
 376 *appointment. The remainder of any term to which a member is appointed to fill a vacancy shall not*  
 377 *constitute a term in determining the member's eligibility for reappointment.*

378 The initial appointments of the active flue-cured tobacco producers, the active burley tobacco  
 379 producers, and ~~the other nonlegislative~~ citizen members shall be as follows: ~~one~~ 1 active flue-cured  
 380 tobacco producer, ~~one~~ 1 active burley tobacco producer and ~~four~~ 4 nonlegislative citizen members shall  
 381 be appointed for terms of ~~two~~ 2 years; ~~one~~ 1 active flue-cured tobacco producer, ~~one~~ 1 active burley  
 382 tobacco producer and ~~four~~ 4 nonlegislative citizen members shall be appointed for terms of ~~three~~ 3  
 383 years; and ~~one~~ 1 active flue-cured tobacco producer, ~~one~~ 1 active burley tobacco producer and ~~three~~ 3  
 384 nonlegislative citizen members shall be appointed for terms of ~~four~~ 4 years. Thereafter all appointments  
 385 shall be for terms of ~~four~~ 4 years.

386 B. The Commission shall appoint from its membership a chairman and a ~~vice-chairman~~ vice  
 387 chairman, both of whom shall serve in such capacities at the pleasure of the Commission. The chairman,  
 388 or in his absence, the ~~vice-chairman~~ vice chairman, shall preside at all meetings of the Commission. *The*  
 389 *meetings of the Commission shall be held on the call of the chairman or whenever the majority of the*  
 390 *members so request. A majority of members of the Commission serving at any ~~one~~ 1 time shall*  
 391 *constitute a quorum for the transaction of business.*

392 C. *Members of the Commission shall receive compensation for their services at the rate provided in*  
 393 *the appropriation act and reimbursement for actual expenses incurred in the performance of their duties*  
 394 *on behalf of the Commission. Legislative members of the Commission shall receive such compensation*  
 395 *as is set forth in § 30-19.12, and nonlegislative members shall receive such compensation for the*  
 396 *performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for the*  
 397 *reasonable and necessary expenses incurred in the performance of their duties as provided in*  
 398 *§§ 2.2-2813 and 2.2-2825. Such compensation and expenses shall be paid from the Fund.*

399 D. Members and employees of the Commission shall be subject to the standards of conduct set forth  
 400 in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be removed  
 401 from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or misconduct in the manner set  
 402 forth therein.

403 E. Except as otherwise provided in this chapter, members and employees of the Commission shall be  
 404 subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

405 F. *The chairman of the Board shall submit to the Governor and the General Assembly an annual*  
 406 *executive summary of the interim activity and work of the Board no later than the first day of each*  
 407 *regular session of the General Assembly. The executive summary shall be submitted as provided in the*  
 408 *procedures of the Division of Legislative Automated Systems for the processing of legislative documents*  
 409 *and reports and shall be posted on the General Assembly's website.*

410 § 10.1-1018. Virginia Land Conservation Board of Trustees; membership; terms; vacancies;  
 411 compensation and expenses; chairman's executive summary.

412 A. The Foundation shall be governed and administered by a Board of Trustees. The Board shall  
 413 include ~~one~~ member from each congressional district, appointed by the Governor, and six members  
 414 appointed from the Commonwealth at large, ~~four~~ by the Speaker of the House of Delegates and two by  
 415 the Senate Committee on Privileges and Elections consist of 18 members that include 17 citizen  
 416 members and 1 ex officio voting member. Members shall be appointed as follows: 4 citizen members,  
 417 who may be members of the House of Delegates, to be appointed by the Speaker of the House of  
 418 Delegates and, if such members are members of the House of Delegates, in accordance with the  
 419 principles of proportional representation contained in the Rules of the House of Delegates; 2 citizen  
 420 members, who may be members of the Senate, to be appointed by the Senate Committee on Privileges  
 421 and Elections; 11 nonlegislative citizen members, 1 from each congressional district, to be appointed by  
 422 the Governor; and the Secretary of Natural Resources, or his designee, to serve ex officio with voting  
 423 privileges. ~~Such~~ Nonlegislative citizen members shall be appointed for ~~four~~ 4-year terms, except that  
 424 initial appointments shall be made for terms of ~~one~~ 1 to ~~four~~ 4 years in a manner whereby no more than  
 425 six 6 members shall have terms ~~which~~ that expire in the same year. ~~Such~~ Legislative members and ex  
 426 officio members shall serve terms coincident with their terms of office. Appointments to fill vacancies  
 427 shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original  
 428 appointments. All members may be reappointed. However, no Senate member shall serve more than 2

429 consecutive 4-year terms, no House member shall serve more than 4 consecutive 2-year terms and no  
 430 nonlegislative citizen member shall serve more than 2 consecutive 4-year terms. The remainder of any  
 431 term to which a member is appointed to fill a vacancy shall not constitute a term in determining the  
 432 member's eligibility for reappointment. Nonlegislative citizen members shall have experience or  
 433 expertise, professional or personal, in one or more of the following areas: natural resource protection and  
 434 conservation, construction and real estate development, natural habitat protection, environmental resource  
 435 inventory and identification, forestry management, farming, farmland preservation, fish and wildlife  
 436 management, historic preservation, and outdoor recreation. At least ~~one~~ 1 of the nonlegislative citizen  
 437 members shall be a farmer. ~~No such member shall be eligible to serve more than two consecutive~~  
 438 ~~four-year terms.~~ Such members *Members of the Board* shall post bond in the penalty of \$5,000 with the  
 439 State Comptroller prior to entering upon the functions of office. ~~Appointments to fill vacancies shall be~~  
 440 ~~made for the unexpired term.~~

441 B. The Secretary of Natural Resources or his designee shall also serve on the Board of Trustees. The  
 442 term of the Secretary of Natural Resources or his designee shall be coincident with that of the Governor.  
 443 The Secretary of Natural Resources shall serve as the chairman of the Board of Trustees. The chairman  
 444 shall serve until his successor is appointed. The members appointed as provided in subsection A shall  
 445 elect a ~~vice chairman~~ *vice chairman* annually from *among* the members of the Board. A majority of the  
 446 members of the Board serving at any one time shall constitute a quorum for the transaction of business.  
 447 The board shall meet at the call of the chairman *or whenever a majority of the members so request.*

448 C. Trustees of the Foundation shall receive no compensation for their services ~~but shall receive~~  
 449 ~~reimbursement for actual.~~ *All members shall be reimbursed for all reasonable and necessary expenses*  
 450 *incurred in the performance of their duties on behalf of the Foundation as provided in §§ 2.2-2813 and*  
 451 *2.2-2825. Funding for the costs of expenses of the members shall be provided by the Department of*  
 452 *Conservation and Recreation.*

453 D. The chairman of the Board and any other person designated by the Board to handle the funds of  
 454 the Foundation shall give bond, with corporate surety, in such penalty as is fixed by the Governor,  
 455 conditioned upon the faithful discharge of his duties. The premium on the bonds shall be paid from  
 456 funds available to the Foundation for such purpose.

457 E. The Board shall seek assistance in developing grant criteria and advice on grant priorities and any  
 458 other appropriate issues from a task force consisting of the following agency heads or their designees:  
 459 the Director of the Department of Conservation and Recreation, the Commissioner of Agriculture and  
 460 Consumer Services, the State Forester, the Director of the Department of Historic Resources, the  
 461 Director of the Department of Game and Inland Fisheries and the Executive Director of the Virginia  
 462 Outdoors Foundation. The Board may request any other agency head to serve on or appoint a designee  
 463 to serve on the task force.

464 F. *The chairman shall submit to the Governor and the General Assembly a biennial executive*  
 465 *summary of the interim activity and work of the board no later than the first day of each even-numbered*  
 466 *year regular session of the General Assembly. The executive summary shall be submitted as provided in*  
 467 *the procedures of the Division of Legislative Automated Systems for the processing of legislative*  
 468 *documents and reports and shall be posted on the General Assembly's website.*

469 § 18.2-271.2. Commission on VASAP.

470 A. There is hereby established a *in the legislative branch of state government the* Commission on the  
 471 Virginia Alcohol Safety Action Program (VASAP) ~~which.~~ *The Commission shall administer and*  
 472 *supervise the state system of local alcohol and safety action programs, develop and maintain operation*  
 473 *and performance standards for local alcohol and safety action programs, and allocate funding to such*  
 474 *programs. The Commission shall be composed consist of three 15 members that include 6 legislative*  
 475 *members and 9 nonlegislative citizen members. Members shall be appointed as follows: 4 current or*  
 476 *former members from of the House Committee for Courts of Justice, to be appointed by the Speaker of*  
 477 *the House of Delegates and two in accordance with the principles of proportional representation*  
 478 *contained in the Rules of the House of Delegates; 2 members from of the Senate Committee for Courts*  
 479 *of Justice, to be appointed by the Senate Privileges and Elections Committee; three 3 sitting or retired*  
 480 *judges, one 1 each from the circuit, general district and juvenile and domestic relations district courts,*  
 481 *who regularly hear or heard cases involving driving under the influence and are familiar with their local*  
 482 *alcohol safety action programs, to be appointed by the Chairman of the Committee on District Courts;*  
 483 *two 2 directors of local alcohol safety action programs, to be appointed by the legislative members of*  
 484 *the Commission; one 1 representative from the law-enforcement profession, to be appointed by the*  
 485 *Speaker of the House and one 1 nonlegislative citizen at large, to be appointed by the Senate Committee*  
 486 *on Privileges and Elections; one 1 representative from the Virginia Department of Motor Vehicles whose*  
 487 *duties are substantially related to matters to be addressed by the Commission to be appointed by the*  
 488 *Commissioner of the Department of Motor Vehicles, and one 1 representative from the Department of*  
 489 *Mental Health, Mental Retardation and Substance Abuse Services whose duties also substantially involve*  
 490 *such matters, to be appointed by the Commissioner of the Department of Mental Health, Mental*

491 Retardation and Substance Abuse Services. All Commission members, other than those members  
 492 appointed from the House or Senate Committee for Courts of Justice, Legislative members shall serve  
 493 terms coincident with their terms of office. In accordance with the staggered terms previously  
 494 established, nonlegislative citizen members shall serve two 2-year terms. However, one-half of such  
 495 members initially appointed to the Commission shall serve one-year terms and the other one-half shall  
 496 serve two-year terms. Thereafter, all such appointments shall be for two years. Vacancies shall be filled  
 497 for the unexpired terms. Any appointment to fill a vacancy shall be made in the same manner as the  
 498 original appointment. The remainder of any term to which a member is appointed to fill a vacancy shall  
 499 not constitute a term in determining the member's eligibility for reappointment.

500 B. The Commission shall meet quarterly at least 4 times each year at such places as it may from  
 501 time to time designate. A majority of the members shall constitute a quorum. The Commission shall  
 502 elect a chairman and vice chairman from among its membership.

503 The Commission shall be empowered to establish and assure the maintenance of minimum standards  
 504 and criteria for program operations and performance, accounting, auditing, public information and  
 505 administrative procedures for the various local alcohol safety action programs and shall be responsible  
 506 for overseeing the administration of the statewide VASAP system. Such programs shall be certified by  
 507 the Commission in accordance with procedures set forth in the Commission on VASAP Certification  
 508 Manual. The Commission shall also oversee program plans, operations and performance and a system  
 509 for allocating funds to cover deficits which that may occur in the budgets of local programs.

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

513 D. The Commission shall appoint a Virginia Alcohol Safety Action Program Advisory Board to  
 514 make recommendations to the Commission regarding its duties and administrative functions. The  
 515 membership of such Board shall be appointed in the discretion of the Commission and include personnel  
 516 from (i) local safety action programs, (ii) state or local boards of mental health and mental retardation  
 517 and (iii) other community mental health services organizations. An assistant attorney general who  
 518 provides counsel in matters relating to driving under the influence shall also be appointed to the Board.

519 E. For the performance of their duties, Legislative members of the Commission shall receive  
 520 compensation as provided in § 30-19.12. Funding for the costs of compensation of legislative members  
 521 shall be provided by the Commission. All members shall be reimbursed for their actual expenses out of  
 522 that portion of moneys paid in VASAP defendant entry fees which is forwarded to the Virginia Alcohol  
 523 Safety Action Program. In addition, per diem compensation shall be allowed for current members of the  
 524 General Assembly for each day spent in performing their duties.

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

530 § 20-108.2. Guideline for determination of child support.

531 A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child  
 532 support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody,  
 533 that the amount of the award which would result from the application of the guidelines set forth in this  
 534 section is the correct amount of child support to be awarded. In order to rebut the presumption, the  
 535 court shall make written findings in the order as set out in § 20-108.1, which findings may be  
 536 incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a  
 537 particular case as determined by relevant evidence pertaining to the factors set out in §§ 20-107.2 and  
 538 20-108.1. The Department of Social Services shall set child support at the amount resulting from  
 539 computations using the guidelines set out in this section pursuant to the authority granted to it in  
 540 Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

541 B. For purposes of application of the guideline, a basic child support obligation shall be computed  
 542 using the schedule set out below. For combined monthly gross income amounts falling between amounts  
 543 shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless  
 544 one of the following exemptions applies where the sole custody child support obligation as computed  
 545 pursuant to subdivision G. 1. is less than \$65 per month, there shall be a presumptive minimum child  
 546 support obligation of \$65 per month payable by the payor parent. Exemptions from this presumptive  
 547 minimum monthly child support obligation shall include: parents unable to pay child support because  
 548 they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in  
 549 a psychiatric facility; are imprisoned with no chance of parole; are medically verified to be totally and  
 550 permanently disabled with no evidence of potential for paying child support, including recipients of  
 551 Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number

552 of children" means the number of children for whom the parents share joint legal responsibility and for  
 553 whom support is being sought.

