

VIRGINIA CODE COMMISSION

Wednesday, October 22, 2025 - 10:00 a.m.

House Committee Room B - General Assembly Building

DRAFT

Meeting Minutes

Members Present: Marcus B. Simon, Katrina E. Callsen, Nicole S. Cheuk, Richard E. Gardiner, Michael P. Mullin, Christopher Nolen, Ryan T. McDougale, Charles S. Sharp, Malfourd W. Trumbo, Amigo R. Wade

Members Present (Virtually): Russet W. Perry

Members Absent: Steven Popp

Staff Present: Holly Trice, Erin Comerford, Meg Lamb, Keelin Cronin, Joanne Frye, Casey Nelson, Division of Legislative Services

Others Present: Justice Stephen McCullough, Supreme Court of Virginia; Brian Kennedy, Lexis

Call to Order: Delegate Simon, chair, called the meeting to order at 10:02 a.m. Ms. Holly Trice, Registrar of Regulations, reminded the public of how to send a public comment via email and called role.

A quorum of the commission was present.

Review and approval of May 19, 2025 minutes: Chair Simon explained that there had been feedback on the minutes, which had been updated. A motion was made to approve the minutes, properly seconded, and passed unanimously.

Report on Access to Justice Commission Terms: Chair Simon introduced the report from the Access to Justice Commission, which included all places in the Code of Virginia where certain legal terms were found. Ms. Trice introduced Justice Stephen McCullough of the Supreme Court of Virginia, who explained the origins of the Access to Justice Commission (AJC) and AJC's wish to replace, on forms used in general district court, terms that may be confusing to pro se litigants with their plain language substitutes.

Justice McCullough acknowledged that replacing the terms overnight may be disruptive, and expressed AJC's willingness to work with the Code Commission on a seamless transition. He delineated several options for approaching this work, including adding the plain language terms next to the original term, or using a delayed effective date. He reiterated the goal of equal access under the law.

Chair Simon expressed an inclination toward adding the plain language terms side by side in the Code and asked about the mechanics of this work. Justice McCullough suggested the use of commas or parentheses. Chair Simon asked whether the forms would eventually use only plain language terms. Justice McCullough explained that this is the eventual goal, and that the updates to the forms go beyond the terms themselves.

Chair Simon pointed out that another option would be not to wait, and Justice McCullough emphasized the desire to build consensus.

Senator Ryan McDougale pointed out that some of the terms included in the report would likely not be used by pro se litigants and expressed that there was not as much value in replacing these terms,

Virginia Code Commission Meeting Minutes

October 22, 2025

Page 2 of 5

such as *capias*. Justice McCullough agreed and explained that the Access to Justice Commission preferred to trim the list than add terms later in the process. He passed out a list of replacement terms that he had developed.

Chair Simon proposed the creation of a subcommittee to decide which terms should be included, which replacement terms to use, and which approach to take to amending the Code of Virginia. He explained that the recommendation would likely be approved for the 2027 session, rather than 2026.

Senator McDougle requested that Justice McCullough send a survey to district court judges. Justice McCullough agreed and added that the clerks should also be surveyed.

Director Amigo Wade reminded the commission that there is a general construction section in Chapter 2.1 of the Code of Virginia, which presented another option for adding plain language substitutes in a single place, rather than throughout the Code.

Justice McCullough thanked the commission, and Chair Simon called Mr. Brian Kennedy of Lexis to present.

2026 Code of Virginia Pricing – Brian Kennedy, LexisNexis:

Mr. Brian Kennedy presented LexisNexis' analysis of the Code of Virginia and recommended that Volumes 1, 4, and 5 be replaced this year. Volumes 1 and 4 would each be replaced in two parts. Mr. Kennedy then requested a 5% price increase based on a 12% increase in the cost of production.

Chair Simon asked Mr. Kennedy to clarify how Volume 1 would be split since the volume already has a 1a and 1b. Mr. Kennedy explained that there would be a Part 1 and Part 2, then 1a.

A motion to approve the 5% increase in payment was made and seconded. Mr. Christopher Nolan abstained. The motion was approved by roll call vote.

Motion to Approve 5% increase to LexisNexis	Yea	Nay	Abstain	Absent
Katrina Callsen	1			
Nicole Cheuk	1			
Richard Gardiner	1			
Ryan McDougle	1			
Michael Mullin	1			
Christopher R. Nolen			1	
Russet Perry	1			
Steven Pops				1
Charles S. Sharp	1			
Marcus Simon	1			
Malfourd W. Trumbo	1			

Amigo R. Wade	1			
Total	10		1	1

Chair Simon invited Ms. Meg Lamb to present on the recodification of Title 30.

Recodification of Title 30 – Meg Lamb, Joanne Frye, Casey Nelson, Keelin Cronin, DLS:

Ms. Lamb began by giving context on Title 30, which deals with the General Assembly and currently has 56 active chapters. With assistance from JLARC, DLAS, clerks, and others in the legislative offices, the group proposed a three-part recodification. Subtitle I would focus on the General Assembly and include the Conflicts of Interest Act; Subtitle II focuses on the legislative branch as a whole, including clerks, DLAS, DLS, JLARC, Capitol Police, and auditors; and Subtitle III focuses on the legislative entities and commissions.

Ms. Joanne Frye walked the commission through Subtitle I of the recodification, which only included technical edits. She then turned to Subtitle II, Chapters 3 through 10. Changes to current text included combining the duties of the clerks and operation of the General Assembly in a general section. One substantive change included requiring the Keeper of the Rolls to notify DLS at the end of session of any unmistakeable errors that were fixed.

Chair Simon asked Ms. Frye to clarify the difference between the Code Commission and the Keeper of the Rolls in relation to fixing unmistakeable errors. Ms. Frye clarified that they have the same authority and the same legal standard.

Next, Ms. Casey Nelson presented and reviewed the remainder of Subtitle II, which included substantive changes to the Auditor of Public Accounts section to reflect modern accounting practices. The new language would include annual audits rather than biannual and using online databases instead of paper. Ms. Nelson reviewed changes to provisions regarding DLAS and DLS to reflect how the agencies currently operate in practice. Regarding JLARC, the changes included budget language proposed for codification relating to the oversight of VITA and development incentives.

Chair Simon asked if there were any questions, and there were none.

Ms. Keelin Cronin presented on Subtitle III, which encompasses legislative entities. She discussed the categorization of these entities and explained that the source of the language throughout Subtitle III included current Code of Virginia language, budget language, and suggested language from the Joint Rules Committee.

Ms. Cronin walked the commission through the general Chapter 11 that applies to all entities unless otherwise specified. Chair Simon clarified that the term "citizens of the Commonwealth" means "residents of the Commonwealth." Senator McDougle noted a deadline change from June 30 to "first day of session" regarding reports of findings. He was concerned that this did not give the General Assembly time to act on these findings. Ms. Lamb clarified that December 1 would be an acceptable alternative, as well.

After some discussion, a motion was made and properly seconded to change this deadline to December 1. The motion passed.

Ms. Cronin pointed out more budget language regarding appointments that the group recommended codifying. Mr. Nolen asked about a deletion of policy language on pages 126-130 of the prepared

Virginia Code Commission Meeting Minutes

October 22, 2025

Page 4 of 5

document. Ms. Cronin explained that the statement did not have any legal holding, and that the Code Commission generally removes language that does not have any permanent legal application.

Mr. Nolen encouraged the group to read through the language.

Chair Simon took a motion to unstrike the language. The motion was properly seconded and passed.

Senator McDougle raised concerns about codifying budget language that states that noncitizen members serve at the pleasure of the appointing authority. After some discussion, Chair Simon heard concerns but no consensus and directed Ms. Cronin to continue.

Ms. Cronin turned to the codification of language regarding funding for agencies and a pathway to eliminate entities that do not receive funding. Senator McDougle clarified that this would mean that an entity did not need to receive initial funding to be created. Director Wade explained that this has happened more frequently in the past 5-7 years and that this tact would be a way to clean up unfunded entities. Senator McDougle objected to the idea that an entity may slip through and get a mulligan in the next year. His concern was over spending money that had not been appropriated. After some discussion, Chair Simon heard a motion to change the language to say that an entity may exist unfunded for the first year, but would expire if it remained unfunded in the second year.

Judge Trumbo clarified that by adopting the language, the group was alleviating conflict with internal clerks offices. This was confirmed, and Judge Trumbo seconded the motion.

The motion passed by roll call vote.

Motion to amend Title 30, Subtitle III language regarding entities existing unfunded for first year	Yea	Nay	Abstain	Absent
Katrina Callsen		1		
Nicole Cheuk	1			
Richard Gardiner	1			
Ryan McDougle	1			
Michael Mullin		1		
Christopher R. Nolen	1			
Russet Perry	1			
Steven Popp				1
Charles S. Sharp	1			
Marcus Simon		1		
Malfourd W. Trumbo	1			
Amigo R. Wade	1			

Virginia Code Commission Meeting Minutes

October 22, 2025

Page 5 of 5

Total	8	3	0	1
-------	---	---	---	---

Ms. Cronin continued to explain the organization of chapters specific to legislative entities. First, Chapter 12 covered standing legislative entities, and was arranged chronologically rather than alphabetically to allow for additions. Chapter 13 contained special advisory legislative entities, including the Small Business Commission. Senator McDougle and Chair Simon asked Ms. Cronin to clarify that neither the membership nor the specific requirements for nonlegislative citizen members had been changed. Ms. Cronin confirmed this and continued.

Chapter 14 covered oversight legislative entities, including the Commission on Unemployment Compensation. Ms. Cronin reviewed similar technical changes to the previous chapters. She then reviewed Chapter 15 on commemorative, education, and memorial entities and Chapter 16 on legislative study entities. Chair Simon requested a minor change in naming convention for consistency, which was accepted by the group. Chair Simon asked if this recodification would appear as a single bill and Ms. Lamb clarified that it would be one bill and appear as all new language.

Chair Simon asked for a motion to adopt the recodification as amended in the meeting. The motion was made and seconded. The motion passed unanimously.

Status update, House Bill 2660 Work Group:

Ms. Trice reminded the group of the scope of the workgroup, looking at Title 15.2 for organization and to clarify processes. She reported that the group met September 25, 2025, but did not reach consensus on certain areas. A subworkgroup met with the Virginia Department of Transportation and a draft was presented October 16, 2025. Another meeting was scheduled for October 30, 2025.

Chair Simon recommended a virtual Code Commission meeting for November 17, 2025, to take up the work that the workgroup has come up with.

Other Business:

No other business was brought to the commission.

Public comment: Chair Simon asked if there were any members of the public who wished to offer comment. No one present at the meeting wished to comment, and no one had commented virtually via the email address provided for comment.

Adjourn: A motion was made for adjournment, seconded, and passed unanimously.

Chair Simon adjourned the meeting at 11:28 a.m.

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend the Code of Virginia by adding a title numbered 30.1, containing a subtitle numbered
2 I, consisting of chapters numbered 1 and 2, containing sections numbered 30.1-100 through 30.1-
3 237, a subtitle numbered II, consisting of chapters numbered 3 through 10, containing sections
4 numbered 30.1-300 through 30.1-1012, and a subtitle numbered III, consisting of chapters
5 numbered 11 through 16, containing sections numbered 30.1-1100 through 30.1-1613.

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

7 **1. That the Code of Virginia is amended by adding a title numbered 30.1, containing a subtitle**
8 **numbered I, consisting of chapters numbered 1 and 2, containing sections numbered 30.1-100**
9 **through 30.1-237, a subtitle numbered II, consisting of chapters numbered 3 through 10, containing**
10 **sections numbered 30.1-300 through 30.1-1012, and a subtitle numbered III, consisting of chapters**
11 **numbered 11 through 16, containing sections numbered 30.1-1100 through 30.1-1613:**

12 **TITLE 30.1: GENERAL ASSEMBLY**

13 **TITLE 30.1.**

14 **GENERAL ASSEMBLY.**

15 **SUBTITLE I.**

16 **THE GENERAL ASSEMBLY AND MEMBERS THEREOF.**

17 **CHAPTER 1.**

18 **MEMBERS OF THE GENERAL ASSEMBLY.**

19 **Article 1.**

20 **Privileges and Duties of Members.**

21 **§ 30.1-100. Time and place of meeting of General Assembly; special sessions.**

22 **A. The General Assembly shall meet in regular session on the second Wednesday in January of**
23 **each year. It shall sit at the Capitol in the City of Richmond but may adjourn to any other place.**

24 **The General Assembly may, by joint resolution, direct the holding of such session in the restored**
25 **Capitol at Williamsburg, Virginia, as may seem proper.**

B. In the event the General Assembly cannot safely meet at the Capitol or at the place to which it has adjourned because of a public enemy, a dangerous contagious disease, or any other cause, each house may meet at such other place as each house so determines.

C. The Governor shall promptly convene a special session upon the application of two-thirds of the members elected to each house at such time and place as designated by the application or, if the time and place are not designated, at such convenient and reasonable time and place as the Governor appoints.

§ 30.1-101. Privilege of members from arrest; exception for criminal offenses.

During any session of the General Assembly, and for five days before and after the session, members of the General Assembly shall be privileged from being taken into custody or imprisoned and no member of the General Assembly shall be compelled as a witness in any case.

However, any member of the General Assembly who is alleged to have committed a criminal offense shall be subject at any time to be charged, arrested, prosecuted, and imprisoned for such offense.

§ 30.1-102. Privilege of members for words spoken or written.

No member or former member of the General Assembly shall be arrested or imprisoned for or on account of any words spoken or written or any proceedings had in either house, but nothing shall restrict the power that each house of the General Assembly has over its respective members.

§ 30.1-103. Writs of habeas corpus.

Any court awarding a writ of habeas corpus in which a member of the General Assembly is named shall have power to compel obedience to such writ.

§ 30.1-104. Civil proceedings for or against members during session.

A. During any session of the General Assembly, any civil action in which a member of the General Assembly is a party may be commenced but shall not be tried without such member's consent.

B. During the period beginning 15 days prior to the commencement of any session and ending 15 days after the adjournment of such session, no member of the General Assembly shall be compelled in any civil action to appear or file a responsive pleading, nor shall any such person be held in contempt.

§ 30.1-105. Continuance or time for filing pleading, etc., where party or attorney is member of the General Assembly.

53 A. During the period beginning 30 days prior to the commencement of any session and ending 30
54 days after the adjournment of such session, any party to an action or proceeding in any court of the
55 Commonwealth, including any commission or other tribunal having judicial or quasi-judicial powers or
56 jurisdiction, who is a member or member-elect of the General Assembly or who has, prior to or during the
57 session of the General Assembly, employed or retained an attorney who is or becomes a member or
58 member-elect of the General Assembly to represent him in such action or proceeding shall be entitled to
59 a continuance as a matter of right.

60 B. During the period beginning one day prior to the meeting date of any reconvened session or of
61 any legislative commission, council, committee, subcommittee, or other entity established by the General
62 Assembly that such member or member-elect of the General Assembly is scheduled to attend and ending
63 one day after the adjournment of such meeting, the court shall grant a continuance upon a motion of any
64 such member or member-elect, provided that such motion is made in writing and filed with the court at
65 least three days prior to the date of the scheduled proceeding. The requesting party, when practicable, shall
66 strive to notify all other parties to the proceeding of such request.

67 C. Any pleading required to be filed by any statute or rule during the period beginning 30 days
68 prior to the commencement of any session and ending 30 days after the adjournment of such session shall
69 be extended until not less than 30 days after any such session.

70 D. The failure of any court, commission, or other tribunal to comply with the provisions of this
71 section shall constitute reversible error, provided that this section shall not prevent the granting of
72 temporary injunctive relief or the dissolution or extension of a temporary injunction.

73 **§ 30.1-106. Inspection of state facilities or orientation sessions for members of the**
74 **forthcoming General Assembly.**

75 A. The Governor may arrange for an inspection of the grounds, buildings, or other physical
76 facilities of state agencies and state-supported institutions in each year preceding the regular session of
77 the General Assembly for the members of the forthcoming General Assembly. Such inspections shall be
78 provided at state expense for each member of the forthcoming General Assembly.

79 B. Transportation, meals, lodging, and other necessary accommodations for an inspection pursuant
80 to subsection A shall be provided from funds appropriated to the General Assembly. Travel shall be
81 arranged by motor bus or other convenient method of transportation from some central point to the several
82 state agencies and state-supported institutions for such inspection. The Governor shall notify the members
83 of the forthcoming General Assembly of the place and time of origin from which such travel shall begin
84 and when it is expected to end and shall make necessary accommodations for the members desiring to
85 make such inspection.

86 C. The members making an inspection pursuant to subsection A shall be allowed their reasonable
87 expenses in going to and from their homes to the point of origin of travel. Compensation shall be paid as
88 provided in §§ 30.1-109 and 30.1-110.

89 D. Nothing in this section shall be construed to restrict the right of any member of the General
90 Assembly to visit at his expense any state agency or state-supported institution at any time.

