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HOUSE BILL NO. 1167

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns
on January 31, 2014)

(Patron Prior to Substitute—Delegate Morefield)

A BILL to amend and reenact §§ 15.2-6003 and 45.1-161.98 of the Code of Virginia, relating to the Virginia Coal and Energy Alliance.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-6003 and 45.1-161.98 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-6003. Board of Authority; members and officers; staff; annual report.

All powers, rights and duties conferred by this chapter, or other provisions of law, upon the Authority shall be exercised by the Board of the Virginia Coalfield Economic Development Authority, hereinafter referred to as the Board or the Board of the Authority. Board members shall serve for terms of four years except that all vacancies shall be filled for the unexpired term. All terms shall commence July 1 of the year of appointment. Initial appointments shall begin July 1, 1988. The Board shall consist of sixteen members, residents of the Commonwealth, as follows:

Three initial members shall be the sitting chairmen of the county boards of supervisors of the three counties which are the three largest contributors to the gas road improvement fund for the fiscal year immediately preceding July 1, 1988, as reported by the treasurers of the affected counties and city. Every four years thereafter, the three members shall be supervisors from the county boards of supervisors of the three counties which are the three largest contributors to the Virginia Coalfield Economic Development Fund for the fiscal year immediately preceding July 1 of the year in which new terms of members are to begin. Such supervisors shall be selected by their respective county boards of supervisors.

Five members shall be appointed by the Governor at large; however, if there is any participating county or city in which there resides no member of the Board appointed by the other methods herein specified, the Governor shall include at least one member who is a resident of each such county or city among his appointees. For the first four-year terms these five members shall be selected to the extent possible from former members of the Southwest Virginia Economic Development Commission who reside in Planning District 1 or 2.

One member shall be a representative of the Virginia Economic Development Partnership, as designated by the Chief Executive Officer of the Partnership.

One member shall be a representative named by the Virginia Coal Association and Energy Alliance.

Two members shall be the Executive Directors of the LENOWISCO and Cumberland Plateau Planning District Commissions.

Three initial members shall be representatives named by the three largest coal producers determined by the dollar value of their contribution to the respective county gas road improvement funds for the fiscal year immediately preceding July 1, 1988, as reported by the treasurers of the affected counties and city. Every four years thereafter, the three members shall be representatives named by the three largest coal producers determined by the dollar value of their contributions to the Virginia Coalfield Economic Development Fund for the fiscal year immediately preceding July 1 of the year in which new terms of members are to begin.

One member shall be a representative named by the largest oil and gas producer determined by the dollar value of its contributions to the Virginia Coalfield Economic Development Fund for the fiscal year immediately preceding July 1 of the year in which new terms of members are to begin.

Should a member who is a member solely by virtue of his office as member of a board of supervisors or executive director of a planning district commission cease to hold such office, then an immediate vacancy shall occur, and the vacancy shall be filled for the remainder of the term by his successor selected by the board of supervisors of his county or as executive director.

Each member of the Board shall, before entering upon the discharge of the duties of this office, take and subscribe the oath prescribed in § 49-1. They shall receive their expenses spent on business of the Authority.

Ten members of the Authority shall constitute a quorum and the affirmative vote of a majority of the quorum present shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

The Board shall elect from its membership a chairman, a vice-chairman, a treasurer and a secretary for each calendar year. The secretary shall keep the minutes of the Board and affix the seal of the

60 Authority.

61 The Board may also appoint an executive director, an assistant treasurer and an assistant secretary,
62 and staff to assist same, who shall discharge such functions as may be directed by the Board.

63 Staff functions of the Authority may be undertaken by the LENOWISCO and Cumberland Plateau
64 Planning District Commissions, as agreed by the Board and participating Commissions.

65 The Board, promptly following the close of the calendar year, shall submit an annual report of the
66 Authority's activities for the preceding year to the Governor, the General Assembly, the boards of
67 supervisors of the seven coalfield counties and the Norton City Council. Each such report shall set forth
68 a complete operating and financial statement covering the operation of the Authority during such year.
69 The Authority shall cause an audit of its books and accounts to be made at least once each year by a
70 certified public accountant and the cost thereof may be treated as part of the expense of operation.

71 **§ 45.1-161.98. Virginia Coal Mine Safety Board continued; membership; appointments;**
72 **expenses.**

73 A. The Virginia Mine Safety Board is continued as the Virginia Coal Mine Safety Board. The Board
74 shall be composed of nine members appointed by the Governor, subject to the confirmation of the
75 General Assembly, as follows: three shall be appointed from a list of individuals nominated by the
76 Virginia Coal ~~Association~~ and *Energy Alliance*, three shall be appointed from a list of individuals
77 nominated by the United Mine Workers of America, and three shall be appointed from the
78 Commonwealth at large. All members of the Board shall serve at the pleasure of the Governor and shall
79 be residents of the Commonwealth.

80 B. The members of the Board shall elect its chairman. Members shall serve for terms of four years
81 and their successors shall be appointed for terms of the same length, but vacancies occurring other than
82 by expiration of a term shall be filled for the unexpired term. Any member may be reappointed for
83 successive terms. Members shall receive no compensation for their services but shall receive
84 reimbursement for actual expenses.