554 SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

555 COMBINED

556 MONTHLY

557 GROSS	ONE	TWO	THREE	FOUR	FIVE	SIX
558 INCOME	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
559 0-599	65	65	65	65	65	65
560 600	110	111	113	114	115	116
561 650	138	140	142	143	145	146
562 700	153	169	170	172	174	176
563 750	160	197	199	202	204	206
564 800	168	226	228	231	233	236
565 850	175	254	257	260	263	266
566 900	182	281	286	289	292	295
567 950	189	292	315	318	322	325
568 1000	196	304	344	348	351	355
569 1050	203	315	373	377	381	385
570 1100	210	326	402	406	410	415
571 1150	217	337	422	435	440	445
572 1200	225	348	436	465	470	475
573 1250	232	360	451	497	502	507
574 1300	241	373	467	526	536	542
575 1350	249	386	483	545	570	576
576 1400	257	398	499	563	605	611
577 1450	265	411	515	581	633	645
578 1500	274	426	533	602	656	680
579 1550	282	436	547	617	672	714
580 1600	289	447	560	632	689	737
581 1650	295	458	573	647	705	754
582 1700	302	468	587	662	721	772
583 1750	309	479	600	676	738	789
584 1800	315	488	612	690	752	805
585 1850	321	497	623	702	766	819
586 1900	326	506	634	714	779	834
587 1950	332	514	645	727	793	848
588 2000	338	523	655	739	806	862
589 2050	343	532	666	751	819	877
590 2100	349	540	677	763	833	891
591 2150	355	549	688	776	846	905
592 2200	360	558	699	788	860	920
593 2250	366	567	710	800	873	934
594 2300	371	575	721	812	886	948
595 2350	377	584	732	825	900	963
596 2400	383	593	743	837	913	977
597 2450	388	601	754	849	927	991
598 2500	394	610	765	862	940	1006
599 2550	399	619	776	874	954	1020
600 2600	405	627	787	886	967	1034
601 2650	410	635	797	897	979	1048
602 2700	415	643	806	908	991	1060
603 2750	420	651	816	919	1003	1073
604 2800	425	658	826	930	1015	1085
605 2850	430	667	836	941	1027	1098
606 2900	435	675	846	953	1039	1112
607 2950	440	683	856	964	1052	1125
608 3000	445	691	866	975	1064	1138

<b>609</b>	3050	450	699	876	987	1076	1152
<b>610</b>	3100	456	707	886	998	1089	1165
<b>611</b>	3150	461	715	896	1010	1101	1178
<b>612</b>	3200	466	723	906	1021	1114	1191
<b>613</b>	3250	471	732	917	1032	1126	1205
<b>614</b>	3300	476	740	927	1044	1139	1218
<b>615</b>	3350	481	748	937	1055	1151	1231
<b>616</b>	3400	486	756	947	1067	1164	1245
<b>617</b>	3450	492	764	957	1078	1176	1258
<b>618</b>	3500	497	772	967	1089	1189	1271
<b>619</b>	3550	502	780	977	1101	1201	1285
<b>620</b>	3600	507	788	987	1112	1213	1298
<b>621</b>	3650	512	797	997	1124	1226	1311
<b>622</b>	3700	518	806	1009	1137	1240	1326
<b>623</b>	3750	524	815	1020	1150	1254	1342
<b>624</b>	3800	530	824	1032	1163	1268	1357
<b>625</b>	3850	536	834	1043	1176	1283	1372
<b>626</b>	3900	542	843	1055	1189	1297	1387
<b>627</b>	3950	547	852	1066	1202	1311	1402
<b>628</b>	4000	553	861	1078	1214	1325	1417
<b>629</b>	4050	559	871	1089	1227	1339	1432
<b>630</b>	4100	565	880	1101	1240	1353	1448
<b>631</b>	4150	571	889	1112	1253	1367	1463
<b>632</b>	4200	577	898	1124	1266	1382	1478
<b>633</b>	4250	583	907	1135	1279	1396	1493
<b>634</b>	4300	589	917	1147	1292	1410	1508
<b>635</b>	4350	594	926	1158	1305	1424	1523
<b>636</b>	4400	600	935	1170	1318	1438	1538
<b>637</b>	4450	606	944	1181	1331	1452	1553
<b>638</b>	4500	612	954	1193	1344	1467	1569
<b>639</b>	4550	618	963	1204	1357	1481	1584
<b>640</b>	4600	624	972	1216	1370	1495	1599
<b>641</b>	4650	630	981	1227	1383	1509	1614
<b>642</b>	4700	635	989	1237	1395	1522	1627
<b>643</b>	4750	641	997	1247	1406	1534	1641
<b>644</b>	4800	646	1005	1257	1417	1546	1654
<b>645</b>	4850	651	1013	1267	1428	1558	1667
<b>646</b>	4900	656	1021	1277	1439	1570	1679
<b>647</b>	4950	661	1028	1286	1450	1582	1692
<b>648</b>	5000	666	1036	1295	1460	1593	1704
<b>649</b>	5050	671	1043	1305	1471	1605	1716
<b>650</b>	5100	675	1051	1314	1481	1616	1728
<b>651</b>	5150	680	1058	1323	1492	1628	1741
<b>652</b>	5200	685	1066	1333	1502	1640	1753
<b>653</b>	5250	690	1073	1342	1513	1651	1765
<b>654</b>	5300	695	1081	1351	1524	1663	1778
<b>655</b>	5350	700	1088	1361	1534	1674	1790
<b>656</b>	5400	705	1096	1370	1545	1686	1802
<b>657</b>	5450	710	1103	1379	1555	1697	1815
<b>658</b>	5500	714	1111	1389	1566	1709	1827
<b>659</b>	5550	719	1118	1398	1576	1720	1839
<b>660</b>	5600	724	1126	1407	1587	1732	1851
<b>661</b>	5650	729	1133	1417	1598	1743	1864
<b>662</b>	5700	734	1141	1426	1608	1755	1876
<b>663</b>	5750	739	1148	1435	1619	1766	1888
<b>664</b>	5800	744	1156	1445	1629	1778	1901

665	5850	749	1163	1454	1640	1790	1913
666	5900	753	1171	1463	1650	1801	1925
667	5950	758	1178	1473	1661	1813	1937
668	6000	763	1186	1482	1672	1824	1950
669	6050	768	1193	1491	1682	1836	1962
670	6100	773	1201	1501	1693	1847	1974
671	6150	778	1208	1510	1703	1859	1987
672	6200	783	1216	1519	1714	1870	1999
673	6250	788	1223	1529	1724	1882	2011
674	6300	792	1231	1538	1735	1893	2023
675	6350	797	1238	1547	1745	1905	2036
676	6400	802	1246	1557	1756	1916	2048
677	6450	807	1253	1566	1767	1928	2060
678	6500	812	1261	1575	1777	1940	2073
679	6550	816	1267	1583	1786	1949	2083
680	6600	820	1272	1590	1794	1957	2092
681	6650	823	1277	1597	1801	1965	2100
682	6700	827	1283	1604	1809	1974	2109
683	6750	830	1288	1610	1817	1982	2118
684	6800	834	1293	1617	1824	1990	2127
685	6850	837	1299	1624	1832	1999	2136
686	6900	841	1304	1631	1839	2007	2145
687	6950	845	1309	1637	1847	2016	2154
688	7000	848	1315	1644	1855	2024	2163
689	7050	852	1320	1651	1862	2032	2172
690	7100	855	1325	1658	1870	2041	2181
691	7150	859	1331	1665	1878	2049	2190
692	7200	862	1336	1671	1885	2057	2199
693	7250	866	1341	1678	1893	2066	2207
694	7300	870	1347	1685	1900	2074	2216
695	7350	873	1352	1692	1908	2082	2225
696	7400	877	1358	1698	1916	2091	2234
697	7450	880	1363	1705	1923	2099	2243
698	7500	884	1368	1712	1931	2108	2252
699	7550	887	1374	1719	1938	2116	2261
700	7600	891	1379	1725	1946	2124	2270
701	7650	895	1384	1732	1954	2133	2279
702	7700	898	1390	1739	1961	2141	2288
703	7750	902	1395	1746	1969	2149	2297
704	7800	905	1400	1753	1977	2158	2305
705	7850	908	1405	1758	1983	2164	2313
706	7900	910	1409	1764	1989	2171	2320
707	7950	913	1414	1770	1995	2178	2328
708	8000	916	1418	1776	2001	2185	2335
709	8050	918	1423	1781	2007	2192	2343
710	8100	921	1428	1787	2014	2198	2350
711	8150	924	1432	1793	2020	2205	2357
712	8200	927	1437	1799	2026	2212	2365
713	8250	929	1441	1804	2032	2219	2372
714	8300	932	1446	1810	2038	2226	2380
715	8350	935	1450	1816	2045	2232	2387
716	8400	937	1455	1822	2051	2239	2395
717	8450	940	1459	1827	2057	2246	2402
718	8500	943	1464	1833	2063	2253	2410
719	8550	945	1468	1839	2069	2260	2417
720	8600	948	1473	1845	2076	2266	2425
721	8650	951	1478	1850	2082	2273	2432

<b>722</b>	8700	954	1482	1856	2088	2280	2440
<b>723</b>	8750	956	1487	1862	2094	2287	2447
<b>724</b>	8800	959	1491	1868	2100	2294	2455
<b>725</b>	8850	962	1496	1873	2107	2300	2462
<b>726</b>	8900	964	1500	1879	2113	2307	2470
<b>727</b>	8950	967	1505	1885	2119	2314	2477
<b>728</b>	9000	970	1509	1891	2125	2321	2484
<b>729</b>	9050	973	1514	1896	2131	2328	2492
<b>730</b>	9100	975	1517	1901	2137	2334	2498
<b>731</b>	9150	977	1521	1905	2141	2339	2503
<b>732</b>	9200	979	1524	1909	2146	2344	2509
<b>733</b>	9250	982	1527	1914	2151	2349	2514
<b>734</b>	9300	984	1531	1918	2156	2354	2520
<b>735</b>	9350	986	1534	1922	2160	2359	2525
<b>736</b>	9400	988	1537	1926	2165	2365	2531
<b>737</b>	9450	990	1541	1930	2170	2370	2536
<b>738</b>	9500	993	1544	1935	2175	2375	2541
<b>739</b>	9550	995	1547	1939	2179	2380	2547
<b>740</b>	9600	997	1551	1943	2184	2385	2552
<b>741</b>	9650	999	1554	1947	2189	2390	2558
<b>742</b>	9700	1001	1557	1951	2194	2396	2563
<b>743</b>	9750	1003	1561	1956	2198	2401	2569
<b>744</b>	9800	1006	1564	1960	2203	2406	2574
<b>745</b>	9850	1008	1567	1964	2208	2411	2580
<b>746</b>	9900	1010	1571	1968	2213	2416	2585
<b>747</b>	9950	1012	1574	1972	2218	2421	2590
<b>748</b>	10000	1014	1577	1977	2222	2427	2596

**749**  
**750** For gross monthly income between \$10,000 and \$20,000, add the amount of child support for  
**751** \$10,000 to the following percentages of gross income above \$10,000:

<b>752</b>	ONE	TWO	THREE	FOUR	FIVE	SIX
<b>753</b>	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
<b>754</b>	3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

**755**  
**756** For gross monthly income between \$20,000 and \$50,000, add the amount of child support for  
**757** \$20,000 to the following percentages of gross income above \$20,000:

<b>758</b>	ONE	TWO	THREE	FOUR	FIVE	SIX
<b>759</b>	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
<b>760</b>	2%	3.5%	5%	6%	6.9%	7.8%

**761**  
**762** For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the  
**763** following percentages of gross income above \$50,000:

<b>764</b>	ONE	TWO	THREE	FOUR	FIVE	SIX
<b>765</b>	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
<b>766</b>	1%	2%	3%	4%	5%	6%

**767**  
**768** C. For purposes of this section, "gross income" means all income from all sources, and shall include,  
**769** but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance  
**770** pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed  
**771** below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits,  
**772** veterans' benefits, spousal support, rental income, gifts, prizes or awards.

**773** If a parent's gross income includes disability insurance benefits, it shall also include any amounts  
**774** paid to or for the child who is the subject of the order and derived by the child from the parent's  
**775** entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a  
**776** parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child  
**777** support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child  
**778** support obligations, the credit may be used to reduce arrearages.

**779** Gross income shall be subject to deduction of reasonable business expenses for persons with income

780 from self-employment, a partnership, or a closely held business. "Gross income" shall not include  
781 benefits from public assistance and social services programs as defined in § 63.2-100, federal  
782 supplemental security income benefits, or child support received. For purposes of this subsection: (i)  
783 spousal support received shall be included in gross income and spousal support paid shall be deducted  
784 from gross income when paid pursuant to an order or written agreement and (ii) one-half of any  
785 self-employment tax paid shall be deducted from gross income.

786 Where there is an existing court or administrative order or written agreement relating to the child or  
787 children of a party to the proceeding, who are not the child or children who are the subject of the  
788 present proceeding, then there is a presumption that there shall be deducted from the gross income of  
789 the party subject to such order or written agreement, the amount that the party is actually paying for the  
790 support of a child or children pursuant to such order or agreement.