91 E. The Governor may arrange for orientation sessions on the organization, programs, operations,
92 and procedures of the executive branch of state government in lieu of inspections of state facilities in each
93 year preceding the regular session of the General Assembly for members of the forthcoming General
94 Assembly.

95 **§ 30.1-107. Sexual harassment training required biennially.**

96 A. As used in this section:

97 "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other
98 verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an
99 individual's employment, unreasonably interferes with an individual's work performance, or creates an
100 intimidating, hostile, or offensive work environment.

101 "Sexual harassment training course" means the sexual harassment training courses developed and
102 provided by either the Clerk of the House of Delegates or the Clerk of the Senate pursuant to § 30.1-305.

103 B. All members of the General Assembly shall complete a sexual harassment training course once
104 every two calendar years. Members elected to the House of Delegates shall complete the sexual

harassment training course provided by the Clerk of the House of Delegates. Members elected to the Senate shall complete the sexual harassment training course provided by the Clerk of the Senate.

C. All members and members-elect of the General Assembly shall complete the sexual harassment training course within 90 days of their election to either house of the General Assembly, except that no member or member-elect shall be required to complete such training course more than once in a 12-month period. A member or member-elect who is elected to either house of the General Assembly having successfully completed the sexual harassment training course in the immediately preceding 12 months shall complete such course again within one calendar year of their election and thereafter once every two calendar years.

Article 2.

Salaries and Expenses of Members.

§ 30.1-108. Salaries and expenses of members of the General Assembly.

A. Each member of the General Assembly shall receive an annual salary as set forth in the general appropriation act. Such salaries shall be payable not more often than biweekly.

B. During any regular or special session of the General Assembly or extension of such session, each member of the General Assembly shall receive for each day as allowances for expenses such sum as set forth in the general appropriation act and mileage allowance at the rate provided in § 2.2-2823 or actual expenses for all official travel. Such mileage or travel reimbursement shall be allowed for only one round trip each week between the City of Richmond and such member's home.

C. Each member of the General Assembly shall receive as an allowance for office expenses and supplies such sum as set forth in the general appropriation act.

Notwithstanding any other provision of law, all such payments to members of the General Assembly shall be subject to such taxes and tax withholding as applicable to other nonvouchered allowances, except for any member of the General Assembly who has established an individual "accountable plan" as defined in § 1.62-2(c)(2) of the Internal Revenue Code.

§ 30.1-109. Compensation of members for certain legislative services.

A. For purposes of this section:

"Active session" means (i) any day during any regular session of the General Assembly or the first extension of such session, (ii) any day that a roll call vote is taken in the member's house during any second or subsequent extension of a regular session that is not a pro forma session, or (iii) any day that a roll call vote is taken in the member's house during any special session of the General Assembly that is not a pro forma session.

"Capitol Square" means the grounds and all buildings in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets.

"Legislative entity" means any board, commission, council, advisory body, committee, or subcommittee created by the General Assembly within the legislative branch.

"Pro forma session" means a session that is announced as a pro forma session by the presiding officer and in which no business is scheduled to be conducted.

B. Except as provided in subsections C through F, members of all legislative entities established by the General Assembly and all committees and subcommittees of any legislative entity shall receive compensation as provided for in § 2.2-2813. Any other member of the General Assembly whose attendance is required by the chair of such legislative entity at a sitting of such entity is also entitled to compensation at the same rate.

C. No legislative member is entitled to compensation pursuant to this section for (i) any services performed on any day that the member's house is in active session or (ii) legislative services performed on Capitol Square on any day that the member's house has a pro forma session.

D. Full-time employees of the Commonwealth or of any of its political subdivisions are not entitled to compensation pursuant to this section.

E. No person shall receive a total of more than one day's compensation pursuant to this section for services performed on any one day. Whenever a member attends two or more meetings for which compensation is authorized in a single day, such one day's compensation shall be prorated from among the activities served.

F. Compensation of members of the General Assembly provided for in this section shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate as appropriate and such funds transferred from the appropriate activity.

§ 30.1-110. Travel reimbursement for members on official business of the Commonwealth.

A. The members, officers, and employees of the General Assembly and members of legislative committees that may sit during any recess of the General Assembly who are traveling on official business of the Commonwealth shall be entitled to receive for their mileage such reimbursement as prescribed in § 2.2-2823 for every mile of actual travel.

B. For the purpose of this article, Chapter 1 (§ 2.2-100 et seq.) of Title 2.2, and §§ 2.2-2813 and 2.2-2814 only, the distance of the City of Richmond from any place in any locality other than the courthouse of such locality shall be ascertained by adding to or deducting from the number of miles between the City of Richmond and such courthouse, as declared by law, the number of miles as such place may be farther from or nearer to the City of Richmond than such courthouse may be.

§ 30.1-111. Secretaries and administrative assistants for members.

The General Assembly shall provide for the employment of secretaries and administrative assistants for the Speaker of the House of Delegates, the President pro tempore of the Senate, the Majority and Minority Floor Leaders of the House of Delegates and Senate, and members of the General Assembly to aid in the performance of duties incidental to the legislative process. Allowances for such secretaries and assistants shall be provided as set forth in the general appropriation act. Such allowances shall not be utilized for political purposes and shall be further conditioned upon such limitations and restrictions as set forth in the general appropriation act. The session day per diem for each administrative assistant shall equal the amount authorized for members of the General Assembly as set forth in the general appropriation act.

No member of the immediate family of a member of the General Assembly shall be eligible to receive any sum authorized under the provisions of this section. For the purpose of this section, the spouse, parent, child, or sibling of the member shall be considered a member of the immediate family.

Article 3.

Legislator Compensation Commission.

§ 30.1-112. Legislator Compensation Commission; purpose.

The Legislator Compensation Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to review the salaries, expense allowances, retirement benefits, and other emoluments received by members of the General Assembly and make recommendations for any adjustments to such salaries or allowance amounts.

§ 30.1-113. Membership; terms.

A. The Commission shall have a total membership of nine members. Members shall be appointed as follows:

1. Two former members of the House of Delegates, with equal representation given to each of the political parties having the highest and next highest number of members in the House of Delegates, to be appointed by the Joint Rules Committee;

2. Two former members of the Senate, with equal representation given to each of the political parties having the highest and next highest number of members in the Senate, to be appointed by the Joint Rules Committee; and

3. Five nonlegislative citizen members, of whom one shall be appointed by the Governor, one shall be appointed by the Speaker of the House of Delegates, one shall be appointed by the House Minority Leader, one shall be appointed by the Senate Majority Leader, and one shall be appointed by the Senate Minority Leader.

B. Appointments of Commission members shall be made no later than July 1 of the year in which a gubernatorial election is scheduled. Members shall serve until the submission of the report required pursuant to subsection B of § 30.1-116 and may be reappointed to any subsequent convening of the Commission. Vacancies shall be filled in the same manner as the original appointments.

§ 30.1-114. Compensation; expenses.

Commission members shall serve without compensation but shall be reimbursed as provided in §§ 2.2-2813 and 2.2-2825 for reasonable and necessary expenses that are incurred in the performance of their duties pursuant to this article.

§ 30.1-115. Chair and vice-chair; quorum; meetings.

The Commission shall elect a chair and vice-chair from among its membership. A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chair or whenever the majority of the members so request.

§ 30.1-116. Powers and duties of the Commission.

A. The Commission shall convene every four years in the year in which a gubernatorial election is scheduled to accomplish the purpose of this article. The Commission shall have the following powers and duties:

1. Review the current salaries, expense allowances, retirement benefits, and any other emoluments for members of the General Assembly;

2. Examine the Commonwealth's history of legislative compensation;

3. Gather information regarding the compensation, expenses, and benefits for legislative service in other states;

4. Assess various state methodologies for determining reasonable legislative compensation, including tying salaries to certain indexes or economic indicators; and

5. Seek assistance and input of legislators and other citizens by conducting surveys or holding public hearings as may be appropriate.

B. The Commission shall determine whether any adjustments to the salaries, expense allowances, retirement benefits, or other emoluments are indicated and shall submit its findings and recommendations in a report to the Governor and the General Assembly on or before October 1 of the year following a gubernatorial election.

C. Any adjustments made to the salaries, expense allowances, or other emoluments or benefits that are recommended by the Commission and included in a budget bill that is subsequently adopted by the General Assembly shall not be effective until January 1 of the year immediately following the general election for all members of the General Assembly.

§ 30.1-117. Staffing; cooperation and assistance.

The Office of the Clerk of the House of Delegates and the Office of the Clerk of the Senate shall jointly provide administrative staff support to the Commission. The staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall provide additional assistance. All agencies of the Commonwealth shall provide assistance to the Commission upon request.

CHAPTER 2.

GENERAL ASSEMBLY CONFLICT OF INTERESTS ACT.

Article 1.

General Provisions.

§30.1-200. Policy; application; construction.

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers, finds and declares that the citizens are entitled to be assured that the judgment of the members of the General Assembly will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests.

The provisions of this chapter do not preclude prosecution for any violation of any criminal law of the Commonwealth, including Articles 2 (§ 18.2-438 et seq.) and 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2, and do not constitute a defense to any prosecution for such a violation.

This chapter shall apply to the members of the General Assembly.

This chapter shall be liberally construed to accomplish its purpose.

§ 30.1-201. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee, or post that does not exercise any sovereign power or duty but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Business" means a corporation, a partnership, a sole proprietorship, a firm, an enterprise, a franchise, an association, a trust, or a foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for election to the General Assembly in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. A candidate shall become subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections shall notify each such candidate of the provisions of this chapter.

"Contract" means any agreement to which a governmental agency is a party or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth or some political subdivision of the Commonwealth. "Contract" includes a subcontract only when the contract of which it is a part is with the legislator's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30.1-1254.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisers Act of 1940, 15 U.S.C. § 80b-1 et seq., or the federal Investment Company Act of 1940, 15 U.S.C. § 80a-1 et seq.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. "Gift" includes services as well as gifts of transportation, lodgings, and meals, whether provided in-kind, by purchase of a ticket, by payment in advance, or by reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, a coupon, or any other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.); (v) any gift related to the private profession or occupation or volunteer service of a legislator or of a member of his immediate family; (vi) food or beverages consumed while attending an

event at which the legislator is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the legislator is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House Committee on Rules or its Chair or the Senate Committee on Rules or its Chair; (xiii) travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; (xiv) gifts with a value of less than \$20; (xv) attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; or (xvi) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, parent's sibling, sibling's child, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, sibling, stepparent, step-grandparent, step-grandchild, or stepsibling; or the donee's sibling's spouse or the donee's child-in-law. For the purpose of this definition, "personal friend" does not include any person that the legislator knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (b) a lobbyist's principal as defined in § 2.2-419.

"Governmental agency" means each component part of the legislative, executive, or judicial branch of state and local government, including each office, department, authority, post, commission, committee, and institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

318 "Immediate family" means (i) a spouse and (ii) any other person who resides in the same household
319 as the legislator and who is a dependent of the legislator.

320 "Legislator" means a member of the General Assembly.

321 "Personal interest" means a financial benefit or liability accruing to a legislator or to a member of
322 his immediate family. A "personal interest" exists by reason of (i) ownership in a business if the ownership
323 interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may
324 reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;
325 (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination
326 thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be
327 anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds
328 \$5,000 in value and excluding ownership in a business, income, salary, other compensation, fringe
329 benefits, or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a
330 business if the liability exceeds three percent of the asset value of the business; or (vi) an option for
331 ownership of a business or real or personal property if the ownership interest will consist of clause (i) or
332 (iv).

333 "Personal interest in a contract" means a personal interest that a legislator has in a contract with a
334 governmental agency, whether due to his being a party to the contract or due to a personal interest in a
335 business that is a party to the contract.

336 "Personal interest in a transaction" means a personal interest of a legislator in any matter
337 considered by the General Assembly. A "personal interest in a transaction" exists when a legislator or a
338 member of his immediate family has a personal interest in property or a business, or represents or provides
339 services to any individual or business, and such property, business, or represented or served individual or
340 business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect
341 benefit or detriment as a result of the action of the agency considering the transaction. A "personal interest
342 in a transaction" exists only if the legislator or member of his immediate family or an individual or business
343 represented or served by the legislator is affected in a way that is substantially different from the general
344 public or from persons comprising a profession, occupation, trade, business, or other comparable and

generally recognizable class or group of which he or the individual or business he represents or serves is a member.

"Transaction" means any matter considered by the General Assembly, whether in a committee, subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which official action is taken or contemplated.

Article 2.

Generally Prohibited and Unlawful Conduct.

§ 30.1-202. Application.

This article applies to generally prohibited conduct that is unlawful and to legislators.

§ 30.1-203. Prohibited conduct.

No legislator shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses, or other remuneration paid to him by the General Assembly. This prohibition shall not apply to the acceptance of special benefits that may be authorized by law;

2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;

3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;

4. Use for his own economic benefit or that of another party confidential information that he has acquired by reason of his public position and that is not available to the public;

5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This prohibition shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.);

370 6. Accept any business or professional opportunity when he knows that there is a reasonable
371 likelihood that the opportunity is being afforded him to influence him in the performance of his official
372 duties;

373 7. During the one-year period after the termination of his service as a legislator, represent a client
374 or act in a representative capacity on behalf of any person or group, for compensation, on any matter
375 before the General Assembly or any agency of the legislative branch of government. This prohibition shall
376 apply only to persons engaged in activities that would require registration as a lobbyist under § 2.2-422.
377 Any person subject to the provisions of this subdivision may apply to the Council, as provided in § 30.1-
378 1256, or the Attorney General, as provided in § 30.1-227, for an advisory opinion as to the application of
379 this prohibition on any post-public employment position or opportunity;

380 8. Accept any honoraria for any appearance, speech, or article in which the legislator provides
381 expertise or opinions related to the performance of his official duties. The term "honoraria" does not
382 include any payment for or reimbursement to such legislator for his actual travel, lodging, or subsistence
383 expenses incurred in connection with such appearance, speech, or article or, in the alternative, a payment
384 of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal
385 Revenue Code, as amended;

386 9. Accept appointment to serve on a body or board of any corporation, company, or other legal
387 entity that is vested with the management of the corporation, company, or legal entity, and on which two
388 other legislators already serve, that is operated for profit and regulated by the State Corporation
389 Commission as (i) a financial institution, (ii) a mortgage lender or broker, (iii) any business under the
390 Securities Act (§ 13.1-501 et seq.), (iv) any business under Title 38.2, or (v) any business under Title 56;

391 10. Accept a gift from a person who has interests that may be substantially affected by the
392 performance of the legislator's official duties under circumstances where the timing and nature of the gift
393 would cause a reasonable person to question the legislator's impartiality in the matter affecting the donor.
394 Violations of this subdivision shall not be subject to criminal law penalties; or

395 11. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his
396 public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties.

§ 30.1-204. Certain gifts prohibited.

A. For purposes of this section:

"Foreign country of concern" means the same as that term is defined in § 2.2-3103.1.

"Widely attended event" means an event that at least 25 persons have been invited to attend or for which there is a reasonable expectation that at least 25 persons will attend and that is open to individuals (i) who are members of a public, civic, charitable, or professional organization; (ii) who are from a particular industry or profession; or (iii) who represent persons interested in a particular issue.

B. No legislator or candidate for the General Assembly required to file the disclosure form prescribed in § 30.1-214 or a member of his immediate family shall solicit, accept, or receive any single gift for himself or a member of his immediate family with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (ii) a lobbyist's principal as defined in § 2.2-419. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

C. Notwithstanding the provisions of subsection B, a legislator or candidate for the General Assembly or a member of his immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure form prescribed in § 30.1-214.

D. Notwithstanding the provisions of subsection B, a legislator or a member of his immediate family may accept or receive a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged so long as such foreign dignitary is not a representative of a foreign country of concern. Such gift shall be accepted on behalf of the Commonwealth and archived in accordance with guidelines established by The Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth, but the value of such gift shall not be required to be disclosed.

E. Notwithstanding the provisions of subsection B, a legislator or candidate for the General Assembly or a member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed in subsection B if such gift was provided to the legislator or candidate or a member of his immediate family on the basis of a personal friendship. Notwithstanding any other provision of law, a person listed in subsection B may be a personal friend of the legislator or candidate or his immediate family member for purposes of this subsection. In determining whether a person listed in subsection B is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in § 2.2-3117 or 30.1-214.

F. Notwithstanding the provisions of subsection B, a legislator or candidate for the General Assembly or a member of his immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a person listed in subsection B when the legislator or candidate has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to § 30.1-1257. Such gifts shall be reported on the disclosure form prescribed in § 30.1-214.

G. The \$100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

§ 30.1-205. Return of gifts.

