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SENATE BILL NO. 1415

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 18, 2017)

(Patron Prior to Substitute—Senator Spruill)

A BILL to amend and reenact § 62.1-129 of the Code of Virginia, as it is currently effective and as it shall become effective, relating to Virginia Port Authority; Board of Commissioners; membership.

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-129 of the Code of Virginia, as it is currently effective and as it shall become effective, is amended and reenacted as follows:

§ 62.1-129. (Effective until April 1, 2017) Board of Commissioners; members and officers; Executive Director; agents and employees.

A. All powers, rights and duties conferred by this chapter, or other provisions of law, upon the Authority shall be exercised by the Board of Commissioners of the Virginia Port Authority, hereinafter referred to as Board or Board of Commissioners. The Board shall consist of the State Treasurer, the Chief Executive Officer of the Virginia Economic Development Partnership, and 11 members appointed by the Governor, subject to confirmation by the General Assembly, who shall serve at the pleasure of the Governor. The terms of members of the Board of Commissioners appointed or reappointed by the Governor on or after January 1, 1981, shall be for five years. Any appointment to fill a vacancy shall be for the unexpired term. Members of the Board shall receive their expenses and shall be compensated at the rate provided in § 2.2-2813 for each day spent on business of the Board. No member appointed by the Governor shall be eligible to serve more than two successive terms. A person appointed to fill a vacancy may be appointed to serve two additional terms. Beginning with those members of the Board of Commissioners appointed or reappointed by the Governor on or after January 1, 1981: (i) appointments shall be made by the Governor in such a manner as to ensure the widest possible geographical representation of all parts of the Commonwealth, and (ii) no resident of the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, or Virginia Beach shall be eligible for appointment or reappointment to the Board of Commissioners if his appointment or reappointment would increase or maintain the number of members of the Board of Commissioners residing in such cities above the number of five. One of the members appointed or reappointed from the cities previously mentioned in this section shall be a resident of the City of Portsmouth or the City of Chesapeake, one of the members appointed or reappointed shall be a resident of the City of Norfolk or the City of Virginia Beach, one of the members appointed or reappointed shall be a resident of the City of Newport News or the City of Hampton, one of the members appointed or reappointed shall be a resident of Greater Hampton Roads, and one of the members appointed or reappointed shall be a resident of Greater Hampton Roads, but not a resident of any of the above-mentioned cities. Additionally, one member shall be appointed from the City of Richmond or the County of Chesterfield, Hanover, or Henrico to serve as a ~~nonvoting ex officio~~ member representing the Port of Richmond, and one member shall be appointed from the City of Winchester or the County of Clarke, Frederick, or Warren to serve as a ~~nonvoting ex officio~~ member representing the Virginia Inland Port. Of the members appointed by the Governor, all members shall have executive level experience and *may* represent one of the following industries: agriculture, distribution and warehousing, manufacturing, logistics and transportation, mining, marketing, legal, financial, or transportation infrastructure. In addition, the Governor shall appoint at least one member with maritime shipping experience from a list of at least three nominees provided by the Virginia Maritime Association, who shall not be a paid member of the Virginia Maritime Association or have any other conflict of interest with the Virginia Port Authority.

The Board shall elect from its membership a chairman and vice-chairman and may also elect from its membership, or appoint from its staff, a secretary and treasurer and prescribe their powers and duties.

The Board of Commissioners shall appoint the chief executive officer of the Authority, who shall not be a member of the Board, who shall be known as the Executive Director and who shall serve at the pleasure of the Board. The Executive Director's compensation from the Commonwealth shall be fixed by the Board in accordance with law. This compensation shall be established at a level which will enable the Authority to attract and retain a capable Executive Director.

The Board may also appoint from the staff an assistant secretary and an assistant treasurer, who shall, in addition to other duties, discharge such functions of the secretary and treasurer, respectively, as may be directed by the Board.

B. The Board may, at its discretion and from time to time, also form a Maritime Advisory Council, consisting of representatives from the maritime industry, to provide advice and counsel to the Board of Commissioners on all matters associated with the Authority with the exception of the annual budget and

60 personnel matters.

61 **§ 62.1-129. (Effective April 1, 2017) Board of Commissioners; members and officers; Executive**
62 **Director; agents and employees.**

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65 referred to as the Board or Board of Commissioners. The Board shall consist of the State Treasurer, the
66 Chief Executive Officer of the Virginia Economic Development Partnership, the Chief Executive Officer
67 of the Virginia International Trade Corporation, and 11 members appointed by the Governor, subject to
68 confirmation by the General Assembly, who shall serve at the pleasure of the Governor. The terms of
69 members of the Board of Commissioners appointed or reappointed by the Governor on or after January
70 1, 1981, shall be for five years. Any appointment to fill a vacancy shall be for the unexpired term.
71 Members of the Board shall receive their expenses and shall be compensated at the rate provided in
72 § 2.2-2813 for each day spent on business of the Board. No member appointed by the Governor shall be
73 eligible to serve more than two successive terms. A person appointed to fill a vacancy may be appointed
74 to serve two additional terms. Beginning with those members of the Board of Commissioners appointed
75 or reappointed by the Governor on or after January 1, 1981: (i) appointments shall be made by the
76 Governor in such a manner as to ensure the widest possible geographical representation of all parts of
77 the Commonwealth, and (ii) no resident of the Cities of Chesapeake, Hampton, Newport News, Norfolk,
78 Portsmouth, or Virginia Beach shall be eligible for appointment or reappointment to the Board of
79 Commissioners if his appointment or reappointment would increase or maintain the number of members
80 of the Board of Commissioners residing in such cities above the number of five. One of the members
81 appointed or reappointed from the cities previously mentioned in this section shall be a resident of the
82 City of Portsmouth or the City of Chesapeake, one of the members appointed or reappointed shall be a
83 resident of the City of Norfolk or the City of Virginia Beach, one of the members appointed or
84 reappointed shall be a resident of the City of Newport News or the City of Hampton, one of the
85 members appointed or reappointed shall be a resident of Greater Hampton Roads, and one of the
86 members appointed or reappointed shall be a resident of Greater Hampton Roads, but not a resident of
87 any of the above-mentioned cities. Additionally, one member shall be appointed from the City of
88 Richmond or the County of Chesterfield, Hanover, or Henrico to serve as a ~~nonvoting ex officio~~
89 member representing the Port of Richmond, and one member shall be appointed from the City of
90 Winchester or the County of Clarke, Frederick, or Warren to serve as a ~~nonvoting ex officio~~ member
91 representing the Virginia Inland Port. Of the members appointed by the Governor, all members shall
92 have executive level experience and *may* represent one of the following industries: agriculture,
93 distribution and warehousing, manufacturing, logistics and transportation, mining, marketing, legal,
94 financial, or transportation infrastructure. In addition, the Governor shall appoint at least one member
95 with maritime shipping experience from a list of at least three nominees provided by the Virginia
96 Maritime Association, who shall not be a paid member of the Virginia Maritime Association or have
97 any other conflict of interest with the Virginia Port Authority.

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102 pleasure of the Board. The Executive Director's compensation from the Commonwealth shall be fixed by
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104 the Authority to attract and retain a capable Executive Director.

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109 consisting of representatives from the maritime industry, to provide advice and counsel to the Board of
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