791 Where a party to the proceeding has a natural or adopted child or children in the party's household  
792 or primary physical custody, and the child or children are not the subject of the present proceeding,  
793 there is a presumption that there shall be deducted from the gross income of that party the amount as  
794 shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that  
795 represents that party's support obligation based solely on that party's income as being the total income  
796 available for the natural or adopted child or children in the party's household or primary physical  
797 custody, who are not the subject of the present proceeding. Provided, however, that the existence of a  
798 party's financial responsibility for such a child or children shall not of itself constitute a material change  
799 in circumstances for modifying a previous order of child support in any modification proceeding. Any  
800 adjustment to gross income under this subsection shall not create or reduce a support obligation to an  
801 amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and  
802 provide other basic necessities for the child, as determined by the court.

803 In cases in which retroactive liability for support is being determined, the court or administrative  
804 agency may use the gross monthly income of the parties averaged over the period of retroactivity.

805 D. Any extraordinary medical and dental expenses for treatment of the child or children shall be  
806 added to the basic child support obligation. For purposes of this section, extraordinary medical and  
807 dental expenses are uninsured expenses in excess of \$100 for a single illness or condition and shall  
808 include but not be limited to eyeglasses, prescription medication, prostheses, and mental health services  
809 whether provided by a social worker, psychologist, psychiatrist, or counselor.

810 E. Any costs for health care coverage as defined in § 63.2-1900 and dental care coverage, when  
811 actually being paid by a parent, to the extent such costs are directly allocable to the child or children,  
812 and which are the extra costs of covering the child or children beyond whatever coverage the parent  
813 providing the coverage would otherwise have, shall be added to the basic child support obligation.

814 F. Any child-care costs incurred on behalf of the child or children due to employment of the  
815 custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed  
816 the amount required to provide quality care from a licensed source. When requested by the noncustodial  
817 parent, the court may require the custodial parent to present documentation to verify the costs incurred  
818 for child care under this subsection. Where appropriate, the court shall consider the willingness and  
819 availability of the noncustodial parent to provide child care personally in determining whether child-care  
820 costs are necessary or excessive.

821 G. 1. Sole custody support. The sole custody total monthly child support obligation shall be  
822 established by adding (i) the monthly basic child support obligation, as determined from the schedule  
823 contained in subsection B, (ii) all extraordinary medical expenses, (iii) costs for health care coverage to  
824 the extent allowable by subsection E, and (iv) work-related child-care costs and taking into consideration  
825 all the factors set forth in subsection B of § 20-108.1. The total monthly child support obligation shall  
826 be divided between the parents in the same proportion as their monthly gross incomes bear to their  
827 monthly combined gross income. The monthly obligation of each parent shall be computed by  
828 multiplying each parent's percentage of the parents' monthly combined gross income by the total  
829 monthly child support obligation.

830 However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health  
831 care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent.

832 2. Split custody support. In cases involving split custody, the amount of child support to be paid  
833 shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in  
834 accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the  
835 difference to the other parent.

836 For the purpose of this section and § 20-108.1, split custody shall be limited to those situations  
837 where each parent has physical custody of a child or children born of the parents, born of either parent  
838 and adopted by the other parent or adopted by both parents. For the purposes of calculating a child  
839 support obligation where split custody exists, a separate family unit exists for each parent, and child  
840 support for that family unit shall be calculated upon the number of children in that family unit who are  
841 born of the parents, born of either parent and adopted by the other parent or adopted by both parents.

842 Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and  
843 is a noncustodial parent to the children in the other parent's family unit.

844 3. Shared custody support.

845 (a) Where a party has custody or visitation of a child or children for more than ninety days of the  
846 year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on  
847 the ratio in which the parents share the custody and visitation of any child or children shall be  
848 calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared  
849 custody support amount, unless a party affirmatively shows that the sole custody support amount  
850 calculated as provided in subdivision G 1 is less than the shared custody support amount. If so, the  
851 lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall  
852 apply:

853 (i) Income share. "Income share" means a parent's percentage of the combined monthly gross income  
854 of both parents. The income share of a parent is that parent's gross income divided by the combined  
855 gross incomes of the parties.

856 (ii) Custody share. "Custody share" means the number of days that a parent has physical custody,  
857 whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year  
858 divided by the number of days in the year. The actual or anticipated "custody share" of the parent who  
859 has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody  
860 share" of the other parent shall be presumed to be the number of days in the year less the number of  
861 days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin  
862 on such date as is determined in the discretion of the court, and the day may begin at such time as is  
863 determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in  
864 subdivision G 3 (c).

865 (iii) Shared support need. "Shared support need" means the presumptive guideline amount of needed  
866 support for the shared child or children calculated pursuant to subsection B of this section, for the  
867 combined gross income of the parties and the number of shared children, multiplied by 1.4.

868 (iv) Sole custody support. "Sole custody support" means the support amount determined in  
869 accordance with subdivision G 1.

870 (b) Support to be paid. The shared support need of the shared child or children shall be calculated  
871 pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody  
872 share. To that sum for each parent shall be added the other parent's cost of health care coverage to the  
873 extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent  
874 allowable by subsection F. This total for each parent shall be multiplied by that parent's income share.  
875 The support amounts thereby calculated that each parent owes the other shall be subtracted one from the  
876 other and the difference shall be the shared custody support one parent owes to the other, with the payor  
877 parent being the one whose shared support is the larger. Any extraordinary medical and dental expenses,  
878 to the extent allowable by subsection D, shall be shared directly by the parents in accordance with their  
879 income shares, and shall not be adjusted by the custody share. The parents shall pay their respective  
880 shares of these extraordinary medical expenses as they are incurred, and they are not added to each  
881 party's shared custody support owed to the other party. The method of payment of said allowable  
882 expenses shall be contained in the support order. When the shared support is compared to the sole  
883 custody support to determine which is the lesser support, pursuant to subdivision G 3 (a), the  
884 extraordinary medical expenses shall not enter into either calculation.

885 (c) Definition of a day. For the purposes of this section, "day" means a period of ~~twenty-four~~24  
886 hours; however, where the parent who has the fewer number of overnight periods during the year has an  
887 overnight period with a child, but has physical custody of the shared child for less than ~~twenty-four~~24  
888 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of  
889 a day of custody for that period.

890 (d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support  
891 obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal  
892 adequate housing and provide other basic necessities for the child. If the gross income of either party is  
893 equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of  
894 Health and Human Services from time to time, then the shared custody support calculated pursuant to  
895 this subsection shall not be the presumptively correct support and the court may consider whether the  
896 sole custody support or the shared custody support is more just and appropriate.

897 (e) Support modification. When there has been an award of child support based on the shared  
898 custody formula and one parent consistently fails to exercise custody or visitation in accordance with the  
899 parent's custody share upon which the award was based, there shall be a rebuttable presumption that the  
900 support award should be modified.

901 (f) In the event that the shared custody support calculation indicates that the net support is to be paid  
902 to the parent who would not be the parent receiving support pursuant to the sole custody calculation,

903 then the shared support shall be deemed to be the lesser support.

904 H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this  
 905 section is reviewed by October 31, 2001, and every three years thereafter, by a ~~panel~~ *the Child Support*  
 906 *Guidelines Review Panel, consisting of 15 members that includes a include 4 legislative members and 11*  
 907 *nonlegislative citizen members. Members shall be appointed as follows: 3 members of the House*  
 908 *Committee on Courts of Justice, upon the recommendation of the chairman of such committee, to be*  
 909 *appointed by the Speaker of the House of Delegates in accordance with the principles of proportional*  
 910 *representation contained in the Rules of the House of Delegates; 1 member of the Senate Committee for*  
 911 *Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the*  
 912 *Senate Committee on Privileges and Elections; and 1 representative of a juvenile and domestic relations*  
 913 *district court and a, 1 representative of a circuit court, a 1 representative of the executive branch, a*  
 914 *member of the House of Delegates, a member of the Senate to be appointed by the chairmen of the*  
 915 *House and Senate Committees for Courts of Justice, Department of Social Services' Division of Child*  
 916 *Support Enforcement, 3 members of the bar Virginia State Bar, two 2 custodial and two parents, 2*  
 917 *noncustodial parents, and a 1 child advocate, upon the recommendation of the Secretary of Health and*  
 918 *Human Resources, to be appointed by the Governor. The panel Panel shall determine the adequacy of*  
 919 *the guideline for the determination of appropriate awards for the support of children by considering*  
 920 *current research and data on the cost of and expenditures necessary for rearing children, and any other*  
 921 *resources it deems relevant to such review. The panel Panel shall report its findings to the General*  
 922 *Assembly as provided in the procedures of the Division of Legislative Automated Systems for the*  
 923 *processing of legislative documents and reports before the General Assembly next convenes following*  
 924 *such review.*

925 *Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen*  
 926 *members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to*  
 927 *fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be*  
 928 *filled in the same manner as the original appointments.*

929 *Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative*  
 930 *citizen members shall receive such compensation for the performance of their duties as provided in*  
 931 *§ 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the*  
 932 *performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of*  
 933 *compensation and expenses of the members shall be provided by the Department of Social Services.*

934 *The Department of Social Services shall provide staff support to the Panel. All agencies of the*  
 935 *Commonwealth shall provide assistance to the Panel, upon request.*

936 *The chairman shall submit to the Governor and the General Assembly a triennial executive summary*  
 937 *of the interim activity and work of the Panel no later than the first day of 2005 regular session of the*  
 938 *General Assembly and every 3 sessions thereafter. The executive summary shall be submitted as*  
 939 *provided in the procedures of the Division of Legislative Automated Systems for the processing of*  
 940 *legislative documents and reports and shall be posted on the General Assembly's website.*

941 § 22.1-337. Virginia representatives on Education Commission of the States.

942 ~~There~~ *In accordance with the Compact for Education of 1968, which established the Education*  
 943 *Commission of the States, there shall be seven member 7 commissioners representing Virginia on the*  
 944 *Education Commission of the States. These The Virginia commissioners shall consist of the Governor,*  
 945 *one 1 member selected from the body of the House of Delegates, to be appointed by the Speaker*  
 946 *thereof, one of the House of Delegates; 1 member selected from the body of the Senate of Virginia, to*  
 947 *be appointed by the Committee on Privileges and Elections of the Senate, and four; 4 nonlegislative*  
 948 *citizen members, of whom 1 shall be the Superintendent of Public Instruction, to be appointed by the*  
 949 *Governor. The term of the member from the House shall be two years; the term of the member from the*  
 950 *Senate shall terminate at the end of his current term as Senator. The terms of the members appointed by*  
 951 *the Governor ; and the Governor. The commissioners representing Virginia shall by virtue of their*  
 952 *training, experience, knowledge, or affiliations, collectively reflect the broad interests of state*  
 953 *government, the state's system of education, public and higher education, nonprofessional and*  
 954 *professional public and nonpublic educational leadership.*

955 *Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen*  
 956 *members shall be for four years each except that appointments serve at the pleasure of the Governor. All*  
 957 *members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall*  
 958 *be for the unexpired terms. The Governor, the Committee on Privileges and Elections of the Senate and*  
 959 *the Speaker shall have the authority to fill all vacancies in the manner of the original appointment.*  
 960 *Vacancies shall be filled in the same manner as the original appointments.*

961 The Governor shall designate ~~one member~~ *1* commissioner to serve as chairman of the ~~group~~  
 962 *Virginia commissioners* for a ~~two~~ *2*-year term. The commissioners shall meet on the call of the chairman  
 963 or at the request of a majority of the members. A majority of the ~~member~~ *commissioners* shall  
 964 constitute a quorum ~~for any meeting~~. The commissioners may consider any and all matters related to

965 recommendations of the Education Commission of the States or the general activities and business of the  
966 organization and shall have the authority to represent the Commonwealth in all actions of the  
967 Commission.

968 The commissioners shall serve without compensation ~~but shall be paid their actual and~~. All members  
969 shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties;  
970 such expenses to be paid from funds appropriated to the General Assembly as provided in §§ 2.2-2813  
971 and 2.2-2825. The costs of expenses of the legislative commissioners incurred in the performance of  
972 their duties shall be paid from appropriations to the Virginia Commission on Intergovernmental  
973 Cooperation for the attendance of conferences. The costs of expenses of nonlegislative citizen  
974 commissioners incurred in the performance of their duties shall be paid from such funds as may be  
975 provided for this purpose in the appropriations act.

976 The chairman of the Commissioners shall submit to the Governor and the General Assembly an  
977 annual executive summary of the interim activity and work of the group no later than the first day of  
978 each regular session of the General Assembly. The executive summary shall be submitted as provided in  
979 the procedures of the Division of Legislative Automated Systems for the processing of legislative  
980 documents and reports and shall be posted on the General Assembly's website.

981 § 22.1-354.1. Western Virginia Public Education Consortium and board created; region defined;  
982 governing board; chairman's executive summary.

983 A. The Western Virginia Public Education Consortium is hereby established and shall be referred to  
984 in this chapter as the Consortium. For the purposes of this chapter and the work of the Consortium,  
985 "Western Virginia" shall include the Counties of Alleghany, Bath, Bland, Botetourt, Craig, Floyd,  
986 Franklin, Giles, Henry, Montgomery, Patrick, Pulaski, Roanoke, and Wythe, and the Cities of Covington,  
987 Clifton Forge, Martinsville, Radford, Roanoke, and Salem. The governing board of the Consortium shall  
988 consist of 35 members that include 16 legislative members and the 19 school superintendents of the  
989 named localities. ~~The region's legislators shall serve as nonvoting, advisory members of the board as~~  
990 ~~follows: 11 members of the House of Delegates representing the Fifth, Sixth, Seventh, Eighth, Ninth,~~  
991 ~~Tenth, Eleventh, Twelfth, Sixteenth, Seventeenth, and Nineteenth House Districts; 5 members of the~~  
992 ~~Senate representing the Twentieth, Twenty-first, Twenty-second, and Twenty-fifth Senatorial Districts and~~  
993 ~~the Senatorial District comprising Montgomery County and the City of Clifton Forge, all serving as ex~~  
994 ~~officio nonvoting members; and the school superintendents of Alleghany and Clifton Forge, Bath, Bland,~~  
995 ~~Botetourt, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski, Roanoke County, Wythe,~~  
996 ~~Covington, Martinsville, Radford, Roanoke City, and Salem.~~

997 B. Legislative members and school superintendents shall serve terms coincident with their terms of  
998 office. Appointments to fill vacancies shall be for the unexpired terms. All members may be reappointed.  
999 The remainder of any term to which a member is appointed to fill a vacancy shall be filled in the same  
1000 manner as the original appointments. The board shall elect a chairman and a vice chairman from  
1001 among its members.