No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if (i) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or

451 delivered to a charitable organization within a reasonable period of time upon the discovery of the value
452 of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii)
453 consideration is given by the donee to the donor for the value of the gift within a reasonable period of time
454 upon the discovery of the value of the gift, provided that such consideration reduces the value of the gift
455 to an amount not in excess of \$100 as provided in subsection B of § 30.1-204.

456 Article 3.

457 Prohibited Conduct Relating to Contracts.

458 **§ 30.1-206. Application.**

459 This article proscribes certain conduct by legislators relating to contracts.

460 **§ 30.1-207. Prohibited contracts by legislators.**

461 A. No legislator shall have a personal interest in a contract with the legislative branch of state
462 government.

463 B. No legislator shall have a personal interest in a contract with any governmental agency of the
464 executive or judicial branches of state government, other than in a contract of regular employment, unless
465 such contract is awarded as a result of competitive sealed bidding or competitive negotiation as set forth
466 in § 2.2-4302.1 or 2.2-4302.2 or is exempted from competitive sealed bidding or competitive negotiation
467 pursuant to § 2.2-4344.

468 C. No legislator shall have a personal interest in a contract with any governmental agency of local
469 government, other than in a contract of regular employment, unless such contract is (i) awarded as a result
470 of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or is
471 awarded as a result of a procedure embodying competitive principles as authorized by subdivision A 10
472 or 11 of § 2.2-4343; (ii) exempted from competitive sealed bidding, competitive negotiation, or a
473 procedure embodying competitive principles pursuant to § 2.2-4344; or (iii) awarded after a finding, in
474 writing, by the administrative head of the local governmental agency that competitive bidding or
475 negotiation is contrary to the best interest of the public.

476 D. The provisions of this section shall not apply to contracts for the sale by a governmental agency
477 of services or goods at uniform prices available to the general public.

E. The provisions of this section shall not apply to a legislator's personal interest in a contract between a public institution of higher education in the Commonwealth and a publisher or wholesaler of textbooks or other educational materials for students that accrues to him solely because he has authored or otherwise created such textbooks or materials.

§ 30.1-208. Further exceptions.

A. The provisions of § 30.1-207 shall not apply to:

1. The sale, lease, or exchange of real property between a legislator and a governmental agency, provided that the legislator does not participate in any way as a legislator in such sale, lease, or exchange and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head of such agency. The legislator shall disclose any lease with a state governmental agency in his statement of economic interests as provided in § 30.1-214;

2. The publication of official notices;

3. A legislator whose sole personal interest in a contract with a governmental agency of the legislative branch is by reason of income from the contracting firm or General Assembly in excess of \$5,000 per year, provided that the legislator or member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the legislator either does not have authority to participate in the procurement or letting of such contract on behalf of such governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of such governmental agency in negotiating or approving such contract;

4. Contracts between a legislator's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the legislator has a personal interest, provided that he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;

5. Contracts for the purchase of goods or services when the contract does not exceed \$500; or

6. Grants or other payments under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency.

B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments to it shall apply to those employment contracts or renewals or to any other contracts entered into prior to August 1, 1987, that were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) of Title 2.1, or the former Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1, at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the provisions of subdivision (f)(4) of former § 2.1-348 of Chapter 22 of Title 2.1 in effect prior to July 1, 1983, the employment by the same governmental agency of a legislator and a member of his immediate family shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory or administrative position, or both, with respect to such member of his immediate family, and the annual salary of such subordinate is \$15,000 or more.

Article 4.

Prohibited Conduct Relating to Transactions.

§ 30.1-209. Application.

This article proscribes certain conduct by legislators having a personal interest in a transaction.

§ 30.1-210. Prohibited conduct concerning personal interest in a transaction.

A legislator who has a personal interest in a transaction shall disqualify himself from participating in the transaction.

Unless otherwise prohibited by the rules of his house, the disqualification requirement of this section shall not prevent any legislator from participating in discussions and debates, provided that (i) he verbally discloses the fact of his personal interest in the transaction at the outset of the discussion or debate or as soon as practicable thereafter and (ii) he does not vote on the transaction in which he has a personal interest.

Article 5.

Disclosure Statements Required to Be Filed.

§ 30.1-211. Application.

This article requires disclosure of certain personal and financial interests by legislators and legislators-elect.

§ 30.1-212. Disclosure.

A. In accordance with the requirements set forth in § 30.1-215, every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is required on the form prescribed by the Council pursuant to § 30.1-214 and thereafter shall file such a statement annually on or before February 1. Disclosure forms shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30.1-1256. All disclosure forms shall be maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after the filing deadline.

B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as required by §§ 24.2-500 through 24.2-503.

C. Any legislator who has a personal interest in any transaction pending before the General Assembly and who is disqualified from participating in that transaction pursuant to § 30.1-210 and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

§ 30.1-213. Report of gifts.

Every legislator shall file, on or before May 1, a report of gifts accepted or received by him or a member of his immediate family during the period beginning on January 1 complete through adjournment sine die of the regular session of the General Assembly. The gift report shall be on a form prescribed by the Council and shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30.1-1256. For purposes of this section, "adjournment sine die" means adjournment on the last legislative day of the regular session and does not include the ensuing reconvened session. Any gifts reported pursuant to this section shall not be listed on the annual disclosure form prescribed by the Council pursuant to § 30.1-214.

§ 30.1-214. Disclosure form; penalty.

556 A. The disclosure form to be used for filings required by subsections A and B of § 30.1-212 shall
557 be prescribed by the Council. All completed forms shall be filed electronically with the Council in
558 accordance with the standards approved by it pursuant to § 30.1-1256.

559 B. Any legislator who knowingly and intentionally makes a false statement of a material fact on
560 the General Assembly Statement of Economic Interests (the Statement) is guilty of a Class 5 felony and
561 shall be subject to disciplinary action for such violations by the house in which the legislator sits.

562 C. The Council shall review all Statements filed by legislators pursuant to subsection A. If a
563 legislator's Statement is found by the Council to be inadequate as filed, the legislator shall be notified in
564 writing and directed to file an amended Statement correcting the indicated deficiencies, and a time shall
565 be set within which such amendment shall be filed. If the Statement, in either its original or amended
566 form, is found to be adequate as filed, the legislator's filing shall be deemed in full compliance with this
567 section as to the information disclosed thereon.

568 D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in
569 writing request the house in which those members sit, in accordance with the rules of that house, to review
570 the Statement of another member of that house in order to determine the adequacy of his filing. In
571 accordance with the rules of each house, each Statement shall be promptly reviewed, the adequacy of the
572 filing determined, and notice given in writing to the legislator whose Statement is in issue. Should it be
573 determined that the Statement requires correction, augmentation, or revision, the legislator involved shall
574 be directed to make the changes required within such time as shall be set under the rules of each house.

575 If a legislator, after having been notified in writing in accordance with the rules of the house in
576 which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into
577 compliance within the time limit set, he shall be subject to disciplinary action by the house in which he
578 sits. No legislator shall vote on any question relating to his own Statement.

579 **§ 30.1-215. Disclosure form; filing requirements.**

580 A. A legislator or legislator-elect required to file an annual disclosure on or before February 1
581 pursuant to this article shall disclose his personal interests and other information as required on the form
582 prescribed by the Council for the preceding calendar year complete through December 31. A legislator or

legislator-elect required to file a disclosure as a condition to assuming office shall file such disclosure on or before the day such office is assumed and disclose his personal interests and other information as required on the form prescribed by the Council for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office is assumed; however, any legislator or legislator-elect who assumes office in January shall be required to only file an annual disclosure on or before February 1 for the preceding calendar year complete through December 31.

B. When the deadline for filing any disclosure pursuant to this article falls on a Saturday, Sunday, or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday, or legal holiday.

Article 6.

Penalties and Remedies.

§ 30.1-216. Senate and House Ethics Advisory Panels; membership; terms; quorum; compensation and expenses.

A. The Senate Ethics Advisory Panel and the House Ethics Advisory Panel are established in the legislative branch of state government. The provisions of §§ 30.1-216 through 30.1-224 shall be applicable to each panel.

B. The Senate Ethics Advisory Panel shall be composed of five members as follows: three former members of the Senate and two nonlegislative citizen members who have not previously held such office. All members of the Senate Ethics Advisory Panel shall be citizens of the Commonwealth. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 during his tenure on the Senate Ethics Advisory Panel.

The members shall be nominated by the Senate Committee on Rules and confirmed by the Senate by a majority vote of (i) the members present of the majority party and (ii) the members present of the minority party. After initial appointments, all appointments shall be for terms of four years each except for unexpired terms. Nominations shall be made so as to assure bipartisan representation on the Senate Ethics Advisory Panel.

C. The House Ethics Advisory Panel shall be composed of five members as follows: one retired justice or judge of a court of record, two former members of the House of Delegates, and two

610 nonlegislative citizen members, at least one of whom shall not have previously held such office. All
611 members of the House Ethics Advisory Panel shall be citizens of the Commonwealth. No member shall
612 engage in activities requiring him to register as a lobbyist under § 2.2-422 during his tenure on the House
613 Ethics Advisory Panel.

614 The members shall be nominated by the Speaker of the House of Delegates and confirmed by the
615 House of Delegates by a majority vote of (i) the members present of the majority party and (ii) the
616 members present of the minority party. After initial appointments, all appointments shall be for terms of
617 four years each except for unexpired terms. Nominations shall be made so as to assure bipartisan
618 representation on the House Ethics Advisory Panel.

619 D. Each panel shall elect its own chair and vice-chair from among its membership.

620 E. No member shall serve more than three successive four-year terms. Vacancies shall be filled
621 only for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.
622 The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in
623 determining the member's eligibility for reappointment.

624 F. Three members shall constitute a quorum on each panel. A vacancy shall not impair the right of
625 the remaining members to exercise all powers of each panel. Meetings of each panel shall be held at the
626 call of the chair or whenever the majority of the members so request.

627 G. The members of each panel, while conducting the business of each panel, are performing
628 legislative duties and shall be entitled to the compensation and reimbursement of expenses to which
629 legislators are entitled when performing legislative duties pursuant to §§ 2.2-2813, 2.2-2825, and 30.1-
630 109. The funding for the cost of compensation and expenses of the members of the Senate Ethics Advisory
631 Panel shall be provided by the Office of the Clerk of the Senate, and the funding for the cost of
632 compensation and expenses of the House Ethics Advisory Panel shall be provided by the Office of the
633 Clerk of the House of Delegates.

634 **§ 30.1-217. Powers and duties of Senate and House Ethics Advisory Panels.**

635 The powers and duties of the Senate Ethics Advisory Panel and the House Ethics Advisory Panel
636 shall be applied and used only in relation to members of the respective house of the General Assembly for

which each panel is created. Each panel shall establish its rules of procedure, including rules for the conduct of open meetings and hearings.

§ 30.1-218. Records of Senate and House Ethics Advisory Panels.

If a complaint is dismissed during the preliminary investigation, such records shall remain confidential and be retained for a period of five years and then destroyed. Records related to a complaint that has proceeded to an inquiry beyond a preliminary investigation shall be made available to the public and retained in a manner prescribed by the Virginia Public Records Act (§ 42.1-76 et seq.).

§ 30.1-219. Filing of complaints; procedures; disposition by Senate and House Ethics Advisory Panels.

A. In response to the signed and sworn complaint of any citizen of the Commonwealth, which is subscribed by the maker as true under penalty of perjury, submitted to the Senate Ethics Advisory Panel or the House Ethics Advisory Panel, the respective panel shall inquire into any alleged violation of Articles 2 through 5 (§ 30.1-202 et seq.) by any legislator of the respective house of the General Assembly in his current term or his immediate prior term. Complaints shall be filed with the Council, which shall promptly (i) submit the complaint to the chair of the appropriate panel and (ii) forward a copy of the complaint to the legislator named in the complaint. The chair shall promptly notify the appropriate panel of the complaint. No complaint shall be filed with either panel 60 or fewer days before a primary election or other nominating event or before a general election in which the cited legislator is running for office, and neither panel shall accept nor act on any complaint received during this period.

B. Each panel shall determine, during its preliminary investigation, whether the facts stated in the complaint taken as true are sufficient to show a violation of Articles 2 through 5 (§ 30.1-202 et seq.). If the facts, as stated in the complaint, fail to give rise to such a violation, then the panel shall dismiss the complaint. If the facts, as stated in the complaint, give rise to such a violation, then the panel shall request that the complainant appear and testify under oath as to the complaint and the allegations therein. After hearing the testimony and reviewing any other evidence provided by the complainant, the panel shall dismiss the complaint if it fails to find by a preponderance of the evidence that such violation has occurred. If the panel finds otherwise, it shall proceed with the inquiry.

664 C. If, after such preliminary investigation, the panel determines to proceed with an inquiry into the
665 conduct of any legislator, the panel (i) shall immediately notify in writing the individual who filed the
666 complaint and the cited legislator as to the fact of the inquiry and the charges against the legislator and
667 (ii) shall schedule one or more hearings on the matter. The legislator shall have the right to present
668 evidence, cross-examine witnesses, face and examine the accuser, and be represented by counsel at any
669 hearings. In its discretion, the panel may grant the legislator any other rights or privileges not specifically
670 enumerated in this subsection. Once the panel has determined to proceed with an inquiry, its meetings and
671 hearings shall be open to the public.

672 D. Once the panel determines to proceed with an inquiry into the conduct of any legislator, the
673 panel shall complete its investigations and dispose of the matter as provided in § 30.1-221 notwithstanding
674 the resignation of the legislator during the course of the panel's proceedings.

675 **§ 30.1-220. Subpoenas of Senate and House Ethics Advisory Panels.**

676 Each panel may issue subpoenas to compel the attendance of witnesses or the production of
677 documents, books, or other records. Each panel may apply to the Circuit Court of the City of Richmond
678 to compel obedience to the subpoenas of the panel. Notwithstanding any other provisions of law, every
679 state and local governmental agency and units and subdivisions of each such agency shall make available
680 to the panel any documents, records, data, statements, or other information, except tax returns or
681 information relating to tax returns, that the panel designates as being necessary for the exercise of its
682 powers and duties.

683 **§ 30.1-221. Disposition of cases before Senate and House Ethics Advisory Panels.**

684 A. Within 120 days of the chair's forwarding the signed and sworn complaint to it, the panel or a
685 majority of its members acting in its name shall dispose of the matter in one of the following ways:

686 1. a. If the panel determines in its preliminary investigation that the complaint is without merit, the
687 panel shall dismiss the complaint, notify the complainant and legislator, and take no further action. In such
688 case, the panel shall retain its records and findings in confidence unless the legislator under inquiry
689 requests in writing that the records and findings be made public.

690 b. If the panel determines in the course of its proceedings that the facts and evidence show that the
691 complaint is without merit, the panel shall dismiss the complaint, so advise the complainant and legislator,
692 and report its action to the Clerk of the appropriate house for the information of the House of Delegates
693 or Senate.

694 2. If the panel determines that there is a reasonable basis to conclude that the legislator has violated
695 the provisions of this chapter but that the violation was not made knowingly, the panel shall refer the
696 matter by a written report setting forth its findings and the reasons therefor to the appropriate house of the
697 General Assembly for appropriate action. All panel reports are advisory only and shall be delivered to the
698 Clerk of the appropriate house, who shall refer the report to the appropriate Committee on Privileges and
699 Elections in accordance with the rules of the appropriate house. The appropriate Committee on Privileges
700 and Elections shall in all cases report, after due hearings and consideration, its determination of the matter
701 and its recommendations and reasons for its resolves to the appropriate house. If the appropriate
702 Committee on Privileges and Elections deems that disciplinary action is warranted, it shall report a
703 resolution to express such action. The appropriate house as a whole shall then consider the resolution, and
704 if it finds the legislator in violation of any provision of this chapter, it may by recorded vote take such
705 disciplinary action as it deems warranted.

706 3. If the panel determines that there is a reasonable basis to conclude that the legislator knowingly
707 violated any provision of Articles 2 through 5 (§ 30.1-202 et seq.), except § 30.1-210 or subsection C of
708 § 30.1-212, it shall refer the matter by a written report setting forth its findings and the reasons therefor to
709 the Attorney General for such action as he deems appropriate. The panel shall also file its report with the
710 Clerk of the appropriate house, who shall refer the report in accordance with the rules of his house. In the
711 event the Attorney General determines not to prosecute the alleged violation, he shall notify the Clerk of
712 the appropriate house of his determination, and the Clerk shall send the report to the appropriate
713 Committee on Privileges and Elections. The matter shall thereafter be handled in accordance with the
714 provisions of subdivision 2.

715 4. If the panel determines that there is a reasonable basis to conclude that the legislator has violated
716 § 30.1-210 or subsection C of § 30.1-212, it shall refer the matter by a written report to the appropriate

house pursuant to subdivision 2. As its first order of business other than organizational matters and committee work, the house in which the legislator sits shall immediately upon the convening of the next regular or special session take up and dispose of the matter by taking one or more of the following actions: (i) dismiss the complaint; (ii) sustain the complaint and reprimand the legislator; (iii) sustain the complaint, censure the legislator, and strip the legislator of his seniority; (iv) sustain the complaint and expel the legislator by a two-thirds vote of the elected legislators of the respective house; or (v) in the event the house finds a knowing violation, refer the matter to the Attorney General pursuant to subdivision 3.

