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SENATE BILL NO. 171

Offered January 10, 2018

Prefiled December 28, 2017

A BILL to amend and reenact § 2.2-2101 and to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 10, consisting of sections numbered 2.2-2537 through 2.2-2543, relating to Henrietta Lacks Commission; report; sunset.

Patrons—Stanley and Locke

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2101 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 10, consisting of sections numbered 2.2-2537 through 2.2-2543, as follows:

§ 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3126; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3121; to members of the Board of Directors of the New College Institute, who shall be appointed as provided for in § 23.1-3112; to members of the Advisory Board on Teacher Education and Licensure, who shall be appointed as provided for in § 22.1-305.2; to members of the Virginia Interagency Coordinating Council, who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23.1-3117; to members of the Board of Trustees of the Online Virginia Network Authority, who shall be appointed as provided in § 23.1-3136; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure and Resilient Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; ~~or~~ to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485; *or to members of the Henrietta Lacks Commission, who shall be appointed as provided in § 2.2-2538.*

Article 10.**Henrietta Lacks Commission.****§ 2.2-2537. Henrietta Lacks Commission; purpose.**

The Henrietta Lacks Commission (the Commission) is established as an advisory commission in the executive branch of state government. The purpose of the Commission is to sustain the legacy of the life-changing contribution of Henrietta Lacks to medical science by advancing cancer research and treatment through the creation of a biomedical research and data center.

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59 **§ 2.2-2538. Membership; terms; vacancies; chairman and vice-chairman.**

60 A. The Commission shall consist of nine members that include two legislative members, three
61 nonlegislative citizen members, and three ex officio members. Members shall be appointed as follows: (i)
62 one member of the House of Delegates to be appointed by the Speaker of the House of Delegates in
63 accordance with the principles of proportional representation contained in the Rules of the House of
64 Delegates; (ii) one member of the Senate to be appointed by the Senate Committee on Rules; and (iii)
65 one nonlegislative citizen member who is a member of the extended family of Henrietta Lacks, one
66 nonlegislative citizen member who is a member of the Board of Directors of the Henrietta Lacks Legacy
67 Group, and one nonlegislative citizen member who is a member of the Halifax County Industrial
68 Development Authority to be appointed by the Governor. The mayor of the Town of South Boston, the
69 chair of the Board of Supervisors of Halifax County, the Executive Director of the Southern Virginia
70 Higher Education Center, and the Executive Director of the Halifax County Industrial Development
71 Authority, or their designees, shall serve ex officio with voting privileges. Nonlegislative citizen members
72 of the Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by the
73 chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be
74 reimbursed for lodging and travel originating or ending within the Commonwealth of Virginia for the
75 purpose of attending meetings.

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

83 C. The Commission shall elect a chairman and vice-chairman from among its membership.

84 **§ 2.2-2539. Quorum; meetings; voting on recommendations.**

85 A majority of the members shall constitute a quorum. The meetings of the Commission shall be held
86 at the call of the chairman or whenever a majority of the members so request.

87 **§ 2.2-2540. Compensation; expenses.**

88 Legislative members of the Commission shall receive such compensation as provided in § 30-19.12,
89 and nonlegislative citizen members shall receive such compensation for the performance of their duties
90 as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses
91 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to
92 members of the General Assembly for attendance at official meetings of the Commission shall be paid
93 by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other
94 compensation and expenses shall be paid from existing appropriations to the Commission or, if
95 unfunded, shall be approved by the Joint Rules Committee.

96 **§ 2.2-2541. Powers and duties of the Commission.**

97 The Commission shall have the power and duty to:

98 1. Establish a public-private partnership to create the Henrietta Lacks Life Sciences Center as a
99 cancer research and treatment center located in Halifax County and designed to (i) transform and
100 accelerate cancer research and treatment through the use of biodata tools, (ii) provide tailored cancer
101 treatment medicine to an underserved portion of rural Southside Virginia, and (iii) incubate new biotech
102 businesses across the Southside Virginia region; and

103 2. Submit to the Governor and the General Assembly an annual report for publication as a report
104 document as provided in the procedures of the Division of Legislative Automated Systems for the
105 processing of legislative documents and reports. The chairman of the Commission shall submit to the
106 Governor and the General Assembly an annual executive summary of the interim activity and work of
107 the Commission no later than the first day of each regular session of the General Assembly. The
108 executive summary shall be submitted for publication as a report document as provided in the
109 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
110 and reports and shall be posted on the General Assembly's website.

111 **§ 2.2-2542. Staffing; cooperation of agencies of state and local governments.**

112 The Department of Health shall provide staff support to the Commission. Every department, division,
113 board, bureau, commission, authority, or political subdivision of the Commonwealth shall cooperate
114 with, and provide assistance to, the Commission, upon request.

115 **§ 2.2-2543. Sunset.**

116 This chapter shall expire on July 1, 2021.