1002 C. Members of the board shall serve without compensation. All members shall be reimbursed for  
1003 ~~their actual~~ all reasonable and necessary expenses incurred in the performance of their duties in the  
1004 work of the Consortium. ~~The board shall elect a chairman and a vice-chairman from among its~~  
1005 ~~members. as provided in §§ 2.2-2813 and 2.2-2825. All such expenses shall be paid from existing~~  
1006 ~~appropriations to or received by the Consortium, or if unfunded shall be approved by the Joint Rules~~  
1007 ~~Committee.~~

1008 D. A majority of the members of the board shall constitute a quorum. The board shall meet at the  
1009 call of the chairman or whenever a majority of the members so request.

1010 E. The chairman of the board shall submit to the Governor and the General Assembly an annual  
1011 executive summary of the interim activity and work of the board no later than the first day of each  
1012 regular session of the General Assembly. The executive summary shall be submitted as provided in the  
1013 procedures of the Division of Legislative Automated Systems for the processing of legislative documents  
1014 and reports and shall be posted on the General Assembly's website.

1015 § 30-156. Virginia State Crime Commission; purpose; membership; terms; compensation; voting on  
1016 recommendations; chairman's executive summary.

1017 A. The Virginia State Crime Commission (the "Commission") is established in the legislative branch  
1018 of state government. The purpose of the Commission shall be to study, report and make  
1019 recommendations on all areas of public safety and protection. In so doing it shall endeavor to ascertain  
1020 the causes of crime and recommend ways to reduce and prevent it, explore and recommend methods of  
1021 rehabilitation of convicted criminals, study compensation of persons in law enforcement and related  
1022 fields and study other related matters including apprehension, trial and punishment of criminal offenders.  
1023 The Commission shall make such recommendations as it deems appropriate with respect to the foregoing  
1024 matters, and shall coordinate the proposals and recommendations of all commissions and agencies as to  
1025 legislation affecting crimes, crime control and criminal procedure. The Commission shall cooperate with

1026 the executive branch of state government, the Attorney General's office and the judiciary who are in turn  
 1027 encouraged to cooperate with the Commission. The Commission will cooperate with governments and  
 1028 governmental agencies of other states and the United States.

1029 B. The Commission shall consist of ~~thirteen~~ 13 members ~~to be appointed that include 9 legislative~~  
 1030 *members, 3 nonlegislative citizen members, and a state official* as follows: ~~six~~ 6 members of the House  
 1031 of Delegates to be appointed by the Speaker of the House of Delegates *in accordance with the*  
 1032 *principles of proportional representation contained in the Rules of the House of Delegates*; ~~three~~ 3  
 1033 members of the Senate to be appointed by the Senate Committee on Privileges and Elections; ~~three~~ 3  
 1034 *nonlegislative citizen members to be appointed by the Governor; and the Attorney General or his*  
 1035 *designee. Nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. Unless*  
 1036 *otherwise approved by the chairman of the Commission, nonlegislative citizen members shall only be*  
 1037 *reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of*  
 1038 *attending meetings.*

1039 C. The term of each appointee shall be for ~~four~~ 2 years, except that the Attorney General *and*  
 1040 *legislative members shall serve a term terms coincident with his term their terms of office. Whenever*  
 1041 *any legislative member fails to retain his membership in the house from which he was appointed, his*  
 1042 *membership on the Commission shall become vacated and the appointing authority who appointed such*  
 1043 *vacating member shall make an appointment from his respective house to fulfill the vacated term. All*  
 1044 *members may be reappointed. Appointments to fill vacancies shall be made for the unexpired terms.*  
 1045 *Vacancies shall be filled in the same manner as the original appointment.*

1046 D. The Commission shall elect ~~its own~~ a chairman *and vice chairman* annually, *who shall be*  
 1047 *members of the General Assembly.*

1048 E. Members of the Commission shall receive compensation as provided in § 30-19.12 and shall be  
 1049 reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as  
 1050 provided in §§ 2.2-2813 and 2.2-2825. All such expense payments, however, shall come from existing  
 1051 appropriations to the Virginia Crime Commission.

1052 F. *At the option of a majority of Senate members appointed to the Commission or a majority of the*  
 1053 *members of the House of Delegates appointed to the Commission, no recommendation of the*  
 1054 *Commission shall be adopted without the approval of a majority of such members of the Senate and a*  
 1055 *majority of such members of the House of Delegates. For the purpose of this provision, a "majority"*  
 1056 *constitutes a majority of members present and voting at the meeting of the Commission.*

1057 G. *The chairman of the Commission shall submit to the General Assembly and the Governor an*  
 1058 *annual executive summary of the interim activity and work of the Commission no later than the first day*  
 1059 *of each regular session of the General Assembly. The executive summary shall be submitted as provided*  
 1060 *in the procedures of the Division of Legislative Automated Systems for the processing of legislative*  
 1061 *documents and reports and shall be posted on the General Assembly's website.*

1062 § 30-173. Commission of Senate and Commission of House of Delegates on Interstate Cooperation.

1063 A. There is established a Commission on Interstate Cooperation of the Senate, to consist of ~~six~~ 6  
 1064 senators. The members *shall be appointed and the chairman of this the Commission shall be designated*  
 1065 *from among the membership of the Commission by the Senate Committee on Privileges and Elections.*

1066 B. There is established a Commission on Interstate Cooperation of the House of Delegates, also to  
 1067 consist of ~~six~~ 6 members; and the members *shall be appointed and the chairman of this Commission*  
 1068 *shall be designated in the same manner as is customary in the case of the members and chairmen of*  
 1069 *standing committees of the House of Delegates from among the membership of the Commission by the*  
 1070 *Speaker of the House of Delegates in accordance with the principles of proportional representation as*  
 1071 *contained in the Rules of the House of Delegates.*

1072 C. Such bodies of the Senate and of the House of Delegates shall function during the regular  
 1073 sessions of the General Assembly and also during the interim periods between such sessions. ~~Their~~  
 1074 *members shall serve until their successors are designated Members appointed and designated shall serve*  
 1075 *terms coincident with their terms of office.*

1076 D. *Members of the commissions shall receive such compensation as provided in § 30-19.12 and shall*  
 1077 *be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties*  
 1078 *pursuant to § 30-171 and this section as provided in §§ 2.2-2813 and 2.2-2825.*

1079 § 30-182. Small Business Commission; purpose; membership; terms; compensation; staff.

1080 A. The Small Business Commission (the "Commission") is established in the legislative branch of  
 1081 state government. The purpose of the Commission shall be to study, report and make recommendations  
 1082 on issues of concern to small businesses in the Commonwealth.

1083 B. The Commission shall consist of ~~fourteen~~ 14 members ~~to that include 10 legislative members and~~  
 1084 *4 nonlegislative citizen members. Members shall be appointed as follows: six 6 members of the House*  
 1085 *of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the*  
 1086 *principles of proportional representation contained in the Rules of the House of Delegates; four 4*  
 1087 *members of the Senate to be appointed by the Senate Committee on Privileges and Elections; and four 4*

1088 nonlegislative citizen members, each of whom shall have previously demonstrated small business  
 1089 experience or expertise, to be appointed by the Governor. *Nonlegislative citizen members shall be*  
 1090 *citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the*  
 1091 *Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel*  
 1092 *originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.*

1093 All gubernatorial appointments to the Commission shall be for terms of ~~four~~ 2 years. *Legislative*  
 1094 *members shall serve terms coincident to their terms of office. Vacancies occurring other than by*  
 1095 *expiration of term shall be filled for the unexpired term. Whenever any legislative member fails to retain*  
 1096 *his membership in the house from which he was appointed, he shall relinquish his membership on the*  
 1097 *Commission and the appointing authority who appointed such member shall make an appointment from*  
 1098 *his respective house to complete the term. Any member may be reappointed for successive terms.*  
 1099 *Vacancies shall be filled in the same manner as the original appointments.*

1100 C. The members of the Commission shall elect a chairman and a ~~vice chairman~~ vice chairman  
 1101 annually, who shall be members of the General Assembly. A majority of the members of the Commission  
 1102 shall constitute a quorum. The Commission shall meet at the call of the chairman or whenever a  
 1103 majority of the members so request.

1104 D. Legislative members of the Commission shall receive such compensation as is set forth in  
 1105 § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of  
 1106 their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary  
 1107 expenses incurred in the ~~discharge~~ performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.  
 1108 However, all such compensation and expenses shall be paid from existing appropriations to the  
 1109 Commission and, if unfunded, shall be approved by the Joint Rules Committee.

1110 E. ~~The Division of Legislative Services shall serve as staff to the Commission.~~ Administrative staff  
 1111 support shall be provided by the Office of the Clerk of the Senate or the Office of Clerk of the House of  
 1112 Delegates as may be appropriate for the house in which the chairman of the Commission serves. The  
 1113 Division of Legislative Services shall provide legal, research, policy analysis and other services as  
 1114 requested by the Commission. All agencies of the Commonwealth shall assist the Commission, upon  
 1115 request.

1116 F. At the option of a majority of Senate members appointed to the Commission or a majority of the  
 1117 members of the House of Delegates appointed to the Commission, no recommendation of the  
 1118 Commission shall be adopted without the approval of a majority of such members of the Senate and a  
 1119 majority of such members of the House of Delegates. For the purpose of this provision, a "majority"  
 1120 constitutes a majority of members present and voting at the meeting of the Commission.

1121 G. The chairman of the Commission shall submit to the Governor and the General Assembly an  
 1122 annual executive summary of the interim activity and work of the Commission no later than the first day  
 1123 of each regular session of the General Assembly. The executive summary shall be submitted as provided  
 1124 in the procedures of the Division of Legislative Automated Systems for the processing of legislative  
 1125 documents and reports and shall be posted on the General Assembly's website.

#### 1126 CHAPTER 31 .

#### 1127 COMMISSION ON ELECTRIC UTILITY RESTRUCTURING.

1128 § 30-201. Commission on Electric Utility Restructuring; purpose.

1129 The Commission on Electric Utility Restructuring (the "Commission") is established in the legislative  
 1130 branch of state government. The purpose of the Commission is to work collaboratively with the State  
 1131 Corporation Commission in conjunction with the phase-in of retail competition within the  
 1132 Commonwealth.

1133 § 30-202. Membership; terms; vacancies; chairman and vice chairman.

1134 The Commission shall consist of 10 legislative members. Members shall be appointed as follows: 4  
 1135 members of the Senate to be appointed by the Senate Committee on Privileges and Elections and 6  
 1136 members of the House of Delegates to be appointed by the Speaker of the House of Delegates in  
 1137 accordance with the principles of proportional representation contained in the Rules of the House of  
 1138 Delegates.

1139 Members of the Commission shall serve terms coincident with their terms of office. Vacancies shall  
 1140 be filled in the same manner as the original appointments.

1141 The Commission shall elect a chairman and vice chairman from among its membership, who shall be  
 1142 members of the General Assembly.

1143 The chairman of the Commission shall be authorized to designate 1 or more members of the  
 1144 Commission to observe and participate in the discussions of any work group convened by the State  
 1145 Corporation Commission in furtherance of its duties under the Virginia Electric Utility Restructuring Act  
 1146 (§ 56-576 et seq.) and this chapter. Members participating in such discussions shall be entitled to  
 1147 compensation and reimbursement provided in § 30-204, if approved by the Joint Rules Committee or its  
 1148 Budget Oversight Subcommittee.