B. The panel shall make public any report that it makes pursuant to the provisions of subdivision A 1 b, 2, 3, or 4 on the date it refers its report.

§ 30.1-222. Confidentiality of proceedings before Senate and House Ethics Advisory Panels.

All proceedings conducted during the investigation of any complaint by each panel shall be confidential. This rule of confidentiality shall apply to panel members and their staff, the appropriate Committee on Privileges and Elections and its staff, and the Council.

§ 30.1-223. Staff for Senate and House Ethics Advisory Panels.

Each panel may hire staff and outside counsel to assist the panel and to conduct examinations of witnesses, subject to the approval of the President pro tempore of the Senate for the Senate Ethics Advisory Panel and subject to the approval of the Speaker of the House of Delegates for the House Ethics Advisory Panel.

§ 30.1-224. Jurisdiction of Senate and House Ethics Advisory Panels.

Each panel shall have jurisdiction over any complaint alleging a violation of Articles 2 through 5 (§ 30.1-202 et seq.) that occurs on or after August 1, 1987, and over any complaint alleging a violation of the former Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1, occurring after July 1, 1984, and prior to August 1, 1987.

§ 30.1-225. Senate and House Committees on Standards of Conduct.

Either house of the General Assembly may establish, in its rules, a Committee on Standards of Conduct to be appointed as provided in its rules and consisting of three legislative members, one of whom shall be a member of the minority party. The Committee on Standards of Conduct shall consider any

request by a legislator of its house for an advisory opinion as to whether the facts in a particular case would constitute a violation of the provisions of this chapter and may consider other matters assigned to it pursuant to the rules of its house.

§ 30.1-226. Adoption of rules governing procedures and disciplinary sanctions.

Each house of the General Assembly shall adopt rules governing procedures and disciplinary sanctions for legislators who have committed alleged violations of this chapter.

§ 30.1-227. Enforcement.

The provisions of this chapter shall be enforced by the Attorney General. In addition to any other powers and duties prescribed by law, the Attorney General shall have the following powers and duties:

1. If he determines that any legislator has knowingly violated any provision of this chapter, he shall designate an attorney for the Commonwealth who shall have complete and independent discretion in the prosecution of the legislator; and

2. He shall render advisory opinions to any legislator who seeks advice as to whether the facts in a particular case would constitute a violation of the provisions of this chapter. He shall determine which of his opinions or portions thereof are of general interest to the public and may, from time to time, be published.

Irrespective of whether an opinion of the Attorney General has been requested and rendered, any legislator has the right to seek a declaratory judgment or other judicial relief as provided by law.

§ 30.1-228. Knowing violation of chapter a misdemeanor.

Any legislator who knowingly violates any of the provisions of Articles 2 through 5 (§ 30.1-202 et seq.) is guilty of a Class 1 misdemeanor. A knowing violation under this section is one in which the legislator engages in conduct, performs an act, or refuses to perform an act when he knows that the conduct is prohibited or required by this chapter. There shall be no prosecution for a violation of § 30.1-210 or subsection C of § 30.1-212 unless the house in which the legislator sits has referred the matter to the Attorney General as provided in subdivision A 4 of § 30.1-221.

§ 30.1-229. Advisory opinions.

A legislator shall not be prosecuted or disciplined for a violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the applicable Committee on Standards of Conduct established pursuant to § 30.1-225, an opinion of the Attorney General as provided in § 30.1-227, or a formal opinion or written informal advice of the Council established pursuant to § 30.1-1254, and such opinion or advice was made after a full disclosure of the facts regardless of whether such opinion or advice is later withdrawn and provided that the alleged violation occurred prior to the withdrawal of such opinion or advice.

§ 30.1-230. Invalidation of contract; rescision of sales.

A. Any contract made in violation of § 30.1-203 or 30.1-207 may be declared void and may be rescinded by the contracting or selling governmental agency within five years of the date of such contract. In cases in which the contract is invalidated, the contractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or services furnished prior to the date of receiving notice that the contract has been voided. In cases of rescision of a contract of sale, any refund or restitution shall be made to the contracting or selling governmental agency.

B. Any purchase by a legislator made in violation of § 30.1-203 or 30.1-207 may be rescinded by the contracting or selling governmental agency within five years of the date of such purchase.

§ 30.1-231. Civil penalty from violation of this chapter.

A. In addition to any other fine or penalty provided by law, any money or other thing of value derived by a legislator from a violation of §§ 30.1-203 through 30.1-210 shall be forfeited, and a legislator who knowingly violates such a provision may be subject to a civil penalty in an amount equal to the amount of money or thing of value forfeited to the Commonwealth. If the thing of value received by the legislator in violation of this chapter increases in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of the civil penalty.

B. A legislator required to file the disclosure form prescribed by § 30.1-214 who fails to file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250. The Council shall notify the Attorney General of any legislator's failure to file the required form within 30 days of the deadline for filing, and the Attorney General shall assess and collect the civil penalty. All civil

penalties collected pursuant to this subsection shall be deposited into the general fund and used exclusively to fund the Council.

§ 30.1-232. Criminal prosecutions.

A. Violations of this chapter may be prosecuted notwithstanding the jurisdiction of, or any pending proceeding before, the Senate Ethics Advisory Panel or House Ethics Advisory Panel.

B. Nothing in this chapter shall limit or affect the application of other criminal statutes and penalties as provided in the Code of Virginia, including bribery, embezzlement, perjury, conspiracy, fraud, and violations of the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.).

§ 30.1-233. Limitation of actions.

The statute of limitations for the criminal prosecution of a legislator for violation of any provision of this chapter shall be one year from the time the Attorney General has actual knowledge of the violation or five years from the date of the violation, whichever event occurs first.

§ 30.1-234. Venue.

Any prosecution for a violation of this chapter shall be brought in the circuit court of the jurisdiction in which the legislator resides or the jurisdiction in which he resided at the time of the alleged violation if he is no longer a resident of the Commonwealth.

Article 7.

Ethics Orientation Sessions.

§ 30.1-235. Orientation sessions on ethics and conflicts of interests.

The Council shall conduct an orientation session on ethics and conflicts of interests (i) for new and returning legislators preceding each even-numbered year regular session and (ii) for any new legislator who is elected in a special election and whose term commences after the date of the orientation session provided for in clause (i) and at least six months before the date of the next such orientation session within three months of his election. Attendance at the full orientation session shall be mandatory for newly elected legislators. Attendance at a refresher session shall be mandatory for returning legislators and may be accomplished by online participation. There shall be no penalty for the failure of a legislator to attend

the full or refresher orientation session, but each legislator must disclose his attendance pursuant to § 30.1-214.

§ 30.1-236. Content of orientation sessions.

The orientation session shall provide information and training for legislators on ethics and conflicts of interests, the provisions of this chapter, the provisions of relevant federal law, and related issues involving lobbying. Refresher orientation sessions may be offered online.

§ 30.1-237. Orientation session preparations.

Those conducting the orientation sessions may call on other governmental agencies in the legislative or executive branch for assistance, may invite experts to assist in the orientation sessions, and shall, upon request of a legislator who holds a professional license or certification, apply for continuing education credits with the appropriate licensing or certifying entity for the orientation sessions.

SUBTITLE II.

THE LEGISLATIVE BRANCH OF GOVERNMENT.

CHAPTER 3.

OFFICERS OF THE GENERAL ASSEMBLY.

Article 1.

The Clerks of the General Assembly.

§ 30.1-300. Duties of the Clerks of each house; operation of the General Assembly.

A. The Clerks of each house of the General Assembly shall perform such duties as shall be required of them by their respective houses and shall each receive such salaries as shall be fixed from time to time by the general appropriation act.

B. The Clerks of each house are authorized to employ such personnel as may be deemed necessary for the efficient operation of the General Assembly, including each of its standing committees approved by the Committee on Rules of the appropriate house, as prescribed by the rules or resolutions of the respective houses. The compensation of such personnel shall be set by resolution, and such personnel shall be paid from the contingent fund of each house.

849 C. The maintenance, operation, upkeep, upgrades, and construction of the General Assembly
850 Building and other legislative spaces shall be overseen and directed by the Clerks of each house acting
851 jointly, except that each Clerk shall be responsible for their respective spaces in the General Assembly
852 Building or any other legislative space.

853 D. The Clerks of each house shall jointly administer the Capitol Guides program.

854 E. Executive orders or other directives issued by the Governor or other executive branch agency
855 that relate to purchasing, finance, or information technology are not applicable to the legislature, as a
856 separate and distinct branch of government, except in the event that the Clerks of the House of Delegates
857 and the Senate jointly determine, subject to the agreement of the Speaker of the House and the Chair of
858 the Senate Committee on Rules, that compliance with such order or directive is in the best interest of the
859 legislature.

860 F. The Clerks of each house are authorized to agree to or enter into any memorandum of
861 understanding or other agreement with any executive branch agency or private vendor for any services.

862 **§ 30.1-301. Clerk of the House of Delegates to be Keeper of the Rolls of the Commonwealth;**
863 **certification of acts and other records.**

864 A. The Clerk of the House of Delegates shall be the Keeper of the Rolls of the Commonwealth.
865 He shall, by such permanent and substantial method as he may deem proper, enroll all of the acts of the
866 General Assembly and joint resolutions proposing amendments to the Constitution and shall reenroll all
867 bills that have been amended in accordance with the recommendation of the Governor. He shall have the
868 enrolled acts bound for publication after they have been signed by the Speaker of the House of Delegates
869 and the President of the Senate.

870 B. The Clerk of the House of Delegates shall have custody of the acts and joint resolutions of the
871 General Assembly and the records of the House of Delegates. He shall, upon request, provide a copy of
872 an act of assembly or a record made in the performance of his official duties, and such copy shall be as
873 admissible into evidence as the original, provided that such copy is certified by him as a true copy of such
874 act or record.

875 The Clerk shall charge a reasonable fee for certifying a copy of an act of assembly.

876 If an act or part of an act of the General Assembly has been codified and assigned a section number
877 within the Code of Virginia by the Virginia Code Commission pursuant to § 30.1-812, the Clerk may also
878 certify that fact.

879 C. The Clerk of the House of Delegates shall, as soon as practicable after every act is enacted,
880 prepare the acts for publication with a notation of the day upon which every act was approved by the
881 Governor or became law without his approval. He shall furnish to the Director of the Division of
882 Legislative Automated Systems an electronic copy of all acts of the General Assembly and joint
883 resolutions proposing amendments to the Constitution and joint resolutions providing for studies for
884 legislation, properly arranged for publication. As soon as practicable after the adjournment of the General
885 Assembly, he shall furnish the index and the tables required by law and the date of adjournment of the
886 session and shall oversee the publication of such acts, joint resolutions, resolutions, date of adjournment,
887 tables, and index in connection with the Director of the Division of Legislative Automated Systems.

888 D. The Clerk of the House of Delegates, as Keeper of the Rolls of the Commonwealth, may appoint
889 deputy clerks who shall, during the absence of such Clerk or after his death, resignation, or retirement,
890 furnish copies of acts and resolutions of the General Assembly and records and papers of the House of
891 Delegates, which when certified by any such deputy clerk shall be evidence for any purpose for which the
892 original would be received, and with as much effect. The Clerk of the House of Delegates shall certify the
893 appointment of any such deputy clerk to the Secretary of the Commonwealth. Any deputy clerk so
894 appointed shall, before entering upon the duties of such office, take and subscribe the oath of office and
895 file the same with the Secretary of the Commonwealth. Any deputy clerk may be removed from office by
896 the Clerk, who shall provide written notice of such removal to the Secretary of the Commonwealth.

897 **§ 30.1-302. Clerk of the Senate of Virginia; certification of records.**

898 The Clerk of the Senate of Virginia may appoint deputy clerks who shall, during the absence of
899 such Clerk or after his death, resignation, or retirement, perform the duties of such Clerk, including signing
900 originals of records and papers of the Senate or furnishing copies of such records and papers, which when
901 certified by any such deputy clerk, shall be evidence for any purpose for which the original would be
902 received, and with as much effect. The Clerk of the Senate shall certify the appointment of any such deputy

clerk to the Secretary of the Commonwealth. Any deputy clerk so appointed shall, before entering upon the duties of such office, take and subscribe the oath of office and file the same with the Secretary of the Commonwealth. Any deputy clerk may be removed from office by the Clerk of the Senate, who shall provide written notice of such removal to the Secretary of the Commonwealth.

§ 30.1-303. Clerks as custodians of original bills and committee reference materials.

It shall be the duty of the Clerks of each house to take charge of and keep, during the recess of the General Assembly, all the books and maps belonging to the several standing committees of their respective houses and to deliver the same at the commencement of each session to the clerks or chairs of such committees, who shall return them to the respective Clerk at the end of the session. All original bills and resolutions that are offered in either house shall be maintained by the respective Clerk until the close of the session of the General Assembly next succeeding the session at which they were offered, at which time they shall be transferred to The Library of Virginia for archival deposit.

§ 30.1-304. Use of Senate armorial bearings; penalties.

A. Only current and former members of the Senate of Virginia and the Clerk of the Senate shall have the authority to utilize the official armorial bearings adopted by the Senate of Virginia or any facsimile or representations of the armorial bearings. Use by any other person is punishable as a Class 3 misdemeanor.

B. Representations of such armorial bearings used by former members of the Senate shall be colored blue. Use of any other color is punishable as a Class 4 misdemeanor.

C. No person shall use the Senate armorial bearings, or any facsimile or representation of such, for any commercial purpose. A violation of this subsection is punishable as a Class 4 misdemeanor.

§ 30.1-305. Sexual harassment training course; recordkeeping.

A. As used in this section "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

929 B. The Clerk of the House of Delegates and the Clerk of the Senate shall develop and provide a
930 sexual harassment training course for members of their respective body and other employees of the
931 legislative branch. The sexual harassment training course shall be (i) provided online; (ii) available 24
932 hours per day, seven days per week; and (iii) substantially similar to any sexual harassment training course
933 offered through the Commonwealth of Virginia Learning Center administered by the Department of
934 Human Resource Management.

935 The content of the sexual harassment training course provided by the Clerks of each house shall
936 be substantially similar.

937 C. The Clerks of each house shall each ensure that the sexual harassment training course developed
938 and provided by their office has the means by which a person successfully completing the training course
939 may print a certificate of course completion that includes the person's name, the name of the state agency
940 employing the person, the date on which the training was successfully completed, the name of the training
941 course, and a unique serial number or other unique identifying information for each certificate.

942 D. The Clerks of each house shall maintain records of course completion for the members and
943 members-elect elected to their respective body. Each record at a minimum shall include the name of the
944 General Assembly member or member-elect completing the training, the date on which the training was
945 successfully completed, and the name of the training course. Such records shall be maintained by the
946 Clerks for at least five years for public inspection.

947 Article 2.

948 Officers and Employees of the Legislative Branch.

949 **§ 30.1-306. Privileges of officers and employees of the General Assembly.**

950 The officers and employees of the General Assembly, including the Clerks of each house and their
951 deputy clerks and full-time assistant clerks, the sergeant-at-arms of each house, and the Lieutenant
952 Governor, shall be entitled to those rights and privileges granted to members and members-elect of the
953 General Assembly pursuant to §§ 30.1-101, 30.1-104, and 30.1-105.

954 **§ 30.1-307. Sexual harassment training required biennially.**

955 A. As used in this section, unless the context requires a different meaning:

"Legislative branch employee" means any full-time employee of the General Assembly or other legislative branch agency of the Commonwealth and includes persons working full-time for a member of the General Assembly who are compensated in whole or in part with state appropriations.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

"Sexual harassment training course" means the sexual harassment training courses developed and provided by either the Clerk of the House of Delegates or the Clerk of the Senate pursuant to § 30.1-305.

B. All legislative branch employees shall complete a sexual harassment training course once every two calendar years. Legislative branch employees who are officers or employees of the Office of the Clerk of the House of Delegates or who work for a member of the House of Delegates shall complete the sexual harassment training course provided by the Clerk of the House of Delegates. Legislative branch employees who are officers or employees of the Office of the Clerk of the Senate or who work for a member of the Senate shall complete the sexual harassment training course provided by the Clerk of the Senate. All other legislative branch employees shall complete the sexual harassment training course provided by either the Clerk of the House of Delegates or the Clerk of the Senate.

C. A legislative branch employee shall complete the sexual harassment training course within 90 days of commencing employment, except that no employee shall be required to complete such training course more than once in a 12-month period. A legislative branch employee who commences employment having successfully completed the sexual harassment training course in the immediately preceding 12 months shall complete such training course within one calendar year and thereafter once every two calendar years.

D. The director or head of each agency in the legislative branch shall be responsible for ensuring that each employee of such agency complies with the requirements of this section.

Article 3.

Virginia Commission on Intergovernmental Cooperation.

§ 30.1-308. Virginia Commission on Intergovernmental Cooperation; membership; staff; compensation and expenses; quorum.

A. The Virginia Commission on Intergovernmental Cooperation (the Commission) is established in the legislative branch of state government. The Commission shall have a total membership of 14 members that shall include 12 legislative members and two ex officio members. Members shall be appointed as follows:

1. Six members of the Commission on Interstate Cooperation of the House of Delegates to be appointed by the Speaker of the House of Delegates; and

2. Six members of the Commission on Interstate Cooperation of the Senate to be appointed by the Senate Committee on Rules.

The Clerk of the House of Delegates and the Clerk of the Senate shall serve ex officio with nonvoting privileges.

B. The chair and vice-chair of the Commission shall serve for a period of two years, and the roles of chair and vice-chair shall alternate between the chair of the House Commission on Interstate Cooperation and the chair of the Senate Commission on Interstate Cooperation.

C. The Commission shall select such officials of state government as it deems proper to serve ex officio with nonvoting privileges for terms of four years each.

D. The Division of Legislative Services shall furnish upon request such staff assistance and services to the Commission and its committees as may be required by the Commission.

E. Members of the Commission shall receive such compensation as provided in § 30.1-109 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Commission.

F. A majority of the members of the Commission shall constitute a quorum. Meetings of the Commission shall be held at the call of the chair or whenever the majority of the members so request.

§ 30.1-309. Powers and duties of Commission.

The Commission shall have the following powers and duties:

- 1010 1. Encourage and arrange conferences with officials of other states and other units of government;
- 1011 2. Carry forward the participation of the Commonwealth as a member of the Council of State
- 1012 Governments, both regionally and nationally;
- 1013 3. Formulate proposals for cooperation between the Commonwealth and other states;
- 1014 4. Establish such committees as it deems advisable to conduct conferences and formulate proposals
- 1015 concerning subjects of interstate cooperation;
- 1016 5. Monitor and evaluate the Commonwealth's participation in interstate compacts;
- 1017 6. Review, evaluate, and recommend suggested uniform state legislation;
- 1018 7. Require, at its discretion, from any appointee representing the Commonwealth on any interstate
- 1019 compact, commission, committee, or board, a report on that organization's work and accomplishments;
- 1020 8. Review, evaluate, and make recommendations concerning federal policies that are of concern
- 1021 to the Commonwealth;
- 1022 9. Establish such committees as deemed advisable and designate the members of every such
- 1023 committee. State officials who are not members of the Commission may be appointed as members of any
- 1024 such committee, but at least one member of the Commission shall be a member of every such committee;
- 1025 and
- 1026 10. Appoint persons drawn from the membership of the Senate, the membership of the House of
- 1027 Delegates, and officials of state and local government to serve on those intergovernmental boards,
- 1028 committees, and commissions to which the Commonwealth is entitled to such appointment, or is invited
- 1029 to make such appointment, provided that members of the General Assembly shall be appointed as follows:
- 1030 a. If an appointment is made from the membership of the Senate, such an appointment shall be
- 1031 made by the Commission on Interstate Cooperation of the Senate and shall be approved by the Chair of
- 1032 the Committee on Rules; and
- 1033 b. If an appointment is made from the membership of the House of Delegates, such appointment
- 1034 shall be made by the Speaker of the House of Delegates in accordance with the principles of proportional
- 1035 representation contained in the Rules of the House of Delegates.

The Commission may provide such rules as it considers appropriate concerning the membership and the functioning of any committee established.

§ 30.1-310. Senate and House Commissions on Interstate Cooperation; membership; compensation and expenses; quorum.

A. There is established a Commission on Interstate Cooperation of the Senate (the Senate Commission) in the legislative branch of state government, to consist of six senators as follows: the Chair of the Senate Committee on Rules, who shall serve as chair of the Senate Commission, and five members appointed by the Senate Committee on Rules.

B. There is established a Commission on Interstate Cooperation of the House of Delegates (the House Commission) in the legislative branch of state government, to consist of six members. The members shall be appointed and the chair of the House Commission shall be designated from among the membership of the House Commission by the Speaker of the House of Delegates in accordance with the principles of proportional representation as contained in the Rules of the House of Delegates.

C. The Senate and House Commissions shall function during the regular sessions of the General Assembly and also during the interim periods between such sessions. Members appointed and designated shall serve terms coincident with their terms of office.

D. Members of the Senate and House Commissions shall receive such compensation as provided in § 30.1-109 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties pursuant to § 30.1308 and this section as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Virginia Commission on Intergovernmental Cooperation.

E. A majority of the members shall constitute a quorum on each commission. Meetings of each commission shall be held at the call of the chair or whenever a majority of the members so request.

CHAPTER 4.

LEGISLATIVE PROCESS AND PROCEDURES.

Article 1.

Procedures of the Legislative Session.

§ 30.1-400. Deadline for requesting bills and resolutions.

A. The deadline for submitting drafting requests to the Division of Legislative Services for a bill or resolution to be prefiled and the deadline for prefiling a bill or resolution with the appropriate Clerk shall be established by the procedural resolution adopted by the General Assembly or, in default thereof, adopted by the Joint Rules Committee.

B. All drafting requests from the Governor, a Governor's Secretary, the Lieutenant Governor, the Attorney General, or the head of any judicial, legislative, or independent agency shall be submitted to the Division of Legislative Services on or before the same deadline for submitting drafting requests applicable to members of the General Assembly established pursuant to this section. Requests from the Governor may also be submitted in accordance with the procedures established by the Joint Rules Committee for the conduct of business during a legislative session.

§ 30.1-401. Prefiling of bills and resolutions.

A. 1. Any member or member-elect of the next regular session of the General Assembly may prefile bills and resolutions for even-numbered-year regular sessions beginning the third Monday in November of the preceding year with the Clerk of the House of Delegates or the Clerk of the Senate as appropriate.

2. Any member or member-elect of the General Assembly may prefile bills and resolutions for odd-numbered-year regular sessions beginning the third Monday in July of the preceding year with the Clerk of the House of Delegates or the Clerk of the Senate as appropriate.

B. In the event of the convening of a special session of the General Assembly, only bills relating to the stated purpose of such special session and resolutions affecting the rules of procedure or schedule of business of the General Assembly may be prefiled as provided in subsection A. Such prefiling may begin on the day on which either (i) the Governor announces the date on which such special session is to convene or (ii) two-thirds of the members elected to each house of the General Assembly make application to the Governor for the convening of such special session.

C. The Clerk of the House of Delegates and the Clerk of the Senate shall assign numbers to prefiled bills and resolutions in the order of their receipt, refer them to the appropriate committee with the advice

of the Speaker of the House of Delegates, in the case of House bills, and in accordance with the Rules of the Senate, in the case of Senate bills, and have a sufficient number of such bills and resolutions printed for circulation.

§ 30.1-402. Electronic filing of floor substitute bills, conference committee reports, and substitute bills accompanying such reports; access.

Copies of all floor substitute bills, conference committee reports, and substitute bills accompanying a conference committee report shall be placed in a secure electronic file immediately following the final drafting of such bills and reports. The Clerk of the House of Delegates or the Clerk of the Senate or their employee designees may access such files after such bills or reports are offered for introduction in either house.

§ 30.1-403. Keeper of the Rolls may correct typographical errors, misspellings, and other unmistakable errors in bills and resolutions; notice to Virginia Code Commission.

A. The Keeper of the Rolls of the Commonwealth is authorized to correct typographical errors, misspellings, and other unmistakable errors contained in bills and resolutions in the form that they are offered, printed, engrossed, enrolled, or printed after passage, provided that the corrections do not in any way alter the substantive legal meaning or effect of the bill or resolution. Such determination shall be made in consultation with the Director of the Division of Legislative Services or his designee, who shall also be an experienced lawyer and member of the bar of the Commonwealth.

B. Any correction made in a bill or resolution to existing language in the Code of Virginia that is not being amended or added to the Code of Virginia shall be communicated to the Virginia Code Commission immediately following each regular session of the General Assembly to ensure such corrections are incorporated into the Code of Virginia as part of the Virginia Code Commission's duty to codify session laws pursuant to § 30.1-812.

§ 30.1-404. Alteration, secretion, or destruction of bills or resolutions; penalty.

Any person who fraudulently erases, alters, secretes, or destroys any bill, resolution, or amendment after its introduction or endeavors to influence any officer or employee of the General Assembly to do the same shall be punished by a term of imprisonment of not less than one year nor more than five years.

1117 § 30.1-405. Amendments to the Constitution.

1118 Any amendment to the Constitution may be proposed in the House of Delegates or the Senate by
1119 resolution, which shall contain such proposed amendment prepared in the form prescribed by the rules of
1120 the House of Delegates and the Senate for deletions and additions of language and shall be presented in
1121 full in the journal of the house in which it is offered. If it is agreed to by a majority of the members elected
1122 to such house with ayes and noes taken, it shall be communicated to the other house where it shall be dealt
1123 with in like manner. When so agreed to by both houses, it shall be enrolled as provided by law and signed
1124 by the Speaker of the House of Delegates and the President of the Senate. Such amendment shall then
1125 stand referred to the General Assembly at its first regular session held after the next general election of
1126 members of the House of Delegates. If at such regular session the proposed amendment is agreed to by a
1127 majority vote of all the members elected to each house, the same shall be submitted to voters, not sooner
1128 than 90 days after final passage, by a bill or resolution introduced for such purpose. Such amendment shall
1129 become a part of the Constitution if approved and ratified by a majority of qualified voters.

1130 § 30.1-406. Attendance of witnesses; production of evidence; administration of oaths to
1131 witnesses.

1132 A. When the House of Delegates, the Senate, or a joint committee or commission thereof, or any
1133 committee of either house authorized to send for witnesses and evidence, orders the attendance of a
1134 witness or the production of evidence, a summons shall be issued accordingly by the Clerk of the
1135 appropriate house to the sheriff or other officer of any county or city, or the chief officer of the Division
1136 of Capitol Police, or his designee. Such summons may be enforced by attachment, fine, and imprisonment
1137 in jail at the discretion of the house or the committee that caused the summons to issue, or in the case of a
1138 joint committee or commission, at the discretion of such joint committee or commission or as the two
1139 houses may determine by joint resolution.

1140 B. The oaths to be taken by any witness examined pursuant to this section may be administered by
1141 the Clerk or presiding officer of the appropriate house.

1142 Article 2.

1143 Impact Statements and Other Legislative Requirements.

§ 30.1-407. Expiration provisions for bills creating collegial bodies.

All bills creating an advisory board, council, commission, or other collegial body in the legislative or executive branch of state government shall contain a provision requiring the expiration of such body three years after its creation.

§ 30.1-408. Expiration date for bills that add or renew a state tax credit.

Any bill proposing to add a new state tax credit or renew an existing state tax credit shall contain an expiration date of not longer than five years from the effective date of the new or renewed state tax credit.

§ 30.1-409. Impact statements for bills related to unemployment compensation and affecting net revenues of the Commonwealth.

A. For purposes of this section, a bill that "enhances the benefits payable to an individual" includes any bill that would facilitate the receipt of, or increase the amount of, unemployment compensation benefits that an otherwise qualified claimant is eligible to receive on an annual basis.

B. The Virginia Employment Commission, in consultation with the Department of Planning and Budget, shall prepare a statement reflecting the projected impact on the solvency level of the unemployment trust fund and the average increase in state unemployment tax liability of employers on a per-employee basis over the ensuing eight years that would result from the enactment of any bill that enhances the benefits payable to an individual pursuant to Title 60.2.

C. Any bill enhancing the benefits payable to an individual pursuant to Title 60.2 shall contain a statement prepared in accordance with subsection B as an enactment clause in the bill.

§ 30.1-410. Evaluations for bills increasing or beginning regulation of an occupation.

A. For purposes of this section, "regulation" means any statement of general application that has the force of law, affects the rights or conduct of any person, and is adopted by an agency in accordance with the authority conferred on it by the Constitution and applicable statutes of the Commonwealth.

B. When any bill requiring the Department of Professional and Occupational Regulation to increase or begin regulation of an occupation is filed during any session of the General Assembly, the chair of the committee having jurisdiction over the proposed bill shall request that the Board for

Professional and Occupational Regulation prepare an evaluation of the bill using the criteria outlined in § 54.1-311.

C. Upon receipt of such a request, the Board for Professional and Occupational Regulation shall prepare the evaluation and forward copies of such evaluation to the Clerk of the House of Delegates for House bills and to the Clerk of the Senate for Senate bills no later than November 1 of the same year for requests received during a regular session of the General Assembly or as soon as practicable for requests received during a special session of the General Assembly for transmittal to each patron of the bill and to the chair of each committee of the General Assembly that will consider the bill.

D. All departments, all agencies of government, and the Division of Legislative Services shall make available such information and assistance as the Board for Professional and Occupational Regulation may request in preparing the evaluations required by this section.

§ 30.1-411. Impact statements for bills related to the Virginia Retirement System.

In accordance with a joint resolution that establishes a schedule for the conduct of business coming before a regular session of the General Assembly, for any proposed bill related to the Virginia Retirement System the Board of Trustees of the Virginia Retirement System shall investigate, prepare, and submit to the Clerk of the House of Delegates, the Clerk of the Senate, the Commission on Local Government, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations a statement of (i) the financial impact of such proposed bill upon the general fund and the various local governments that have elected to become part of the Virginia Retirement System pursuant to § 51.1-800 and (ii) the policy implications that such proposed bill will have on the various systems administered by the Board of Trustees of the Virginia Retirement System. The Board of Trustees of the Virginia Retirement System shall note in such statement the potential impact any introduced bill will have on local government independent retirement systems.

§ 30.1-412. Estimates for bills affecting local government expenditures and revenues.

A. For purposes of this section:

"Net additional expenditure" means the cost anticipated to be incurred annually, less any revenues receivable on account of the program or service from fees charged to recipients of the program or service.

state or federal aid paid specifically and categorically in connection with the program or service, new or increased local sources of revenue authorized and designated specifically to offset the cost of the program or service, and any offsetting savings resulting from the reduction or elimination of any program or service directly attributable to the performance of the required program or service.

"Net reduction of revenues" means the reduction anticipated in local revenues, including general levies, special levies, revenues received pursuant to §§ 58.1-605 and 58.1-606, and administrative and user fees, to be incurred annually, less any new local revenues receivable and any offsetting savings resulting from the reduction of local revenues, caused by the classification or exclusion being proposed.

B. Whenever any bill requiring a net additional expenditure by any county, city, or town, or whenever any bill requiring a net reduction of revenues by any county, city, or town, is filed during any session of the General Assembly, the Commission on Local Government shall investigate and prepare an estimate setting forth, to the extent practicable, the additional expenditures or reduction of revenues, if any, to be required of the affected localities in event of enactment of such bill.

1. A bill shall be deemed to require an expenditure if it has the effect of requiring any county, city, or town to (i) perform or administer a new or expanded program or service, (ii) maintain an existing program or service at a specified level of spending or delivery, (iii) assume or incur administrative costs in support of a state or state-related program, or (iv) furnish capital facilities for state or state-related activities.

2. A bill shall be deemed to require a net reduction of revenues if it has the effect of requiring any county, city, or town to (i) relinquish an existing or potential source of local revenue by classification or exclusion or (ii) diminish an existing or potential source of revenue by classification or exclusion.

C. This section shall not apply to a reduction in local revenues that is required by or arises from a court order or judgment, nor to a revenue reduction that is adopted at the option of any county, city, or town under a law that is permissive rather than mandatory, nor to a revenue reduction that is the result of a measure providing tax relief on a statewide basis.

D. The Division of Legislative Services shall examine all bills and joint resolutions filed during any legislative session for the purpose of identifying and forwarding to the Commission on Local

Government those bills requiring the preparation of fiscal estimates pursuant to this section and those joint resolutions calling for a study of local government revenues or expenditures. The Department of Planning and Budget and the Department of Taxation are authorized to submit bills to the Commission on Local Government to prepare local fiscal estimates.

As soon as practicable, the Commission on Local Government shall forward copies of such estimates to the Clerk of the House of Delegates for House bills and the Clerk of the Senate for Senate bills for transmittal to each patron of the bill and to the chair of each committee of the General Assembly that will consider the bill.

E. All departments, all agencies of government, the Division of Legislative Services, and all local governmental units of the Commonwealth shall make available such information and assistance as the Commission on Local Government may request in preparing the estimates required by this section.

§ 30.1-413. Fiscal impact statements for bills increasing imprisonment or commitment; appropriations for operating costs.

A. For purposes of this section, "operating costs" means all costs other than capital outlay costs.

B. The Virginia Criminal Sentencing Commission shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill that would result in a net increase in periods of imprisonment in state adult correctional facilities. The Department of Planning and Budget shall annually provide the Virginia Criminal Sentencing Commission with the operating cost per inmate.