1149 § 30-203. *Quorum; meetings; voting on recommendations.*

1150 *A majority of the voting members shall constitute a quorum. The meetings of the Commission shall*  
1151 *be held at the call of the chairman or whenever the majority of the voting members so request.*

1152 *At the option of a majority of the Senate members appointed to the Commission or a majority of the*  
1153 *members of the House of Delegates appointed to the Commission, no recommendation of the*  
1154 *Commission shall be adopted without the approval of a majority of such members of the Senate and a*  
1155 *majority of such members of the House of Delegates. For the purpose of this provision, a "majority"*  
1156 *constitutes a majority of members present and voting at the meeting of the Commission.*

1157 § 30-204. *Compensation; expenses.*

1158 *Members of the Commission shall receive such compensation as provided in § 30-19.12 and shall be*  
1159 *reimbursed for reasonable and necessary expenses incurred in the performance of their duties as*  
1160 *provided in § 2.2-2813. However, all such compensation and expenses shall be paid from existing*  
1161 *appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.*

1162 § 30-205. *Powers and duties of the Commission.*

1163 *The Commission shall have the following powers and duties:*

1164 1. *Monitor the work of the State Corporation Commission in implementing Chapter 23 (§ 56-576 et*  
1165 *seq.) of Title 56, receiving such reports as the Commission may be required to make pursuant thereto,*  
1166 *including reviews, analyses, and impact on consumers of electric utility restructuring programs in other*  
1167 *states;*

1168 2. *Determine whether, and on what basis, incumbent electric utilities should be permitted to discount*  
1169 *capped generation rates established pursuant to § 56-582;*

1170 3. *Monitor, after the commencement of customer choice and with the assistance of the State*  
1171 *Corporation Commission and the Office of Attorney General, the incumbent electric utilities, suppliers,*  
1172 *and retail customers, whether the recovery of stranded costs, as provided in § 56-584, has resulted or is*  
1173 *likely to result in the overrecovery or underrecovery of just and reasonable net stranded costs;*

1174 4. *Examine (i) utility worker protection during the transition to retail competition, (ii) generation,*  
1175 *transmission and distribution systems reliability concerns, and (iii) energy assistance programs for*  
1176 *low-income households;*

1177 5. *Establish 1 or more subcommittees of its membership, to meet at the direction of the chairman of*  
1178 *the Commission, for any purpose within the scope of the duties prescribed to the Commission by this*  
1179 *section; and*

1180 6. *Report annually to the Governor and the General Assembly on the progress of each stage of the*  
1181 *phase-in of retail competition and offer such recommendations as may be appropriate for legislative and*  
1182 *administrative consideration in order to maintain the Commonwealth's position as a low-cost electricity*  
1183 *market and ensure that residential customers and small business customers benefit from competition.*

1184 § 30-206. *Staffing.*

1185 *Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office*  
1186 *of Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the*  
1187 *Commission serves. The Division of Legislative Services shall provide legal, research, policy analysis*  
1188 *and other services as requested by the Commission. All agencies of the Commonwealth shall provide*  
1189 *assistance to the Commission, upon request.*

1190 § 30-207. *Chairman's executive summary of activity and work of the Commission.*

1191 *The chairman shall submit to the Governor and the General Assembly an annual executive summary*  
1192 *of the interim activity and work of the Commission no later than the first day of each regular session of*  
1193 *the General Assembly. The executive summary shall be submitted as provided in the procedures of the*  
1194 *Division of Legislative Automated Systems for the processing of legislative documents and reports and*  
1195 *shall be posted on the General Assembly's website.*

1196 § 30-208. *Consumer Advisory Board.*

1197 A. *There shall be established a Consumer Advisory Board to assist the Commission on Electric*  
1198 *Utility Restructuring in its work as prescribed in § 30-205 and on other issues as may be directed by*  
1199 *the Commission. The Board shall consist of 8 members as follows: 3 nonlegislative citizen members*  
1200 *appointed by the Senate Committee on Privileges and Elections; 4 nonlegislative citizen members*  
1201 *appointed by the Speaker of the House of Delegates and a member of the Commission designated by the*  
1202 *chairman to serve as a nonvoting liaison member. Appointed members shall be from all classes of*  
1203 *consumers and with geographical representation of the regions of the Commonwealth and shall be*  
1204 *citizens of the Commonwealth. The chairman of the Commission shall select the chairman of the Board.*

1205 B. *The Board shall be limited to meeting on the call of the chairman of the Commission.*

1206 C. *The legislative member of the Board shall receive compensation as provided in § 30-19.12, and*  
1207 *nonlegislative citizen members shall receive such compensation for the performance of their duties as*  
1208 *provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses*  
1209 *incurred in the performance of their duties as provided in § 2.2-2825. However, all such compensation*  
1210 *shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the*

1211 *Joint Rules Committee. Unless otherwise approved in writing by the chairman of the Commission,*  
1212 *nonlegislative citizen members shall only be reimbursed for travel originating and ending within the*  
1213 *Commonwealth of Virginia for the purpose of attending meetings.*

1214 *D. The Division of Legislative Services shall provide legal, research, policy analysis, and other*  
1215 *services as requested by the Board. Administrative staff support shall be provided by the Office of the*  
1216 *Clerk of the Senate or the Office of Clerk of the House of Delegates as may be appropriate for the*  
1217 *house in which the chairman of the Commission serves. All agencies of the Commonwealth shall provide*  
1218 *assistance to the Board, upon request.*

1219 *§ 30-209. Sunset.*

1220 *This chapter shall expire on July 1, 2005.*

1221 *CHAPTER 32.*

1222 *VIRGINIA DELEGATION TO MULTISTATE TAX ADMINISTRATION DISCUSSIONS.*

1223 *§ 30-210. Virginia Delegation to Multistate Tax Administration Discussions; purpose.*

1224 *There is hereby created the Virginia Delegation to the Multistate Tax Administration Discussions, in*  
1225 *the legislative branch of government, to consider whether the Commonwealth should enter into an*  
1226 *agreement with 1 or more other states to simplify and modernize tax administration.*

1227 *§ 30-211. Definitions.*

1228 *"Agreement" means an interstate agreement for simplification and uniformity of taxation among*  
1229 *member states in order to reduce the burden of tax compliance for sellers and for all types of*  
1230 *commerce.*

1231 *"Seller" means an individual, trust, estate, fiduciary, partnership, limited liability company, limited*  
1232 *liability partnership, corporation or any other similar legal entity that sells, leases or rents tangible*  
1233 *personal property or services.*

1234 *"State" means a state of the United States and the District of Columbia.*

1235 *"Tax" or "taxes" means sales and use taxes imposed pursuant to Title 58.1, or a similar tax imposed*  
1236 *by a political subdivision of the Commonwealth.*

1237 *§ 30-212. Membership; terms; vacancies; chairman and vice chairman; quorum; meetings.*

1238 *The Virginia delegation shall consist of 5 legislative members. Members shall be appointed as*  
1239 *follows: 2 members of the Senate, to be appointed by the Senate Committee on Privileges and Elections;*  
1240 *and 3 members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in*  
1241 *accordance with the principles of proportional representation contained in the Rules of the House of*  
1242 *Delegates. Members shall serve terms coincident with their terms of office. Appointments to fill*  
1243 *vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be*  
1244 *reappointed. Vacancies shall be filled in the same manner as the original appointments.*

1245 *The Delegation shall select a chairman and a vice chairman from among its membership. A majority*  
1246 *of the members shall constitute a quorum. The Delegation shall meet at least 4 times each year. The*  
1247 *meetings of the Delegation shall be held at the call of the chairman or whenever the majority of the*  
1248 *members so request.*

1249 *§ 30-213. Powers and duties of the Delegation.*

1250 *A. The Virginia Delegation to the Multistate Tax Administration Discussions regarding the*  
1251 *simplification and modernization of tax administration shall consider whether to enter into agreement*  
1252 *with 1 or more states to:*

1253 *1. Simplify and modernize tax administration in order to substantially reduce the burden of tax*  
1254 *compliance for sellers and for all types of commerce;*

1255 *2. Establish standards for tax compliance software and service providers; and*

1256 *3. Establish performance standards for multistate sellers.*

1257 *B. After meeting with similar delegations from other states, the delegates shall make*  
1258 *recommendations, including but not limited to proposed legislation, to the 2004 and 2005 Sessions of*  
1259 *the General Assembly regarding the issues the delegates are required to consider pursuant to this*  
1260 *section and any other related issues the delegates deem advisable.*

1261 *§ 30-214. Compensation and expenses.*

1262 *Members shall receive such compensation as provided in § 30-19.12 and shall be reimbursed for*  
1263 *reasonable and necessary expenses incurred in the performance of their duties as provided in*  
1264 *§§ 2.2-2813 and 2.2-2825. All such compensation and expenses shall be paid from existing*  
1265 *appropriations to the Delegation or, if unfunded, shall be approved by the Joint Rules Committee.*

1266 *§ 30-215. Staff Support.*

1267 *The Division of Legislative Services shall provide legal, research, policy analysis and other services*  
1268 *as requested by the Delegation. Administrative staff support shall be provided by the Office of the Clerk*  
1269 *of the Senate or the Office of Clerk of the House of Delegates as may be appropriate for the house in*  
1270 *which the chairman of the Delegation serves. All agencies of the Commonwealth shall provide*  
1271 *assistance to the Delegation, upon request.*

1272 § 30-216. *Chairman's executive summary of activity and work of the Delegation.*

1273 *The chairman of the Delegation shall submit to the Governor and the General Assembly an annual*  
 1274 *executive summary of the interim activity and work of the Delegation no later than the first day of each*  
 1275 *regular session of the General Assembly. The executive summary shall be submitted as provided in the*  
 1276 *procedures of the Division of Legislative Automated Systems for the processing of legislative documents*  
 1277 *and reports and shall be posted to the General Assembly's website.*

1278 § 30-217. *Sunset.*

1279 *This chapter shall expire on July 1, 2006.*

1280 § 32.1-73.7. Department to be lead agency for youth suicide prevention.

1281 With such funds as may be appropriated for this purpose, the Department, in consultation with the  
 1282 Department of Education, the Department of Mental Health, Mental Retardation and Substance Abuse  
 1283 Services, the ~~Virginia Council on Coordinating Prevention~~, community services boards, and local  
 1284 departments of health, shall have the lead responsibility for the youth suicide prevention program within  
 1285 the Commonwealth. This responsibility includes coordination of the activities of the agencies of the  
 1286 Commonwealth pertaining to youth suicide prevention in order to develop a comprehensive youth  
 1287 suicide prevention plan addressing the promotion of health development, early identification, crisis  
 1288 intervention, and support to survivors. The plan shall be targeted to the specific needs of children and  
 1289 adolescents. The Department shall cooperate with federal, state and local agencies, private and public  
 1290 agencies, survivor groups and other interested individuals in order to prevent youth suicide within the  
 1291 Commonwealth. The Department shall report annually by December 1 of each year to the Governor and  
 1292 the General Assembly on its youth suicide prevention activities.

1293 The provisions of this section shall not limit the powers and duties of other state agencies.

1294 § 51.5-39.2. The Virginia Office for Protection and Advocacy established; governing board; terms.

1295 A. The Department for Rights of Virginians with Disabilities is hereby reestablished as an  
 1296 independent state agency, *to be known as* the Virginia Office for Protection and Advocacy. The Office  
 1297 is designated as the agency to protect and advocate for the rights of persons with mental, cognitive,  
 1298 sensory, physical or other disabilities and to receive federal funds on behalf of the Commonwealth of  
 1299 Virginia to implement the federal Protection and Advocacy for Individuals with Mental Illness Act, the  
 1300 federal Developmental Disabilities Assistance and Bill of Rights Act, the federal Rehabilitation Act, the  
 1301 Virginians with Disabilities Act and such other related programs as may be established by state and  
 1302 federal law. Notwithstanding any other provision of law, the Office shall be independent of the Office of  
 1303 the Attorney General and shall have the authority, pursuant to subdivision 5 of § 2.2-510, to employ and  
 1304 contract with legal counsel to carry out the purposes of this chapter and to employ and contract with  
 1305 legal counsel to advise and represent the Office, to initiate actions on behalf of the Office, and to defend  
 1306 the Office and its officers, agents and employees in the course and scope of their employment or  
 1307 authorization, in any matter, including state, federal and administrative proceedings. Compensation for  
 1308 legal counsel shall be paid out of the funds appropriated for the administration of the Office. However,  
 1309 in the event defense is provided under Article 5 (§ 2.2-1832 et seq.) of Chapter 18 of Title 2.2, counsel  
 1310 shall be appointed pursuant to subdivision 4 of § 2.2-510. The Office shall provide ombudsman,  
 1311 advocacy and legal services to persons with disabilities who may be represented by the Office. The  
 1312 Office is authorized to receive and act upon complaints concerning discrimination on the basis of  
 1313 disability, abuse and neglect or other denial of rights, and practices and conditions in institutions,  
 1314 hospitals, and programs for persons with disabilities, and to investigate complaints relating to abuse and  
 1315 neglect or other violation of the rights of persons with disabilities in proceedings under state or federal  
 1316 law, and to initiate any proceedings to secure the rights of such persons.

1317 B. The Office shall be governed by an ~~eleven~~11-member board. The Board shall be composed of  
 1318 members who broadly represent or are knowledgeable about the needs of persons with disabilities served  
 1319 by the Office. Two or more members shall have experience in the fields of developmental disabilities  
 1320 and mental health. Persons with mental, cognitive, sensory or physical disabilities or family members,  
 1321 guardians, advocates, or authorized representatives of such persons shall be included. No elected official  
 1322 shall serve on the Board. No current employee of the Departments of Mental Health, Mental Retardation  
 1323 and Substance Abuse Services, Health, Rehabilitative Services or for the Blind and Vision Impaired or a  
 1324 community services board, behavioral health authority, or local government department with a  
 1325 policy advisory community services board shall serve as a member. In appointing the members of the  
 1326 Board, consideration shall be given to persons nominated by statewide groups that advocate for the  
 1327 physically, developmentally and mentally disabled. The Governor and General Assembly shall not be  
 1328 limited in their appointments to persons so nominated; however, the Governor and General Assembly  
 1329 shall seriously consider the persons nominated and appoint such persons whenever feasible.

1330 C. The Governor shall appoint three members of the Board who shall be confirmed by the  
 1331 affirmative vote of a majority of those voting in each house of the General Assembly. The Speaker of  
 1332 the House of Delegates shall appoint five members, and the Senate Committee on Privileges and  
 1333 Elections shall appoint three members of the Board. No such appointments shall be members of the

1334 General Assembly. The Board appointments shall be made to give representation insofar as feasible to  
 1335 various geographic areas of the Commonwealth.

1336 D. The terms of the initial members of the Board shall be as follows:

1337 1. Two legislative appointees shall be appointed for a term of one year each;

1338 2. One gubernatorial and two legislative appointees shall be appointed for a term of two years each;

1339 3. One gubernatorial and two legislative appointees shall be appointed for a term of three years each;

1340 and

1341 4. One gubernatorial and two legislative appointees shall be appointed for a term of four years each.