C. The Department of Planning and Budget, in conjunction with the Department of Juvenile Justice, shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill that would result in a net increase in periods of commitment to the custody of the Department of Juvenile Justice.

D. The requirement for a fiscal impact statement includes those bills that add new crimes for which imprisonment or commitment is authorized, increase the periods of imprisonment or commitment authorized for existing crimes, impose minimum or mandatory minimum terms of imprisonment or

commitment, or modify the law governing release of prisoners or juveniles in such a way that the time served in prison, or the time committed to the custody of the Department of Juvenile Justice, will increase.

E. The fiscal impact statement of any bill that would result in a net increase in periods of imprisonment in state correctional facilities or periods of commitment to the custody of the Department of Juvenile Justice shall include an analysis of the fiscal impact on local and regional jails, state and local pretrial and community-based probation services agencies, and juvenile detention facilities.

F. The amount of the estimated appropriation reflected in the fiscal impact statement shall be printed on the face of each such bill but shall not be codified. If the agency responsible for preparing the fiscal impact statement does not have sufficient information to project the impact, the fiscal impact statement shall state this, and the words "cannot be determined" shall be printed on the face of each such bill.

G. The fiscal impact statement shall include details as to any increase or decrease in the offender population. Statements prepared by the Virginia Criminal Sentencing Commission shall detail any necessary adjustments in guideline midpoints for the crime affected by the bill as well as adjustments in guideline midpoints for other crimes affected by the implementation of the bill that, in the opinion of the Commission, are necessary and appropriate.

H. The agency preparing the fiscal impact statement shall forward copies of such impact statements to the Clerk of the House of Delegates for House bills and the Clerk of the Senate for Senate bills for transmittal to each patron of the bill and to the chair of each committee of the General Assembly that will consider the bill.

I. For each law enacted that results in a net increase in periods of imprisonment in state correctional facilities or a net increase in periods of commitment or the time committed to the custody of the Department of Juvenile Justice, a one-year appropriation shall be made from the general fund equal to the estimated increase in operating costs of such law, in current dollars, of the highest of the next six fiscal years following the effective date of the law.

J. The Corrections Special Reserve Fund (the Fund) is hereby established as a nonreverting special fund on the books of the Comptroller. The Fund shall consist of all moneys appropriated by the General

Assembly under the provisions of this section and all interest thereon. Any moneys deposited in the Fund shall remain in the Fund at the end of the biennium. Moneys in the Fund shall be expended solely for capital expenses, including the cost of planning or preplanning studies that may be required to initiate capital outlay projects.

§ 30.1-414. Racial and ethnic impact statements for criminal justice bills.

A. As used in this section:

"Disparities" means the difference in criminal justice outcomes for a racial or ethnic subgroup compared to their share of the state population.

"Racial and ethnic impact statement" means a statement created using available data to outline the potential impact of a criminal justice bill on racial and ethnic disparities within the Commonwealth.

B. At the request of the Chair of the House Committee for Courts of Justice or the Chair of the Senate Committee for Courts of Justice, the Joint Legislative Audit and Review Commission shall review and prepare a racial and ethnic impact statement for a proposed criminal justice bill.

C. The Joint Legislative Audit and Review Commission shall forward copies of the racial and ethnic impact statement prepared pursuant to this section to the patron of the bill and the Chair of the House Committee for Courts of Justice or the Chair of the Senate Committee for Courts of Justice, as appropriate.

D. The Chair of the House Committee for Courts of Justice and the Chair of the Senate Committee for Courts of Justice may each request up to three racial and ethnic impact statements for completion during a single regular session of the General Assembly.

E. Upon the request of the Joint Legislative Audit and Review Commission, the Office of the Executive Secretary of the Supreme Court, Virginia State Police, Virginia Criminal Sentencing Commission, Department of Corrections, and all other state agencies shall provide necessary data and assistance for the preparation of racial and ethnic impact statements.

§ 30.1-415. Distribution of information on proposed constitutional amendments to be submitted to voters.

1304 A. For purposes of this section, "plain English" means written in nontechnical, readily
1305 understandable language using words of common everyday usage and avoiding legal terms and phrases
1306 or other terms and words of art whose usage or special meaning is primarily limited to a particular field
1307 or profession.

1308 B. When a proposed amendment is to be submitted to voters qualified to vote in elections by the
1309 people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia
1310 and § 30.1-405, the Department of Elections shall cause to be printed and distributed to the general
1311 registrar of each county and city, not less than 90 days prior to the election, copies of an explanation of
1312 such amendment to be placed at each registration site in sufficient number to provide a copy to any
1313 interested person and to be provided to election officials to be posted at the polling places on the day of
1314 the election. The Department of Elections shall post the explanation on its website and shall cause such
1315 explanation to be published by paid advertisement in each daily newspaper published in the
1316 Commonwealth or in a contiguous state or district with an average daily circulation of more than 50,000
1317 in the Commonwealth once during the week preceding the final day for registration and once during the
1318 week preceding the election at which the proposed amendment is to be presented to voters.

1319 C. The explanation required by subsection B shall contain the ballot question, the full text of the
1320 proposed constitutional amendment, and a statement of not more than 500 words on such amendment.
1321 Such explanation shall be presented in plain English, shall be limited to a neutral explanation, which may
1322 include a brief statement on the effect of a "yes" and "no" vote on the question but shall not include
1323 arguments submitted by either proponents or opponents of the proposed constitutional amendment.

1324 D. The Division of Legislative Services, in consultation with such agencies of state government
1325 as may be appropriate, including the Office of the Attorney General, shall prepare an explanation for any
1326 such proposed constitutional amendment that is approved by the General Assembly on second reference.
1327 The explanation shall be approved for distribution as to form and content by the Committee on Privileges
1328 and Elections of the first house of introduction of the resolution proposing the amendment as soon as
1329 practicable after enactment of the ballot question.

E. Any failure to comply with the provisions of this section shall not affect the validity of the constitutional amendment.

§ 30.1-416. Distribution of information on proposed questions to be submitted to voters.

A. For purposes of this section, "plain English" means the same as that term is defined in § 30.1-415.

B. Whenever a statewide referendum on a matter other than a constitutional amendment is submitted to qualified voters by the General Assembly, the Department of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than 90 days prior to the election, copies of information about the referendum to be placed at each registration site in sufficient number to provide a copy to any interested person and to be provided to election officials to be posted at the polling places on the day of the election. The Department of Elections also shall cause the information to be published by paid advertisement in each daily newspaper published in the Commonwealth or in a contiguous state or district with an average daily circulation of more than 50,000 in the Commonwealth once during the week preceding the final day for registration and once during the week preceding the referendum.

C. The information required pursuant to subsection B shall contain the proposed ballot question and either (i) a neutral explanation of not more than 500 words on such question or (ii) for any bond referendum, a fiscal impact statement. The neutral explanation or the fiscal impact statement shall be presented in plain English and shall not present arguments by either proponents or opponents of the proposal. The fiscal impact statement shall include descriptions of the need for and anticipated uses of the bond proceeds.

D. The Division of Legislative Services, in consultation with such agencies of state government as may be appropriate, including the Office of the Attorney General, shall prepare the neutral explanation pursuant to clause (i) of subsection C as part of the bill or resolution authorizing the referendum. The staff of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall each prepare a fiscal impact statement pursuant to clause (ii) of subsection C for any bond referendum

and assist the Division of Legislative Services in preparing the neutral explanation as part of the bill or resolution authorizing the referendum.

E. Any failure to comply with the provisions of this section shall not affect the validity of the statewide referendum.

CHAPTER 5.

AUDITOR OF PUBLIC ACCOUNTS.

§ 30.1-500. Election, term, and compensation; vacancy.

The two houses of the General Assembly shall, by joint vote, elect the Auditor of Public Accounts for the term of four years, as provided in Article IV, Section 18 of the Constitution of Virginia, and he shall be compensated as provided in the general appropriation act. In the event that the position of Auditor of Public Accounts becomes vacant while the General Assembly is not in session, the Joint Legislative Audit and Review Commission shall appoint a successor to serve until 30 days after the commencement of the next regular session of the General Assembly.

§ 30.1-501. Official bonds.

The Auditor of Public Accounts and his employees shall be bonded in accordance with § 2.2-1840, conditioned upon the faithful discharge of their duties.

§ 30.1-502. Employment of staff; location of offices.

A. The Auditor of Public Accounts may employ, with the approval of the Joint Legislative Audit and Review Commission, the necessary staff to enable him to carry out the provisions of this chapter.

B. The Office of the Auditor of Public Accounts shall be located in the City of Richmond and shall be provided with suitable offices as are necessary to carry out the provisions of this chapter.

§ 30.1-503. Powers and duties generally.

A. The Auditor of Public Accounts shall audit all the accounts of every state department, officer, board, commission, institution, or other agency handling any state funds as determined necessary by the Auditor of Public Accounts. In the performance of such duties and the exercise of such powers, he may employ the services of certified public accountants, provided the cost of such employment shall not exceed such sums as may be available from the general appropriation act for the conduct of his office.

1383 B. If, at any time, the Auditor of Public Accounts discovers any unauthorized, illegal, irregular, or
1384 unsafe handling or expenditure of state funds, or if it comes to his attention that any such handling or
1385 expenditure of state funds is contemplated but not consummated, he shall promptly report such finding to
1386 the Governor, the Joint Legislative Audit and Review Commission, and the Comptroller. In the event that
1387 there is any irregularity in the accounts of the Comptroller, the Auditor shall report such finding to the
1388 Governor and the General Assembly.

1389 C. The Auditor of Public Accounts shall review (i) the information required in § 2.2-1501 to
1390 determine that state agencies are providing and reporting appropriate information on program and
1391 financial performance measures and (ii) the accuracy of the management systems used to accumulate and
1392 report the results. The Auditor shall report to the General Assembly the results of such audits and make
1393 recommendations, if indicated, for new or revised accountability or performance measures to be
1394 implemented for the agencies audited.

1395 D. The Auditor of Public Accounts shall prepare, by November 1, a summary of the results of all
1396 of the audits and other oversight responsibilities performed for the most recently ended fiscal year. The
1397 Auditor of Public Accounts shall present this summary to the House Committee on Appropriations, the
1398 House Committee on Finance, and the Senate Committee on Finance and Appropriations on the day the
1399 Governor presents to the General Assembly the Executive Budget in accordance with §§ 2.2-1508 and
1400 2.2-1509 or at the direction of the respective Chair of the House Committee on Appropriations, the House
1401 Committee on Finance, or the Senate Committee on Finance and Appropriations at one of their committee
1402 meetings prior to the meeting above.

1403 E. As part of his normal oversight responsibilities, the Auditor of Public Accounts shall incorporate
1404 into his audit procedures and processes a review process to ensure that the Commonwealth's payments to
1405 counties, cities, and towns under Chapter 35.1 (§ 58.1-3523 et seq.) of Title 58.1 are consistent with the
1406 provisions of § 58.1-3524. The Auditor of Public Accounts shall report to the Governor and the Chairs of
1407 the House Committee on Appropriations and the Senate Committee on Finance and Appropriations
1408 annually any material failure by a locality or the Commonwealth to comply with the provisions of Chapter
1409 35.1 of Title 58.1.

1410 F. The Auditor of Public Accounts when called upon by the Governor shall examine the accounts
1411 of any institution maintained in whole or in part by the Commonwealth; upon the direction of the
1412 Comptroller, the Auditor of Public Accounts shall examine the accounts of any officer required to settle
1413 his accounts with the Comptroller; and upon the direction of any other state officer at the seat of
1414 government, the Auditor of Public Accounts shall examine the accounts of any person required to settle
1415 his accounts with such officer.

1416 G. Upon the written request of any member of the General Assembly, the Auditor of Public
1417 Accounts shall furnish the requested information and provide technical assistance upon any matter
1418 requested by such member.

1419 H. In compliance with the provisions of the federal Single Audit Act Amendments of 1996, P.L.
1420 104-156, the Joint Legislative Audit and Review Commission may authorize the Auditor of Public
1421 Accounts to audit annually the accounts pertaining to federal funds received by state departments, officers,
1422 boards, commissions, institutions, or other agencies.

1423 I. As part of the audits conducted pursuant to this section, the Auditor of Public Accounts shall
1424 review compliance with requirements established pursuant to the provisions of § 2.2-519 and the
1425 requirements of the Virginia Debt Collection Act (§ 2.2-4800 et seq.).

1426 **§ 30.1-504. Online database required.**

1427 A. The Office of the Auditor of Public Accounts shall compile and maintain on its website a
1428 database providing certain state expenditure, revenue, and demographic information as described in this
1429 section. In maintaining the database, the Auditor of Public Accounts shall work with and coordinate his
1430 efforts with the Joint Legislative Audit and Review Commission in obtaining, summarizing, and
1431 compiling the information to avoid duplication of efforts. By October 15 of each year, the Auditor of
1432 Public Accounts shall (i) update the database to provide the information required in this section for the 10
1433 most recently ended fiscal years of the Commonwealth and (ii) distribute the website address of the
1434 database to newspapers of general circulation in the Commonwealth.

1435 B. The database shall be made available to citizens of the Commonwealth to allow public access
1436 to historical revenue collections and appropriations with related demographic information, to the extent

that the information is available and provided to the Auditor of Public Accounts. All state departments, courts officers, boards, commissions, institutions, or other agencies of the Commonwealth shall furnish all information requested by the Auditor of Public Accounts and shall cooperate with him to the fullest extent.

C. For purposes of reporting information and implementing the database pursuant to this section, the Auditor of Public Accounts shall include all appropriated funds and other sources under the control of public institutions of higher education, except for the activity of private gifts, including endowment funds and unrestricted gifts referenced in § 23.1-101. The exclusion of this activity does not affect the public access to these records unless otherwise specifically exempted by law.

D. The database shall contain the following for each of the 10 most recently ended fiscal years of the Commonwealth:

1. Major categories of spending by each secretariat and each agency and institution, including each independent agency, and including within each major category a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information to the extent that the information exists. The database shall include the name, phone number, and email address for a contact at the agency or institution who may be contacted for additional information;

2. The number of full-time state employees for whom the annual rate of pay is more than \$10,000, an identifier associated with each such employee, and the actual salary, bonuses, and total compensation paid during the fiscal year to the employee associated with each identifier, organized by agency;

3. Total fiscal year revenues from all sources broken down by funding source and computed on a per capita basis and as a percentage of personal income in the Commonwealth;

4. Total fiscal year spending from federal sources broken down by major category;

5. Population estimates for the Commonwealth by locality;

6. Student enrollment in grades K through 12 by locality;

7. Enrollment in public institutions of higher education of the Commonwealth by institution;

8. Enrollment in private institutions of higher education in the Commonwealth by institution;

- 1464 9. The annual prison population;
- 1465 10. Virginia adjusted gross income and Virginia taxable income by locality;
- 1466 11. The number of citizens in the Commonwealth receiving benefits from the Supplemental
- 1467 Nutrition Assistance Program;
- 1468 12. The number of driver's licenses issued;
- 1469 13. The number of registered motor vehicles;
- 1470 14. The number of full-time private sector employees;
- 1471 15. The number of prepaid tuition contracts outstanding pursuant to Chapter 7 (§ 23.1-700 et seq.)
- 1472 of Title 23.1 and the estimated total liability under such contracts;
- 1473 16. Any state audit or report relating to the programs or activities of an agency;
- 1474 17. Information on capital outlay payments, including project title, funding date, completion date,
- 1475 appropriations, year-to-date expenditures, and unexpended appropriations;
- 1476 18. Annual bonded indebtedness that shall include the amount of the total original obligation stated
- 1477 in terms of principal and interest, the term of the obligation, the amounts of principal and interest
- 1478 previously paid to reduce the obligation, the balance remaining of the obligation, and any refinancing of
- 1479 the obligation; and
- 1480 19. Other data as the Auditor of Public Accounts deems appropriate relating to the Commonwealth.
- 1481 E. The Auditor of Public Accounts shall incorporate into the database the following additional
- 1482 elements as they become available through improved enterprise applications or other systems:
- 1483 1. Commodities, including line item expenditures;
- 1484 2. The descriptive purpose for a funding action or expenditure;
- 1485 3. The statute or act of the General Assembly authorizing the issuance of bonds; and
- 1486 4. Copies of actual grants and contracts.
- 1487 F. The Auditor of Public Accounts shall incorporate into the database the following enhancements:
- 1488 1. Graphs, charts, or other visual displays of aggregated data showing (i) current state spending by
- 1489 expense category, (ii) year-to-year state spending, and (iii) other data deemed appropriate by the Auditor
- 1490 of Public Accounts, including the display of available line item expenditures; and

1491 2. Frequently asked questions and their responses.

1492 **§ 30.1-505. Additional certifications for public institutions of higher education.**

1493 A. For purposes of this section, "public institution of higher education" means the same as that
1494 term is defined in § 23.1-100.

1495 B. In addition to all other responsibilities and duties required under law, the Auditor of Public
1496 Accounts shall promptly upon completion of the annual audit for each public institution of higher
1497 education certify in writing to the rector or chair of the board of visitors or other governing body of the
1498 institution, the Secretaries of Administration, Education, and Finance, and the Chairs of the House
1499 Committee on Appropriations, the House Committee on Finance, and the Senate Committee on Finance
1500 and Appropriations whether or not the institution meets all of the financial and administrative management
1501 standards currently in effect for public institutions of higher education pursuant to § 23.1-1001 and as may
1502 be included in the general appropriation act currently in effect. In addition, for any public institution of
1503 higher education required to develop and implement a plan of corrective action under § 23.1-1001, the
1504 Auditor of Public Accounts shall at the time of making the certification provide a written evaluation of
1505 the institution's progress in implementation of the plan and in meeting all of the financial and
1506 administrative management standards currently in effect.

1507 **§ 30.1-506. Annual review of the collection and distribution of retail sales and use taxes.**

1508 As part of the annual audit of the Department of Taxation, the Auditor of Public Accounts shall
1509 perform a review of the collection and distribution of the Retail Sales and Use Tax (§ 58.1-600 et seq.),
1510 with an important focus being the collection and distribution of local retail sales and use taxes. In addition
1511 to all other responsibilities and duties required under law, the Auditor of Public Accounts shall promptly
1512 upon completion of the annual review issue a report to the Chairs of the House Committee on
1513 Appropriations, the House Committee on Finance, the Senate Committee on Finance and Appropriations,
1514 and the Tax Commissioner of the Department of Taxation. All actions or requests for tax information by
1515 the Office of the Auditor of Public Accounts for the purpose of conducting the review shall be deemed to
1516 be performed in the line of duty for purposes of § 58.1-3.

§ 30.1-507. Audit of accounts of city and county officers handling state funds; audit report; reimbursement of expenses.

A. At least once every two years, the Auditor of Public Accounts, either in person or through his staff, shall audit all accounts and records of every city and county official and agency in the Commonwealth handling state funds, making a detailed written report of any such audit to the Governor, the Joint Legislative Audit and Review Commission, and appropriate local officials within 30 days after each audit. Such reports shall be public records.

B. Every city and county, the accounts and records of whose officials or agencies are audited in accordance with subsection A, shall reimburse the Commonwealth to the extent of one-half of the expense connected with the audit, to be paid into the state treasury by the Auditor of Public Accounts. All such sums shall be placed by the Comptroller to the credit of the current appropriation made to the Auditor of Public Accounts and may be used by him for the purpose of carrying out the provisions of subsection A.

§ 30.1-508. Inspection of accounts and vouchers; penalty.

A. The Auditor of Public Accounts or his deputy shall from time to time inspect and scrutinize the accounts and vouchers of all state officers referred to in § 2.2-803.

B. The Auditor of Public Accounts shall have access to records of all state institutions, departments, and agencies and they shall furnish all information requested by the Auditor and shall cooperate with him to the fullest extent.

C. Every inspection authorized by this section may be made without notice to the official whose accounts are to be inspected. It shall be the duty of the official whose books and accounts and vouchers are being inspected to produce such records and give the Auditor of Public Accounts or his deputy all necessary aid in making the inspection. If any official fails to comply with the requirements of this subsection, he is guilty of a Class 1 misdemeanor.

§ 30.1-509. Power as to witnesses; perjury.

The Auditor of Public Accounts or his deputy, while conducting any examination authorized by this chapter, shall have power to (i) administer an oath to any person whose testimony may be required in any such examination, (ii) compel the appearance and attendance of such person for the purpose of any

such examination and investigation, and (iii) call for any books and records necessary for such examination. If any person willfully swears falsely in such examination, he is guilty of perjury.

§ 30.1-510. State agencies, courts, and local constitutional officers to report certain fraudulent transactions; penalty.

A. For purposes of this section, "state government entity" means any state department, court, officer, board, commission, institution, or other agency of the Commonwealth, including local constitutional officers and appointed officials exercising the powers of elected constitutional officers.

B. Upon the discovery of circumstances suggesting a reasonable possibility that a fraudulent transaction has occurred involving funds or property under the control of any state government entity, as to which one or more officers or employees of state or local government may be a party, the state agency head, court clerk, or local official in charge of such entity shall promptly report such information to the Auditor of Public Accounts, the State Inspector General, and the Superintendent of State Police (the Superintendent).

C. The Auditor of Public Accounts, the State Inspector General, or the Superintendent shall review the information reported pursuant to subsection B and individually determine the most appropriate method to investigate the information. In the event that the Auditor of Public Accounts, the State Inspector General, or the Superintendent determines to conduct an investigation, he shall notify the others of the commencement of the investigation as soon as practicable, unless the information involves the Auditor of Public Accounts, the State Inspector General, or the Superintendent.

D. No state government entity shall employ or contract with any person, firm, corporation, or other legal entity to conduct an investigation or audit of information reported pursuant to subsection B without obtaining prior written approval from the Auditor of Public Accounts and the Superintendent. Pending acknowledgement of the report and receipt of such written approval, the state government entity may use its employees to audit the circumstances reported in subsection B to prevent the loss of assets.

E. All state government entities shall cooperate to the fullest extent in any investigation or audit that may occur at the direction of the Auditor of Public Accounts or the Superintendent or both as a result of information reported pursuant to subsection B.

F. If any person willfully fails to make a report as required by this section, he is guilty of a Class 3 misdemeanor.

G. Nothing herein shall affect the requirements of § 52-8.2.

§ 30.1-511. Certain political subdivisions to file report of audit.

A. For purposes of this section, "financial transactions" does not include financial transactions involving notes, bonds, or other evidences of indebtedness of an entity, the proceeds of which are held or advanced by a corporate trustee or other financial institution and not received or disbursed directly by such entity.

B. Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote shall annually, within five months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection D.

C. Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote and that is reported in the Commonwealth's Annual Comprehensive Financial Report as determined by the Comptroller and the Auditor of Public Accounts shall annually, within three months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection D.

The Auditor of Public Accounts shall keep such records as public for a period of 10 years from their receipt.

D. No audit shall be required for an entity as described in subsections B and C during any fiscal year during which such entity's financial transactions did not exceed the sum of \$25,000.

In the event that an audit is not required, the entity shall file a statement under oath certifying that the transactions did not exceed such sum and, as to all transactions involving notes, bonds, or other evidences of indebtedness that are exempted, the statement shall be accompanied by an affidavit from the

trustee or financial institution certifying that it has performed the duties required under the agreement governing such transactions. The Auditor of Public Accounts may require an audit if he deems it to be necessary to determine the propriety of the entity's financial transactions.

E. In the case of a water and sewer authority required by a governing body to have an audit conducted as specified in § 15.2-5145, the authority shall file the certified audit with the Auditor of Public Accounts.

F. At the time the report required by this section is filed with the Auditor of Public Accounts, every such authority, commission, district, or other political subdivision, except those exempted from the audit report requirement, shall publish in a newspaper of general circulation in the county, city, or town where such entity is located a reference to where a detailed statement reflecting the financial condition of such entity may be found.

G. Any provision of law, general or special, that by its terms requires an audit that is not required by this section shall be repealed to the extent of any conflict.

§ 30.1-512. Annual report required.

The Auditor of Public Accounts shall make an annual report of the activities of his Office to the Governor and the General Assembly.

§ 30.1-513. Performance of duties by Joint Legislative Audit and Review Commission upon failure of Auditor to perform duties; procedure.

A. Whenever the General Assembly is not in session, the Joint Legislative Audit and Review Commission may perform any of the duties of the Auditor of Public Accounts upon its determination that the Auditor is unable or unwilling to perform any of his duties by reason of incapacity, malfeasance in office, neglect of duty, conflict of interest, or criminal activity relating to the performance of his duties. Such action shall, after notice to the Auditor of Public Accounts and an opportunity to be heard, require a three-fifths vote of all members of the Joint Legislative Audit and Review Commission.

B. The Joint Legislative Audit and Review Commission's performance of such duties shall be effective until the House of Delegates, acting at the next regular or special session of the General Assembly, determines whether to institute impeachment proceedings against the Auditor of Public

Accounts, as provided in Article IV, Section 17 of the Constitution of Virginia, or until the Joint Legislative Audit and Review Commission, by a majority vote of its membership, determines that the Auditor can resume the performance of his duties. Upon institution of impeachment proceedings by the House of Delegates, the Joint Legislative Audit and Review Commission may continue to perform such duties until the conclusion of impeachment proceedings.

CHAPTER 6.

DIVISION OF CAPITOL POLICE.

§ 30.1-600. Powers, duties, and functions of the Division of Capitol Police.

A. The Division of Capitol Police (the Division) may exercise within the limits of Capitol Square; when assigned to any other property owned, leased, or controlled by the Commonwealth or any agency, department, institution, or commission thereof; and on property pursuant to the provisions of §§ 15.2-1724, 15.2-1726, and 15.2-1728 all the powers, duties, and functions that are exercised by the law-enforcement officers of the locality in which such property is located.

B. The jurisdiction of the Division shall further extend 300 feet beyond the boundary of any property its officers are required to protect and shall be concurrent with that of the law-enforcement officers of the locality in which such property is located.

C. The Division shall also have concurrent jurisdiction with the law-enforcement officers of the City of Richmond. In addition, a Capitol Police officer who is a detector canine handler shall have concurrent jurisdiction with the law-enforcement officers of any locality that has requested the assistance of the Division in the detection of firearms, ammunition, explosives, propellants, or incendiaries.

D. In any case involving the theft or misappropriation of personal property of any member or employee of the General Assembly, the Division shall have concurrent jurisdiction with the law-enforcement officers of any county contiguous to the City of Richmond. When assigned to accompany the Governor or Governor-elect, members of the Governor's family, the Lieutenant Governor or Lieutenant Governor-elect, the Attorney General or Attorney General-elect, members of the General Assembly, or members of the Supreme Court or Court of Appeals of Virginia, or when directed to serve a summons issued by the Clerk of the Senate or the Clerk of the House of Delegates, a joint committee or

commission of the Senate and the House of Delegates, or any committee of either house, a Capitol Police officer shall be vested with all the powers and authority of a law-enforcement officer of any locality in which the Capitol Police officer is required to be. All members of the Division shall be subject to the provisions of § 2.2-1202.1 and Chapter 5 (§ 9.1-500 et seq.) of Title 9.1.

E. The assignment of jurisdiction to any property pursuant to this section shall be made in consultation with the Clerks of the House of Delegates and the Senate and the Chairs of the House Committee on Rules and Senate Committee on Rules.

F. The Division shall have the authority to enter into contracts or agreements necessary or incidental to the performance of its duties.

§ 30.1-601. Disposal of unclaimed firearms, other weapons, and unclaimed personal property in possession of the Division.

A. As used in this section:

"Unclaimed firearms and other weapons" means any firearm or other weapon belonging to another that has been acquired by a law-enforcement officer pursuant to his duties and that (i) is not needed in any criminal prosecution; (ii) has not been claimed by its rightful owner; and (iii) will be declined, as indicated by the State Treasurer, if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.).

"Unclaimed personal property" means any personal property belonging to another that has been acquired by a law-enforcement officer pursuant to his duties and that (i) is not needed in any criminal prosecution; (ii) has not been claimed by its rightful owner; and (iii) will be declined, as indicated by the State Treasurer, if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.).

B. The Division may destroy, subject to the provisions of § 19.2-386.29, unclaimed firearms and other weapons and may lawfully dispose of unclaimed personal property when any such item has been in the possession of the Division for a period of more than 120 days.

C. Destruction or disposal of items pursuant to subsection B shall be at the discretion of the chief of police or his designee. The Division may destroy unclaimed firearms and other weapons by any means

that renders such firearms or weapons permanently inoperable. Prior to the destruction of unclaimed firearms and other weapons or disposal of unclaimed personal property, the chief of police or his designee shall (i) make reasonable attempts to notify by mail the rightful owner of any such item pursuant to subsection B and (ii) obtain a written statement from the attorney for the Commonwealth of the jurisdiction from which the unclaimed item came into the possession of the Division advising that the item is not needed in any criminal prosecution.

D. The Division may dispose of an unclaimed bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped in accordance with the provisions of § 15.2-1720.

E. In lieu of destroying an unclaimed firearm and upon agreement of the Department of Forensic Science, the chief of police or his designee may donate the unclaimed firearm to the Department of Forensic Science.

CHAPTER 7.

DIVISION OF LEGISLATIVE AUTOMATED SYSTEMS.

§ 30.1-700. Division of Legislative Automated Systems; supervisory control of Division; appointment of Director.

A. There shall be a legislative agency known and designated as the Division of Legislative Automated Systems (the Division). Supervisory control of the Division shall be vested in the Joint Rules Committee. The Joint Rules Committee shall appoint a Director, subject to confirmation by the General Assembly, who shall serve at the pleasure of the Joint Rules Committee.

In addition to those duties required of the Director by law, he shall perform such other duties as may be required of him by the Joint Rules Committee.

B. The Director of the Division shall employ such personnel as may be required to carry out the purposes of this chapter.

§ 30.1-701. Powers and duties of the Division.

A. The Division shall have the following powers and duties:

1. Operate an automated data processing center and perform computing and programming services for the House of Delegates, the Senate of Virginia, and the Division of Legislative Services.

1706 2. Establish and maintain an electronic legislative information system that includes the status of
1707 bills and resolutions active within the legislative process and related information. Electronic access to this
1708 information shall be made available to all agencies of the Commonwealth and its political subdivisions
1709 and conditionally available to the public as resources permit.

1710 3. Supervise the printing and distribution of bills, resolutions, joint resolutions, House documents,
1711 Senate documents, and other matters directed to be printed for use of the House of Delegates or the Senate
1712 of Virginia and intended for temporary use, as well as the printing and distribution of House Journals,
1713 Senate Journals, and the Acts of Assembly.

1714 4. Provide technical assistance to the General Assembly of Virginia and to the agencies that
1715 directly serve the General Assembly of Virginia.

1716 5. Prepare and publish annually, as soon as practicable after January 1, a listing of designated
1717 spokespersons or information officers for each department, agency, board, or commission of state
1718 government, as shall be designated by the head of each such entity. Such spokespersons or information
1719 officers shall (i) serve as a legislative liaison between any such department, agency, board, or commission
1720 and the General Assembly; (ii) act as the official spokesperson representing such department, agency,
1721 board, or commission; and (iii) be at all times available to assist members of the General Assembly in
1722 seeking solutions to problems of citizens of the Commonwealth.

1723 6. Prepare and publish annually, as soon as practicable after January 1, a report, indexed according
1724 to standing committee jurisdiction, on the status of all reports, actions, or data collection that is required
1725 by legislation enacted by the General Assembly or otherwise requested by the General Assembly of
1726 agencies and collegial bodies of state government. The report for the most recently completed calendar
1727 year shall be submitted to the General Assembly and the Governor and made available on the electronic
1728 legislative information system.

1729 7. Make and enter into all contracts and agreements necessary or incidental to the performance of
1730 its duties and the execution of its powers under this chapter, including contracts with the United States,
1731 any other state or territory, or any agency or governmental subdivision of the Commonwealth. The

Division shall represent the interests of the General Assembly in activities involving obtaining and maintaining data processing services, electronic components, and other related items.

8. Perform other duties as directed by the Joint Rules Committee.

B. Every document or file maintained or stored on equipment of the Division shall be considered the property of the person for whom the document or file is maintained or stored. Neither the Director of the Division nor any employee of the Division shall reveal any of this property to any person outside of the Division, except with the consent of the owner of the property.

§ 30.1-702. Electronic legislative information system; access and fees.

A. The Division shall maintain on the electronic legislative information system the text of the Code of Virginia, the Virginia Administrative Code, and the Virginia Register of Regulations subject to such conditions and restrictions as may be established by the Virginia Code Commission in accordance with its responsibilities for publishing and maintaining the Codes and Register as set forth in § 30.1-810. Copyright interests of the Code publisher, which include case annotations, cross-reference notes, editor's notes, collateral reference notes, and effect of amendment notes, shall not be violated.

B. For the services rendered in providing access to the electronic legislative information system, the Division may charge and collect a fee for each inquiry as determined by the Director of the Division to be a reasonable and sufficient proportion of the costs for maintaining the system and furnishing access. No fee, however, shall be charged to any agency of the legislative branch of the Commonwealth, including individual legislators using the information exclusively for legislative purposes.

Users located outside the geographical limits of the Commonwealth shall be charged an access fee double that referred to in the preceding paragraph.

C. No person shall receive access from the electronic legislative information system for resale without first applying to the Director of the Division. Such application shall be approved only on the condition that a fee equal to 25 percent of the resale charge is paid, which shall be in addition to the other fees provided for in this section.

§ 30.1-703. Printing and distribution of bills and resolutions, legislative documents, and other state publications; fees.