1342 *consisting of 11 nonlegislative citizen members. The members shall be appointed as follows: 5 citizens*

1343 *at large, of whom 1 shall be a person with a developmental disability or the parent, family member,*

1344 *guardian, advocate, or authorized representative of such an individual, 1 shall be a person with a*

1345 *physical disability or the parent, family member, guardian, advocate, or authorized representative of*

1346 *such an individual, 1 shall be a person who represents persons with cognitive disabilities, 1 shall be a*

1347 *person who represents persons with developmental disabilities, and 1 shall be a person who represents*

1348 *persons with sensory or physical disabilities, to be appointed by the Speaker of the House of Delegates;*

1349 *3 citizens at large, of whom 1 shall be a person with a cognitive disability or the parent, family*

1350 *member, guardian, advocate, or authorized representative of such an individual, 1 shall be a person*

1351 *who represents persons with mental illnesses, and 1 shall be a person who represents people with*

1352 *mental or neurological disabilities, to be appointed by the Senate Committee on Privileges and*

1353 *Elections; and 3 citizens at large, of whom 1 shall be a person with a mental illness or the parent,*

1354 *family member, guardian, advocate, or authorized representative of such an individual, 1 shall be a*

1355 *person with a sensory disability or the parent, family member, guardian, advocate, or authorized*

1356 *representative of such an individual, and 1 shall be a person with a mental or neurological disability or*

1357 *the parent, family member, guardian, advocate, or authorized representative of such an individual.*

1358 *Persons appointed to the board to represent individuals with a disability shall be knowledgeable of the*

1359 *broad range of needs of such persons served by the Office. Persons appointed to the board who have a*

1360 *disability shall be individuals who are eligible for, are receiving, or have received services through the*

1361 *state system that protects and advocates for the rights of individuals with disabilities. In appointing the*

1362 *members of the Board, consideration shall be given to persons nominated by statewide groups that*

1363 *advocate for the physically, developmentally, and mentally disabled. The Governor and General*

1364 *Assembly shall not be limited in their appointments to persons so nominated; however, the Governor*

1365 *and General Assembly shall seriously consider the persons nominated and appoint such persons*

1366 *whenever feasible.*

1367 *No member of the General Assembly, elected official, or current employee of the Department of*

1368 *Mental Health, Mental Retardation and Substance Abuse Services, State Health Department, Department*

1369 *of Rehabilitative Services, Department for the Blind and Vision Impaired, a community services board, a*

1370 *behavioral health authority, or a local government department with a policy-advisory community*

1371 *services board shall be appointed to the Board.*

1372 C. Appointments of nonlegislative citizen members shall be staggered as follows: 2 members for a

1373 term of 1 year, 1 member for a term of 2 years, 1 member for a term of 3 years, and 1 member for a

1374 term of 4 years appointed by the Speaker of the House; 1 member for a term of 2 years, 1 member for

1375 a term of 3 years, and 1 member for a term of 4 years appointed by the Senate Committee on Privileges

1376 and Elections; and 1 member for a term of 2 years, 1 member for a term of 3 years, and 1 member for

1377 a term of 4 years appointed by the Governor. Thereafter, nonlegislative citizen members shall be

1378 appointed for ~~four-year terms~~. ~~E. a term of 4 years.~~ Appointments to fill vacancies, other than by

1379 expiration of a term, shall be for the unexpired terms. A vacancy of a legislatively appointed member

1380 shall be filled by either the Speaker of the House of Delegates or the Senate Committee on Privileges

1381 and Elections, and any such appointee shall enter upon and continue in office. All members may be

1382 reappointed, except that any member appointed initially to a 4-year term shall not be eligible for

1383 reappointment for 2 years after the expiration of his term. However, no nonlegislative citizen member

1384 shall serve more than 2 consecutive 4-year terms. The remainder of any term to which a member is

1385 appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for

1386 reappointment. Vacancies shall be filled in the same manner as the original appointments. All

1387 appointments and reappointments shall be subject to confirmation at the next session of the General

1388 Assembly. If the General Assembly fails to confirm his appointment, such person shall not be eligible

1389 for reappointment. Members shall continue to serve until such time as their successors have been

1390 appointed and duly qualified to serve.

1391 F. A member who has been appointed to a four-year term shall not be eligible for reappointment

1392 during the two-year period beginning on the date on which such four-year term expired. However, upon

1393 the expiration of an appointment to an unexpired term, or an appointment described in subdivision D 1,

1394 D 2, or D 3, a member may be reappointed to a four-year term.

1395 G. D. The Board shall elect a chairman and a ~~vice-chairman~~ *vice chairman* from among its members  
 1396 and appoint a secretary who may or may not be a member of the Board. A majority of the members of  
 1397 the Board shall constitute a quorum. ~~The chairman shall preside over meetings of the Board and perform~~  
 1398 ~~additional duties as may be set by resolution of the Board.~~

1399 H. The Board shall meet at least ~~four~~ 4 times each year. *The meetings of the Board shall be held at*  
 1400 *the call of the chairman or whenever the majority of the voting members so request. The chairman shall*  
 1401 *perform such additional duties as may be established by resolution of the Board.*

1402 E. Members shall *serve without compensation for their services; however, all members shall be*  
 1403 *reimbursed for their all reasonable and necessary and actual expenses incurred in the performance of*  
 1404 *their official duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the*  
 1405 *members shall be provided by the Virginia Office for Protection and Advocacy.*

1406 F. F. Members of the Board shall be subject to removal from office only as set forth in Article 7  
 1407 (§ 24.2-230 et seq.) of Chapter 2 of Title 24.2. The Circuit Court of the City of Richmond shall have  
 1408 exclusive jurisdiction over all proceedings for such removal.

1409 G. *The chairman shall submit to the Governor and the General Assembly an annual executive*  
 1410 *summary of the interim activity and work of the Board no later than the first day of each regular*  
 1411 *session of the General Assembly. The executive summary shall be submitted as provided in the*  
 1412 *procedures of the Division of Legislative Automated Systems for the processing of legislative documents*  
 1413 *and reports and shall be posted to the General Assembly's website.*

1414 § 56-579. Regional transmission entities.

1415 A. As set forth in § 56-577, on or before January 1, 2001, each incumbent electric utility owning,  
 1416 operating, controlling, or having an entitlement to transmission capacity shall join or establish a regional  
 1417 transmission entity (RTE) to which such utility shall transfer the management and control of its  
 1418 transmission assets, subject to the following:

1419 1. No such incumbent electric utility shall transfer to any person any ownership or control of, or any  
 1420 responsibility to operate, any portion of any transmission system located in the Commonwealth without  
 1421 obtaining the prior approval of the Commission, as hereinafter provided.

1422 2. The Commission shall develop rules and regulations under which any such incumbent electric  
 1423 utility owning, operating, controlling, or having an entitlement to transmission capacity within the  
 1424 Commonwealth, may transfer all or part of such control, ownership or responsibility to an RTE, upon  
 1425 such terms and conditions that the Commission determines will:

1426 a. Promote:

1427 (1) Practices for the reliable planning, operating, maintaining, and upgrading of the transmission  
 1428 systems and any necessary additions thereto; and

1429 (2) Policies for the pricing and access for service over such systems, which are safe, reliable,  
 1430 efficient, not unduly discriminatory and consistent with the orderly development of competition in the  
 1431 Commonwealth;

1432 b. Be consistent with lawful requirements of the Federal Energy Regulatory Commission;

1433 c. Be effectuated on terms that fairly compensate the transferor;

1434 d. Generally promote the public interest, and are consistent with (i) ensuring the successful  
 1435 development of interstate regional transmission entities and (ii) meeting the transmission needs of  
 1436 electric generation suppliers both within and without this Commonwealth.

1437 B. The Commission shall also adopt rules and regulations, with appropriate public input, establishing  
 1438 elements of regional transmission entity structures essential to the public interest, which elements shall  
 1439 be applied by the Commission in determining whether to authorize transfer of ownership or control from  
 1440 an incumbent electric utility to a regional transmission entity.

1441 C. The Commission shall, to the fullest extent permitted under federal law, participate in any and all  
 1442 proceedings concerning regional transmission entities furnishing transmission services within the  
 1443 Commonwealth, before the Federal Energy Regulatory Commission. Such participation may include such  
 1444 intervention as is permitted state utility regulators under FERC rules and procedures.

1445 D. Nothing in this section shall be deemed to abrogate or modify:

1446 1. The Commission's authority over transmission line or facility construction, enlargement or  
 1447 acquisition within this Commonwealth, as set forth in Chapter 10.1 (§ 56-265.1 et seq.) of this title;

1448 2. The laws of this Commonwealth concerning the exercise of the right of eminent domain by a  
 1449 public service corporation pursuant to the provisions of Article 5 (§ 56-257 et seq.) of Chapter 10 of this  
 1450 title; however, on and after January 1, 2002, a petition may not be filed to exercise the right of eminent  
 1451 domain in conjunction with the construction or enlargement of any utility facility whose purpose is the  
 1452 generation of electric energy; or

1453 3. The Commission's authority over retail electric energy sold to retail customers within the  
 1454 Commonwealth by licensed suppliers of electric service, including necessary reserve requirements, all as  
 1455 specified in § 56-587.

1456 E. For purposes of this section, transmission capacity shall not include capacity that is primarily

1457 operated in a distribution function, as determined by the Commission, taking into consideration any  
1458 binding federal precedents.

1459 F. On or after January 1, 2002, the Commission shall report to the ~~Legislative Transition Task Force~~  
1460 *Commission on Electric Utility Restructuring* its assessment of the success in the practices and policies  
1461 of the RTE facilitating the orderly development of competition in the Commonwealth.

1462 § 56-581.1. Competitive retail electric billing and metering.

1463 A. Effective January 1, 2002, (i) distributors shall offer consolidated billing services to licensed  
1464 suppliers, aggregators, and retail customers, and (ii) licensed suppliers and aggregators shall be permitted  
1465 to bill all retail customers separately for services rendered on and after the first regular meter reading  
1466 date after January 1, 2002, subject to conditions, regulations, and licensing requirements established by  
1467 the Commission.

1468 B. Effective January 1, 2003, licensed suppliers and aggregators may offer consolidated billing  
1469 service to distributors and retail customers for services rendered on and after the first regular meter  
1470 reading date after January 1, 2003, subject to conditions, regulations, and licensing requirements  
1471 established by the Commission.

1472 C. Upon application by a distributor or upon its own motion, the Commission may delay any  
1473 element of the competitive provision of billing services to retail customers for the period of time  
1474 necessary, but no longer than ~~one~~ 1 year, to resolve issues arising from considerations of billing  
1475 accuracy, timeliness, quality, consumer readiness, or adverse effects upon development of competition in  
1476 electric service. The Commission shall report any such delays and the underlying reasons therefor to the  
1477 ~~Legislative Transition Task Force~~ *Commission on Electric Utility Restructuring* within a reasonable time.

1478 D. The Commission shall promulgate such rules and regulations as may be necessary to implement  
1479 the provisions of this section in a manner that is consistent with its Recommendation and Draft Plan  
1480 filed with the Legislative Transition Task Force, *the predecessor of the Commission on Electric Utility*  
1481 *Restructuring*, on December 12, 2000, to facilitate the development of effective competition in electric  
1482 service for all customer classes, and to ensure reasonable levels of billing accuracy, timeliness, and  
1483 quality, and adequate consumer readiness and protection. Such rules and regulations shall include  
1484 provisions regarding the licensing of persons seeking to sell, offering to sell, or selling competitive  
1485 billing services, pursuant to the licensure requirements of § 56-587.

1486 E. The Commission shall implement the provision of competitive metering services by licensed  
1487 providers for large industrial and large commercial customers of investor-owned distributors on January  
1488 1, 2002, and may approve such services for residential and small business customers of investor-owned  
1489 distributors on or after January 1, 2003, as determined to be in the public interest by the Commission.  
1490 Such implementation and approvals shall:

1491 1. Be consistent with the goal of facilitating the development of effective competition in electric  
1492 service for all customer classes;

1493 2. Take into account the readiness of customers and suppliers to buy and sell such services;

1494 3. Take into account the technological feasibility of furnishing any such services on a competitive  
1495 basis;

1496 4. Take into account whether reasonable steps have been or will be taken to educate and prepare  
1497 customers for the implementation of competition for any such services;

1498 5. Not jeopardize the safety, reliability or quality of electric service;

1499 6. Consider the degree of control exerted over utility operations by utility customers;

1500 7. Not adversely affect the ability of an incumbent electric utility authorized or obligated to provide  
1501 electric service to customers who do not buy such services from competitors to provide electric service  
1502 to such customers at reasonable rates;

1503 8. Give due consideration to the potential effects of such determinations on utility tax collection by  
1504 state and local governments in the Commonwealth; and

1505 9. Ensure the technical and administrative readiness of a distributor to coordinate and facilitate the  
1506 provision of competitive metering services for its customers.

1507 Upon the reasonable request of a distributor, the Commission shall delay the provision of competitive  
1508 metering service in such distributor's service territory until January 1, 2003, for large industrial and large  
1509 commercial customers, and after January 1, 2004, for residential and small business customers.

1510 F. The Commission shall promulgate such rules and regulations as may be necessary to implement  
1511 the authorization related to competitive metering services provided for in subsection E. Such rules and  
1512 regulations shall include provisions regarding the licensing of persons seeking to sell, offering to sell, or  
1513 selling competitive metering services, pursuant to the licensure requirements of § 56-587.

1514 G. An incumbent electric utility shall coordinate with persons licensed to provide competitive  
1515 metering service, billing services, or both, as the Commission deems reasonably necessary to the  
1516 development of such competition. The foregoing shall apply to an affiliate of an incumbent electric  
1517 utility if such affiliate controls a resource that is necessary to the coordination required of the incumbent

1518 electric utility by this subsection.

1519 H. Notwithstanding the provisions of § 56-582, the Commission shall allow a distributor to recover  
1520 its costs directly associated with the implementation of billing or metering competition through a tariff  
1521 for all licensed suppliers, but not those that would be incurred by such utilities in any event as part of  
1522 the restructuring under this Act. The Commission shall also determine the most appropriate method of  
1523 recovering such costs through a tariff for such licensed suppliers; however, such method shall not  
1524 unreasonably affect any customer for which the service is not made competitive.

1525 I. The Commission shall adjust the rates for any noncompetitive services provided by a distributor so  
1526 that such rates do not reflect costs associated with or properly allocable to the service made subject to  
1527 competition. Such adjustment may be accomplished through unbundled rates, bill credits, the distributor's  
1528 tariffs for licensed suppliers, or other methods as determined by the Commission.

1529 J. Municipal electric utilities shall not be required to provide consolidated billing services to licensed  
1530 suppliers, aggregators or retail customers. Municipal electric utilities and utility consumer services  
1531 cooperatives shall not be required to undertake coordination of the provision of consolidated or direct  
1532 billing services by suppliers and aggregators; however, the exemptions set forth in this subsection shall  
1533 not apply if any such municipal electric utility or utility consumer services cooperative, or its affiliate,  
1534 offers competitive electric energy supply to retail customers in the service territory of any other Virginia  
1535 incumbent electric utility. The Commission may permit any municipal electric utility or utility consumer  
1536 services cooperative that pursues such competitive activity to maintain such exemption upon application  
1537 to the Commission demonstrating good cause for relief. In addition, upon petition by a utility consumer  
1538 services cooperative, the Commission may approve the provision of competitive metering services by  
1539 licensed providers for large industrial and large commercial customers of such cooperative on or after  
1540 January 1, 2002, and for residential and small business customers of such cooperative on or after  
1541 January 1, 2003, as determined to be in the public interest by the Commission consistent with the  
1542 criteria set forth in subsection E.

1543 § 56-585. Default service.

1544 A. The Commission shall, after notice and opportunity for hearing, (i) determine the components of  
1545 default service and (ii) establish one or more programs making such services available to retail  
1546 customers requiring them commencing with the availability throughout the Commonwealth of customer  
1547 choice for all retail customers as established pursuant to § 56-577. For purposes of this chapter, "default  
1548 service" means service made available under this section to retail customers who (i) do not affirmatively  
1549 select a supplier, (ii) are unable to obtain service from an alternative supplier, or (iii) have contracted  
1550 with an alternative supplier who fails to perform.

1551 B. From time to time, the Commission shall designate one or more providers of default service. In  
1552 doing so, the Commission:

1553 1. Shall take into account the characteristics and qualifications of prospective providers, including  
1554 proposed rates, experience, safety, reliability, corporate structure, access to electric energy resources  
1555 necessary to serve customers requiring such services, and other factors deemed necessary to ensure the  
1556 reliable provision of such services, to prevent the inefficient use of such services, and to protect the  
1557 public interest;

1558 2. May periodically, as necessary, conduct competitive bidding processes under procedures  
1559 established by the Commission and, upon a finding that the public interest will be served, designate one  
1560 or more willing and suitable providers to provide one or more components of such services, in one or  
1561 more regions of the Commonwealth, to one or more classes of customers;

1562 3. To the extent that default service is not provided pursuant to a designation under subdivision 2,  
1563 may require a distributor to provide, in a safe and reliable manner, one or more components of such  
1564 services, or to form an affiliate to do so, in one or more regions of the Commonwealth, at rates  
1565 determined pursuant to subsection C and for periods specified by the Commission; however, the  
1566 Commission may not require a distributor, or affiliate thereof, to provide any such services outside the  
1567 territory in which such distributor provides service; and

1568 4. Notwithstanding imposition on a distributor by the Commission of the requirement provided in  
1569 subdivision 3, the Commission may thereafter, upon a finding that the public interest will be served,  
1570 designate through the competitive bidding process established in subdivision 2 one or more willing and  
1571 suitable providers to provide one or more components of such services, in one or more regions of the  
1572 Commonwealth, to one or more classes of customers.

1573 C. If a distributor is required to provide default services pursuant to subdivision B 3, after notice and  
1574 opportunity for hearing, the Commission shall periodically, for each distributor, determine the rates,  
1575 terms and conditions for default services, taking into account the characteristics and qualifications set  
1576 forth in subdivision B 1, as follows:

1577 1. Until the expiration or termination of capped rates, the rates for default service provided by a  
1578 distributor shall equal the capped rates established pursuant to subdivision A 2 of § 56-582. After the  
1579 expiration or termination of such capped rates, the rates for default services shall be based upon

1580 competitive market prices for electric generation services.

1581 2. The Commission shall, after notice and opportunity for hearing, determine the rates, terms and  
1582 conditions for default service by such distributor on the basis of the provisions of Chapter 10 (§ 56-232  
1583 et seq.) of this title, except that the generation-related components of such rates shall be (i) based upon  
1584 a plan approved by the Commission as set forth in subdivision 3 or (ii) in the absence of an approved  
1585 plan, based upon prices for generation capacity and energy in competitive regional electricity markets.

1586 3. Prior to a distributor's provision of default service, and upon request of such distributor, the  
1587 Commission shall review any plan filed by the distributor to procure electric generation services for  
1588 default service. The Commission shall approve such plan if the Commission determines that the  
1589 procurement of electric generation capacity and energy under such plan is adequately based upon prices  
1590 of capacity and energy in competitive regional electricity markets. If the Commission determines that the  
1591 plan does not adequately meet such criteria, then the Commission shall modify the plan, with the  
1592 concurrence of the distributor, or reject the plan.

1593 4. a. For purposes of this subsection, in determining whether regional electricity markets are  
1594 competitive and rates for default service, the Commission shall consider (i) the liquidity and price  
1595 transparency of such markets, (ii) whether competition is an effective regulator of prices in such  
1596 markets, (iii) the wholesale or retail nature of such markets, as appropriate, (iv) the reasonable  
1597 accessibility of such markets to the regional transmission entity to which the distributor belongs, and (v)  
1598 such other factors it finds relevant. As used in this subsection, the term "competitive regional electricity  
1599 market" means a market in which competition, and not statutory or regulatory price constraints,  
1600 effectively regulates the price of electricity.

1601 b. If, in establishing a distributor's default service generation rates, the Commission is unable to  
1602 identify regional electricity markets where competition is an effective regulator of rates, then the  
1603 Commission shall establish such distributor's default service generation rates by setting rates that would  
1604 approximate those likely to be produced in a competitive regional electricity market. Such proxy  
1605 generation rates shall take into account: (i) the factors set forth in subdivision C 4 a, and (ii) such  
1606 additional factors as the Commission deems necessary to produce such proxy generation rates.

1607 D. In implementing this section, the Commission shall take into consideration the need of default  
1608 service customers for rate stability and for protection from unreasonable rate fluctuations.

1609 E. On or before July 1, 2004, and annually thereafter, the Commission shall determine, after notice  
1610 and opportunity for hearing, whether there is a sufficient degree of competition such that the elimination  
1611 of default service for particular customers, particular classes of customers or particular geographic areas  
1612 of the Commonwealth will not be contrary to the public interest. The Commission shall report its  
1613 findings and recommendations concerning modification or termination of default service to the General  
1614 Assembly and to the ~~Legislative Transition Task Force~~ *Commission on Electric Utility Restructuring*, not  
1615 later than December 1, 2004, and annually thereafter.

1616 F. A distribution electric cooperative, or one or more affiliates thereof, shall have the obligation and  
1617 right to be the supplier of default services in its certificated service territory. A distribution electric  
1618 cooperative's rates for such default services shall be the capped rate for the duration of the capped rate  
1619 period and shall be based upon the distribution electric cooperative's prudently incurred cost thereafter.  
1620 Subsections B and C shall not apply to a distribution electric cooperative or its rates. Such default  
1621 services, for the purposes of this subsection, shall include the supply of electric energy and all services  
1622 made competitive pursuant to § 56-581.1. If a distribution electric cooperative, or one or more affiliates  
1623 thereof, elects or seeks to be a default supplier of another electric utility, then the Commission shall  
1624 designate the default supplier for that distribution electric cooperative, or any affiliate thereof, pursuant  
1625 to subsection B.

1626 § 56-592. Consumer education and protection; Commission report to Commission Electric Utility  
1627 Restructuring.

1628 A. The Commission shall develop a consumer education program designed to provide the following  
1629 information to retail customers during the period of transition to retail competition and thereafter:

1630 1. Opportunities and options in choosing (i) suppliers and aggregators of electric energy and (ii) any  
1631 other service made competitive pursuant to this chapter;

1632 2. Marketing and billing information suppliers and aggregators of electric energy will be required to  
1633 furnish retail customers;

1634 3. Retail customers' rights and obligations concerning the purchase of electric energy and related  
1635 services; and

1636 4. Such other information as the Commission may deem necessary and appropriate in the public  
1637 interest.

1638 B. The Commission shall complete the development of the consumer education program described in  
1639 subsection A, and report its findings and recommendations to the ~~Legislative Transition Task Force~~  
1640 *Commission on Electric Utility Restructuring* on or before December 1, 1999, and as frequently

1641 thereafter as may be required by ~~the Task Force~~ *such Commission* concerning:

- 1642 1. The scope of such recommended program consistent with the requirements of subsection A;
- 1643 2. Materials and media required to effectuate any such program;
- 1644 3. State agency and nongovernmental entity participation;
- 1645 4. Program duration;
- 1646 5. Funding requirements and mechanisms for any such program; and
- 1647 6. Such other findings and recommendations the Commission deems appropriate in the public
- 1648 interest.

1649 C. The Commission shall develop regulations governing marketing practices by public service  
 1650 companies, licensed suppliers, aggregators or any other providers of services made competitive by this  
 1651 chapter, including regulations to prevent unauthorized switching of suppliers, unauthorized charges, and  
 1652 improper solicitation activities. The Commission shall also establish standards for marketing information  
 1653 to be furnished by licensed suppliers, aggregators or any other providers of services made competitive  
 1654 by this chapter during the period of transition to retail competition, and thereafter, which information  
 1655 shall include standards concerning:

- 1656 1. Pricing and other key contract terms and conditions;
- 1657 2. To the extent feasible, fuel mix and emissions data on at least an annualized basis;
- 1658 3. Customer's rights of cancellation following execution of any contract;
- 1659 4. Toll-free telephone number for customer assistance; and
- 1660 5. Such other and further marketing information as the Commission may deem necessary and
- 1661 appropriate in the public interest.

1662 D. The Commission shall also establish standards for billing information to be furnished by public  
 1663 service companies, suppliers, aggregators or any other providers of services made competitive by this  
 1664 chapter during the period of transition to retail competition, and thereafter. Such billing information  
 1665 standards shall require that billing formation:

- 1666 1. Distinguishes between charges for regulated services and unregulated services;
- 1667 2. Itemizes any and all nonbypassable wires charges;
- 1668 3. Is presented in a format that complies with standards to be established by the Commission;
- 1669 4. Discloses, to the extent feasible, fuel mix and emissions data on at least an annualized basis; and
- 1670 5. Includes such other billing information as the Commission deems necessary and appropriate in the
- 1671 public interest.

1672 E. The Commission shall establish or maintain a complaint bureau for the purpose of receiving,  
 1673 reviewing and investigating complaints by retail customers against public service companies, licensed  
 1674 suppliers, aggregators and other providers of any services made competitive under this chapter. Upon the  
 1675 request of any interested person or the Attorney General, or upon its own motion, the Commission shall  
 1676 be authorized to inquire into possible violations of this chapter and to enjoin or punish any violations  
 1677 thereof pursuant to its authority under this chapter, this title, and under Title 12.1. The Attorney General  
 1678 shall have a right to participate in such proceedings consistent with the Commission's Rules of Practice  
 1679 and Procedure.

1680 F. The Commission shall establish reasonable limits on customer security deposits required by public  
 1681 service companies, suppliers, aggregators or any other persons providing competitive services pursuant to  
 1682 this chapter.

1683 § 56-592.1. Consumer education program; scope and funding.

1684 A. The Commission shall establish and implement a consumer education program in conjunction with  
 1685 the implementation of this chapter. In establishing such a program, the Commission shall take into  
 1686 account findings and recommendations in the Commission's December 1, 1999, report to the Legislative  
 1687 Transition Task Force ~~made pursuant to § 56-592~~, *the predecessor of the Commission on Electric Utility*  
 1688 *Restructuring*.

1689 B. The program shall be designed to (i) enable consumers to make rational and informed choices  
 1690 about energy providers in a competitive retail market, (ii) help consumers reduce transaction costs in  
 1691 selecting energy suppliers, and (iii) foster compliance with the consumer protection provisions of this  
 1692 chapter, and those contained in other laws of this Commonwealth, by all participants in a competitive  
 1693 retail market.

1694 C. The Commission shall regularly consult with representatives of consumer organizations,  
 1695 community-based groups, state agencies, incumbent utilities, competitive suppliers and other interested  
 1696 parties throughout the program's implementation and operation.

1697 D. Pursuant to the provisions of ~~§ 56-595 30-205~~, the Commission shall provide periodic updates to  
 1698 the ~~Legislative Transition Task Force~~ *Commission on Electric Utility Restructuring* concerning the  
 1699 program's implementation and operation.

1700 E. The Commission shall fund the establishment and operation of such consumer education program  
 1701 through the special regulatory revenue tax currently authorized by § 58.1-2660 and the special regulatory  
 1702 tax authorized by Chapter 29 (§ 58.1-2900 et seq.) of Title 58.1.

1703 § 56-596. Advancing competition.

1704 A. In all relevant proceedings pursuant to this Act, the Commission shall take into consideration,  
1705 among other things, the goals of advancement of competition and economic development in the  
1706 Commonwealth.

1707 B. By September 1 of each year, the Commission shall report to the ~~Legislative Transition Task~~  
1708 ~~Force~~ *Commission on Electric Utility Restructuring* and the Governor information on the status of  
1709 competition in the Commonwealth, the status of the development of regional competitive markets, and  
1710 its recommendations to facilitate effective competition in the Commonwealth as soon as practical. This  
1711 report shall include any recommendations of actions to be taken by the General Assembly, the  
1712 Commission, electric utilities, suppliers, generators, distributors and regional transmission entities it  
1713 considers to be in the public interest. Such recommendations shall include actions regarding the supply  
1714 and demand balance for generation services, new and existing generation capacity, transmission  
1715 constraints, market power, suppliers licensed and operating in the Commonwealth, and the shared or  
1716 joint use of generation sites.

1717 § 62.1-69.34. Virginia Roanoke River Basin Advisory Committee established; membership; terms of  
1718 office; meetings.

1719 A. The Virginia Roanoke River Basin Advisory Committee, *hereinafter referred to as the*  
1720 *"Committee,"* is hereby established *in the executive branch of state government* as an advisory committee  
1721 to the Virginia delegation to the Roanoke River Basin Bi-State Commission; ~~to~~ . *The Committee shall*  
1722 *assist the delegation in fulfilling the its duties and carrying out the objectives of the Commission,*  
1723 *pursuant to § 62.1-69.35 62.1-69.39. The advisory committee shall be composed of eighteen 21*  
1724 *members to that include 6 legislative members and 11 nonlegislative citizen members, and 4 ex officio*  
1725 *members. Members shall be appointed as follows: two 2 members of the Senate, whose districts include*  
1726 *a part of the Virginia portion of the Roanoke River Basin, to be appointed by the Senate Committee on*  
1727 *Privileges and Elections; four 4 members of the House of Delegates, whose districts include a part of*  
1728 *the Virginia portion of the Roanoke River Basin, to be appointed by the Speaker of the House, of*  
1729 *Delegates in accordance with the principles of proportional representation contained in the Rules of the*  
1730 *House of Delegates; the Virginia member of the U.S. House of Representatives, whose district includes*  
1731 *the largest portion of the Basin, or his designee, if he elects to serve on the advisory committee; ten 11*  
1732 *nonlegislative citizen members selected by the legislative members of the advisory committee such that*  
1733 *two are chosen from recommendations of whom each of the following: the 2 each shall be members of*  
1734 *the Central Virginia Planning District Commission, and the West Piedmont Planning District*  
1735 *Commission, and 1 shall be a member of the New River Valley Planning District Commission, upon the*  
1736 *recommendation of the respective planning district commissions, to be appointed by the Senate*  
1737 *Committee on Privileges and Elections; 2 each shall be members of the Southside Planning District*  
1738 *Commission, the Piedmont Planning District Commission, and the Roanoke Valley Alleghany Planning*  
1739 *District Commission; and one member selected by the legislative members of the advisory committee*  
1740 *from among recommendations submitted by the New River Valley Planning District Commission, upon*  
1741 *the recommendation of the respective planning district commissions, to be appointed by the Speaker of*  
1742 *the House of Delegates; and the Virginia member of the United States House of Representatives, whose*  
1743 *district includes the largest portion of the Basin, or his designee, and 3 representatives of the State of*  
1744 *North Carolina appointed in a manner as the General Assembly of North Carolina may determine*  
1745 *appropriate. Except for the representatives of North Carolina, all nonlegislative citizen members shall be*  
1746 *citizens of the Commonwealth of Virginia. The Virginia member of the United States House of*  
1747 *Representatives and the representatives of North Carolina shall serve ex officio without voting*  
1748 *privileges. Of the recommendations submitted by planning district commissions authorized to*  
1749 *recommend two 2 members, one 1 member shall be a nonlegislative citizen who resides within the*  
1750 *respective planning district. However, the New River Valley Planning District Commission may*  
1751 *recommend either a 1 nonlegislative citizen at-large at large who resides within the planning district or a*  
1752 *1 member, who at the time of the recommendation, is serving as an elected member or an employee of*  
1753 *a local governing body, or a 1 member of the board of directors or an employee of the planning district*  
1754 *commission. All persons recommended by the planning district commissions to serve as members of the*  
1755 *advisory committee shall reside within the Basin's watershed, represent the diversity of interests in the*  
1756 *jurisdictions comprising the respective planning district commissions, and demonstrate interest,*  
1757 *experience, or expertise in water-related Basin issues. In addition, persons representing the interests of*  
1758 *the State of North Carolina who may be appointed to the advisory committee shall serve as non-voting*  
1759 *ex officio members.*

1760 The advisory committee shall elect a chairman and a vice-chairman from among its members.

1761 B. State and federal legislative members appointed to the advisory committee shall serve terms  
1762 coincident with their terms of office. ~~Members recommended by planning district commissions to serve~~  
1763 ~~on the advisory committee and ex officio members representing the State of North Carolina shall serve a~~

1764 term of two years. Initially, planning district commissions authorized to recommend two members to the  
 1765 advisory committee *Initial appointments of nonlegislative citizen members shall recommend one member*  
 1766 *for a term of two years and one member for a term of one year. However, the member recommended to*  
 1767 *serve on the advisory committee by the New River Valley Planning District Commission shall serve a*  
 1768 *term of one year. be staggered as follows: 2 members for a term of 2 years and 3 members for a term*  
 1769 *of 1 year appointed by the Senate Committee on Privileges and Elections; and 3 members for a term of*  
 1770 *2 years and 3 members for a term of 1 year appointed by the Speaker of the House. Thereafter, the*  
 1771 *nonlegislative citizen members shall be appointed for a term of office of members recommended by*  
 1772 *planning district commissions shall be for two 2 years. Members Appointments to fill vacancies, other*  
 1773 *than by expiration of a term, shall be for the unexpired terms. All members may be reappointed.*  
 1774 *Nonlegislative citizen members recommended by planning district commissions shall be eligible for*  
 1775 *reappointment, if such members shall have attended at least one-half of all meetings of the Commission*  
 1776 *during their current term of service. However, no member recommended by a planning district*  
 1777 *commission shall serve more than three 3 consecutive two 2-year terms. Appointments to fill vacancies*  
 1778 *shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original*  
 1779 *appointment.*

1780 *The advisory committee shall elect a chairman and a vice chairman from among its voting members.*  
 1781 *A majority of the voting members shall constitute a quorum. The meetings of the advisory committee*  
 1782 *shall be held at the call of the chairman or whenever the majority of the voting members so request.*

1783 § 62.1-69.35. Compensation and expenses of advisory committee members.

1784 Legislative members of the advisory committee shall receive such compensation as provided in  
 1785 § 30-19.12, and nonlegislative members shall receive such compensation for the performance of their  
 1786 duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary  
 1787 expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding  
 1788 for the costs of compensation and expenses of members shall be provided by the Department of  
 1789 Environmental Quality.

1790 § 62.1-69.35:1. Staffing.

1791 *The Department of Environmental Quality shall provide staff support to the advisory committee. All*  
 1792 *agencies of the Commonwealth shall provide assistance to the advisory committee, upon request.*

1793 § 62.1-69.35:2. Chairman's executive summary of activity and work of the advisory committee.

1794 *The chairman shall submit to the Governor and the General Assembly an annual executive summary*  
 1795 *of the interim activity and work of the advisory committee no later than the first day of each regular*  
 1796 *session of the General Assembly. The executive summary shall be submitted as provided in the*  
 1797 *procedures of the Division of Legislative Automated Systems for the processing of legislative documents*  
 1798 *and reports and shall be posted on the General Assembly's website.*

1799 § 62.1-69.38. Membership; terms of office; eligibility for appointment.

1800 A. The Commission shall be composed of ~~eighteen~~ 18 voting members with each state appointing  
 1801 ~~nine~~ that include 9 members representing the Commonwealth of Virginia and 9 members representing  
 1802 the State of North Carolina. The Virginia delegation shall consist of the ~~six state~~ 6 legislative members  
 1803 appointed to the Virginia Roanoke River Basin Advisory Committee, and 3 nonlegislative citizen  
 1804 members appointed to the Virginia Roanoke River Basin Advisory Committee by the Senate Committee  
 1805 on Privileges and Elections and the Speaker of the House of Delegates, and three nonlegislative  
 1806 members of the Virginia Roanoke River Basin Advisory Committee, who represent different  
 1807 geographical areas of the Virginia portion of the Roanoke River Basin, to be appointed by the Governor  
 1808 of Virginia. The North Carolina delegation to the Commission shall be appointed as determined by the  
 1809 State of North Carolina. All members appointed to the Commission by the Commonwealth of Virginia  
 1810 and the State of North Carolina shall reside within the Basin's watershed. Members of the Virginia  
 1811 House of Delegates and the Senate of Virginia, the North Carolina House of Representatives and Senate,  
 1812 and federal legislators, who have not been appointed to the Commission and whose districts include any  
 1813 portion of the Basin, may shall serve as nonvoting ex officio members of the Commission.

1814 B. ~~The terms of office for appointed years~~ Legislative members of the Virginia delegation and  
 1815 federal legislators, whether appointed or ex officio, shall serve terms coincident with their terms of  
 1816 office. Nonlegislative citizen members shall be ~~two~~ appointed to serve 2-year terms, unless the member  
 1817 is reappointed by the appointing authorities of each state. Appointments to fill vacancies shall be made  
 1818 for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment. State  
 1819 and federal legislators and local government officials, whether appointed or ex officio, shall serve terms  
 1820 coincident with their terms of office.

1821 C. Each state's delegation to the Commission may meet separately to discuss Basin-related issues  
 1822 affecting their state, and may report their findings independently of the Commission. A majority of the  
 1823 voting members shall constitute a quorum.

1824 § 62.1-69.43. Compensation and expenses of Commission members.

1825 A. Legislative members of the Virginia delegation to the Commission shall receive such

1826 compensation as provided in § 30-19.12, and *nonlegislative members shall receive such compensation*  
1827 *for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for*  
1828 *reasonable and necessary expenses incurred in the performance of their duties as provided in*  
1829 *§§ 2.2-2813 and 2.2-2825. However, all such expenses shall be paid from existing appropriations and*  
1830 *funds provided to the Commission Funding for the costs of compensation and expenses of members*  
1831 *shall be provided by the Department of Environmental Quality.*

1832 *1. Members of the Virginia House of Delegates and the Senate of Virginia, and members of the*  
1833 *Virginia Congressional delegation, who have not been appointed to the Commission, whose districts*  
1834 *include any portion of the Basin, and who serve as nonvoting ex officio members of the Commission*  
1835 *shall serve without compensation and expenses.*

1836 *2. Nonlegislative citizen members appointed to any standing committees or ad hoc committees shall*  
1837 *serve without compensation and expenses.*

1838 B. The North Carolina members of the Commission shall receive per diem, subsistence, and travel  
1839 expenses as follows:

1840 1. Ex officio legislative members who are members of the General Assembly at the rate established  
1841 in North Carolina G.S. 138-6;

1842 2. Commission members who are officials or employees of the State or of local government agencies  
1843 at the rate established in North Carolina G.S. 138-6; and

1844 3. All other members at the rate established in North Carolina G.S. 138-5.

1845 **2. That Article 3 (§§ 2.2-2709 and 2.2-2710) of Chapter 27 of Title 2.2 of the Code of Virginia and**  
1846 **§ 56-595 of the Code of Virginia are repealed.**

1847 **3. That Chapter 476 of the Acts of Assembly of 2002 is repealed.**

1848 **4. That Chapter 657 of the Acts of Assembly of 2002 is repealed.**

1849 **5. That the current members of the Legislative Transition Task Force appointed pursuant to**  
1850 **§ 56-595 of the Code of Virginia and any members appointed to fill vacancies of such members**  
1851 **shall serve as members of the Commission on Electric Utility Restructuring and shall have terms**  
1852 **that expire on July 1, 2005.**

1853 **6. That whenever any reference is made in law or other provision approved by the General**  
1854 **Assembly to the former Legislative Transition Task Force, such reference shall be construed to**  
1855 **apply mutatis mutandis to the Commission on Electric Utility Restructuring.**

1856 **7. That all current members of the collegial bodies whose terms have been modified by this act**  
1857 **shall be eligible, if reappointed, to the full number of terms provided by this act regardless of**  
1858 **prior service.**

1859 **8. That notwithstanding the provisions of § 2.2-2424 of the Code of Virginia, beginning July 1,**  
1860 **2004, the Governor shall stagger the terms of his appointments to the Virginia-Israel Advisory**  
1861 **Board as follows: 3 members shall serve initial terms of 1 year; 3 members shall serve initial**  
1862 **terms of 2 years; 3 members shall serve initial terms of 3 years; and 4 members shall serve initial**  
1863 **terms of 4 years. Thereafter, all members appointed by the Governor shall serve terms of 4 years.**

1864 **9. That the current term of the members appointed to the governing board of the Virginia Office**  
1865 **for Protection and Advocacy prior to July 1, 2003, shall continue and not be affected by this act.**