1759 A. The Division shall be responsible for printing sufficient copies of every bill, resolution, House
1760 document, Senate document, calendar of each house, or other matter directed to be printed for use of the
1761 House of Delegates or the Senate of Virginia and may furnish copies of such to any person, firm, or
1762 corporation as may apply therefor. The number of such copies furnished to any person, firm, or corporation
1763 may be limited by the Division.

1764 B. Within 45 days following the adjournment sine die of any session of the General Assembly, the
1765 Division shall distribute to each member of the General Assembly who so requests a copy of each Act of
1766 Assembly in the form in which it was signed by the Governor or otherwise enacted into law. Each act so
1767 sent shall be clearly denominated with the House of Delegates or Senate bill number assigned to it by the
1768 respective house of the General Assembly.

1769 C. Within a reasonable time after the close of each session of the General Assembly, the Division
1770 shall cause to be printed and bound the Journals of the House of Delegates and the Senate of Virginia,
1771 with an index for each such journal.

1772 D. The Division shall distribute annually to each member of the General Assembly a request form
1773 containing a checklist for selection of the Acts of Assembly, the Journals of the House of Delegates and
1774 the Senate of Virginia, and reports submitted to the General Assembly or any committee, subcommittee,
1775 commission, agency, or other body within the legislative branch. It is the responsibility of the Division to
1776 notify each member of the General Assembly of the availability of the publications and that each will be
1777 forwarded to them by the appropriate entity upon written request. The Division shall forward requested
1778 reports of legislative entities and shall notify each agency, institution, collegial body, or other
1779 governmental entity outside of the legislative branch of the names of the members of the General
1780 Assembly requesting such entity's report.

1781 E. The Division may charge and collect in advance a fee determined by the Director of the Division
1782 to be reasonable and sufficient to cover the cost of printing, binding, and handling; in addition to each
1783 such fee, the Division shall also charge and collect an amount necessary to cover the cost of mailing if
1784 such bill, resolution, House document, Senate document, calendar of each house, or other matter directed
1785 to be printed is to be sent by mail.

§ 30.1-704. Submission of reports and executive summaries to the legislative branch.

A. Any report required or requested by law or resolution to be submitted to the General Assembly or to any committee, subcommittee, agency, or other body within the legislative branch, or the chair or agency head of such entity, shall be submitted to the Division in a written or electronic format as provided in the procedures for the processing of legislative documents and reports. Such submission shall satisfy the requirement for communication to the General Assembly.

B. The reports submitted to the Division shall include an executive summary. The Division shall post the executive summary and the report on the electronic legislative information system and develop a notification process to inform interested persons of such postings. Any requirement for a separate executive summary may be satisfied by the submission of a report in a written or electronic format with an executive summary.

C. The Director of the Division and the publishing authority may enter into agreements to provide equivalent access to the report or the information contained in the report, and such access shall satisfy the submission requirement of this section.

D. Nothing in this section shall be construed to require the release of information otherwise held confidential by law.

CHAPTER 8.

DIVISION OF LEGISLATIVE SERVICES AND ASSOCIATED COMMISSIONS.

Article 1.

Division of Legislative Services.

§ 30.1-800. Division of Legislative Services; supervisory control of Division; appointment, term, and qualifications of Director.

A. There shall be a legislative agency known and designated as the Division of Legislative Services (the Division). Supervisory control of the Division shall be vested in the Joint Rules Committee.

B. The Joint Rules Committee shall appoint a Director, subject to confirmation of the General Assembly, who shall serve at the pleasure of the Joint Rules Committee. In addition to those duties required of him by law, he shall perform such other duties as may be required of him by the Joint Rules

Committee. The Director shall be an experienced lawyer and a member of the bar of the Commonwealth. He shall employ and fix the duties and compensation of legislative counsel and such other persons as he deems necessary to carry out the duties and responsibilities required by this chapter. All such persons shall be selected solely on the grounds of fitness for the performance of the duties assigned to them. Such compensation shall be paid out of appropriations made for the purpose.

§ 30.1-801. Duties of Division.

The Division shall have the following powers and duties:

1. Maintain a reference library with a collection to support the work of the Division and the General Assembly and to provide general and specific reference services to members of the General Assembly;
2. Maintain physical or electronic copies of all bills, resolutions, amendments, reports of committees, and other documents printed by order of either house of the General Assembly for any years preceding the publication of such documents on the legislative electronic information system;
3. Carry out legal and legislative research and analysis for members of the General Assembly and its committees;
4. Draft bills and resolutions for introduction by a member of the General Assembly, and prepare amendments to such bills and resolutions, upon the request of any member of the General Assembly, the Governor, any Governor's Secretary, or the head of any legislative, judicial, or independent agency; and
5. Advise as to the constitutionality or probable legal effect of proposed legislation; prepare summaries of existing laws affected by proposed legislation, compilations of laws in other states relating to the subject matter of such legislation, and statements of the operation and effect of such laws; and conduct research as to any subject of proposed legislation.

§ 30.1-802. Requests for drafting bills or resolutions; bills to conform to request; confidentiality.

A. All requests for the drafting of bills or resolutions by the Division shall be submitted to the Division in person, by voice transmission, or by electronic means. Each request shall contain sufficient information respecting the policies and purposes that the requester desires incorporated into and

accomplished by the bill. Bills drafted by the Division shall conform to such request or any supplementary instructions submitted by the requester.

B. The contents or nature of any request or related supplementary instructions shall not be revealed to any person outside of the Division without the consent of the requester, except such requests or supplementary instructions may be revealed to the Division of Legislative Automated Systems in fulfilling its duties as provided in § 30.1-701. However, and unless specifically directed otherwise, the Director or a Division employee may reveal the nature of a request when seeking information from any person to assist in drafting the bill, and whenever the Director or a Division employee receives a request that is substantially the same as one previously received, he may so inform the person submitting the similar request.

C. All legislative drafting requests and accompanying documents shall be maintained by the Division as permanent records. Each of these separate files shall be considered the property of the requester and no one other than employees of the Division shall have access to any such file without the specific approval of the requester.

§ 30.1-803. Privileges of employees of the Division.

The employees of the Division shall be entitled to those rights and privileges granted to members and members-elect of the General Assembly pursuant to §§ 30.1-101, 30.1-104, and 30.1-105.

§ 30.1-804. Use of state libraries; withdrawal of books; charges.

A. The Director and all employees of the Division shall have access to the State Law Library and The Library of Virginia, with the right to withdraw any books, pamphlets, or printed data from either library, to support the performance of their duties, subject to the rules of the libraries as to time.

B. Upon the request of the Division, the library of any public institution of higher education in the Commonwealth shall furnish to the Division photocopies of materials on file without any charge except the actual cost of photocopying. Such libraries shall not charge the Division for any library exchange services.

Article 2.

Virginia Code Commission.

§ 30.1-805. Virginia Code Commission; purpose.

The Virginia Code Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to arrange for and oversee the publication of the Code of Virginia, the Virginia Administrative Code, and the Virginia Register of Regulations as provided for in § 2.2-4031.

§ 30.1-806. Membership; terms.

A. The Commission shall have a total membership of 13 members that shall include four legislative members, six nonlegislative citizen members, and three ex officio members. Members shall be appointed as follows:

1. Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates for terms coincident with their terms as members of the House of Delegates;

2. Two members of the Senate to be appointed by the Senate Committee on Rules for terms coincident with their terms as members of the Senate;

3. Two circuit court judges, both of whom may be retired or inactive, one to be appointed by the Speaker of the House of Delegates and one to be appointed by the Senate Committee on Rules for terms of four years each;

4. One former member of the House of Delegates to be appointed by the Speaker of the House of Delegates and one former member of the Senate to be appointed by the Senate Committee on Rules for terms of four years each who shall be entitled to all the rights granted under § 30.1-105; and

5. One nonlegislative citizen member to be appointed by the Speaker of the House of Delegates and one nonlegislative citizen member to be appointed by the Senate Committee on Rules for terms of four years each. Such appointees may be recommended by the Commission and shall have demonstrated legal knowledge and experience in the codification of session laws and recodification of statutes. Vacancies shall be filled in the same manner as the original appointments. Each member approved pursuant to this subdivision shall be entitled to all the rights granted under § 30.1-105.

The Governor, the Attorney General, and the Director of the Division of Legislative Services or their designees shall serve ex officio with nonvoting privileges.

B. All members of the Commission shall serve until the expiration of their terms or until their successors qualify. Vacancies shall be filled for the unexpired terms in the manner of the original appointments.

§ 30.1-807. Compensation; expenses.

Current legislative members of the Commission shall receive compensation as provided in § 30.1-109. Other members of the Commission shall receive compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Commission.

§ 30.1-808. Quorum; chair and vice-chair; meetings.

A majority of the members of the Commission shall constitute a quorum. The Commission shall elect a chair and vice-chair from among its membership who shall be members of the General Assembly. Meetings of the Commission shall be held at the call of the chair or whenever the majority of the members so request.

§ 30.1-809. Staffing.

The Division of Legislative Services shall provide administrative staff support to the Commission. The Commission may also directly employ part-time or full-time personnel as necessary, including experts who have special knowledge of specific titles of the Code being revised.

§ 30.1-810. Publication of Code of Virginia, Virginia Administrative Code, and Virginia Register of Regulations; authority regarding type and form.

The Commission may arrange for the Code of Virginia, the Virginia Administrative Code, and the Virginia Register of Regulations to be (i) printed and published by or at the expense of the Commonwealth and sold and otherwise distributed by the Commonwealth or (ii) privately printed and published, under the direction and supervision of the Commission and upon such terms as the Commission may provide.

and sold and distributed by the publisher upon such terms, including terms as to price, as the Commission may provide.

The Commission shall have full discretion to arrange for the publication of annotated or unannotated copies of the Code of Virginia, the Virginia Administrative Code, and the Virginia Register of Regulations; to fix the number of volumes; and to decide all questions of form, makeup, and arrangement, including title pages, prefaces, annotations, indices, tables of contents and reference, appendices, paper, type, binding, and lettering. The Commission may arrange for the Code of Virginia and the Virginia Administrative Code to be made permanent editions and kept current by means of supplements and replacement volumes.

§ 30.1-811. Contracting with publishers; property rights regarding Code of Virginia and Virginia Administrative Code material.

A. The Commission may enter into contracts for such editorial work, printing, indexing, annotating, and other work as may be necessary. All parts of any code published or authorized to be published by the Commission, including statute text, regulation text, catchlines, historical citations, numbers of sections, articles, chapters and titles, frontal analyses, and revisor's notes, shall become and remain the exclusive property of the Commonwealth to be used only as the Commission may direct. However, the Commission shall acknowledge a property right in and the right to copyright materials prepared and added to any code by the person preparing it. Such materials may include case annotations, indices, various notes concerning sections, and reference tables.

B. Trade secrets or proprietary information submitted by any person contracting or proposing to contract with the Commission in connection with the publication of (i) the Code of Virginia, (ii) the Virginia Administrative Code, or (iii) any other materials published by the Commission shall not be subject to public disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, the person shall invoke the protections of this subsection prior to or upon submission of the data or other materials to be protected and state the reasons why protection is necessary. The Commission may, in closed session, discuss, consider, review, or deliberate upon proposals that contain trade secrets or proprietary information submitted by any person contracting or proposing to contract with the

Commission in connection with the publication of the Code of Virginia or the Virginia Administrative Code.

§ 30.1-812. Codification of session laws.

Immediately following each regular session of the General Assembly, the Commission shall arrange for the codification and incorporation into the Code of Virginia of all general and permanent statutes enacted at such regular session and at all special sessions that have occurred between that regular session and the immediately preceding regular session. The statutes may be incorporated by supplements to each volume, replacement of any volume, or a combination thereof.

Unless prevented by unusual circumstances, this work and the distribution of each supplement and replacement volume shall be completed prior to the date when the statutes contained in each such supplement and replacement volume become effective.

§ 30.1-813. Authority for minor changes to the Code of Virginia and Virginia Administrative Code.

A. The Commission may correct unmistakable printer's errors, misspellings, and other unmistakable errors in (i) the statutes as incorporated into the Code of Virginia and (ii) the regulations as incorporated into the Virginia Administrative Code and may make consequential changes in the titles of officers and agencies or when otherwise made necessary by the use of titles, terminology and references, or other language no longer appropriate.

B. The Commission may renumber, rename, and rearrange (i) any Code of Virginia titles, chapters, articles, and sections in the statutes adopted, and make corresponding changes in lists of chapter, article, and section headings, catchlines, and tables, and (ii) any Virginia Administrative Code titles, sections, or other divisions within the regulations that have been proposed or adopted or have become effective, and make corresponding changes in lists of subject and section headings, catchlines, and tables, when, in the judgment of the Commission, it is necessary because of any disturbance or interruption of orderly or consecutive arrangement.

C. The Commission may correct unmistakable errors in cross-references to Code of Virginia or Virginia Administrative Code sections and may change cross-references to such sections that have become

1973 outdated or incorrect due to subsequent amendment to, revision of, or repeal of the sections to which
1974 reference is made.

1975 D. The Commission may omit from the statutes incorporated into the Code of Virginia and from
1976 the regulations incorporated into the Virginia Administrative Code those provisions that, in the judgment
1977 of the Commission, are inappropriate in a code, including effective date clauses, clauses providing for
1978 specific nonrecurring appropriations, and general repealing clauses.

1979 **§ 30.1-814. Ongoing responsibility for repeal of obsolete statutes and Acts of Assembly.**

1980 The Commission shall periodically review the Code of Virginia and uncodified provisions in the
1981 Acts of Assembly to identify obsolete chapters, articles, sections, or enactments and recommend to the
1982 General Assembly legislation amending or repealing such statutes or acts as the Commission deems
1983 appropriate.

1984 **§ 30.1-815. Revision of the Code of Virginia; construction of statutes relating to titles**
1985 **amended.**

1986 A. The Code of Virginia shall continue to be gradually revised by revising one title at a time. The
1987 Commission shall have the responsibility for drafting title revision and recodification bills for introduction
1988 into the General Assembly.

1989 B. During the recodification or title revision process, the Commission shall evaluate the need for
1990 and recommend the repeal of any section or provision relating to the revised title that has not been
1991 implemented during any of the previous five years because sufficient funds were not appropriated by the
1992 General Assembly. The House Committee on Appropriations and the Senate Committee on Finance and
1993 Appropriations shall assist the Commission in determining which sections and provisions of the Code of
1994 Virginia meet these conditions for repeal.

1995 C. In the revision of each title, all other sections of the Code of Virginia relating to the same subject
1996 matter shall be revised to the extent necessary. Whenever in a title revision or recodification bill an existing
1997 section of a title of the Code of Virginia is repealed and replaced with a renumbered section and that
1998 section so repealed was effective with an uncodified enactment, the repeal of that section, alone, shall not

1999 affect the uncodified enactment. The title revision or recodification bill shall expressly repeal the
2000 uncodified enactment in order for the enactment to be repealed.

2001 D. Whenever, during any session of the General Assembly, there shall have been enacted any
2002 statute purporting to revise, rearrange, amend, and recodify any title of the Code of Virginia, such statute
2003 shall be deemed to have been enacted prior to any other statute enacted at such session adding to, repealing,
2004 or amending and reenacting any portion of such title. Every such other statute shall be deemed to have so
2005 added to, repealed, or amended and reenacted, as the case may be, such title as so revised, rearranged,
2006 amended, and recodified. Effect shall be given to any such other, or subsequent, statute only to the extent
2007 of any apparent changes in the law as it existed prior to such session.

2008 **§ 30.1-816. Publication of Virginia State Bar advisory opinions.**

2009 The Commission, in conjunction with the Virginia State Bar, shall arrange for the incorporation
2010 of all advisory opinions issued by the Virginia State Bar's Standing Committee on Legal Ethics into the
2011 Code of Virginia. Such opinions, including appropriate indices, may be incorporated into the Code of
2012 Virginia by the addition of a volume to the Code and kept current by means of pocket parts or supplements
2013 and by replacement volumes.

2014 **§ 30.1-817. Publication of Virginia compacts.**

2015 The Commission shall annually arrange for the codification and incorporation into the Code of
2016 Virginia of all general, special, and limited compacts to which the Commonwealth is a party. Within the
2017 discretion of the Commission, such incorporation may be through insertion within the existing text and
2018 organization of the Code of Virginia or as a freestanding volume.

2019 The Commission shall, on or before July 1 of each year, transmit to the Secretary of the
2020 Commonwealth a copy of each new, amended, or repealed compact as it was adopted by the
2021 Commonwealth in accordance with § 2.2-403.

2022 **§ 30.1-818. Responsibilities as to administrative law; appointment of Administrative Law**
2023 **Advisory Committee; staff.**

2024 A. In conjunction with the responsibility granted to the Commission for publishing and
2025 maintaining the Virginia Administrative Code pursuant to § 30.1-810, the Commission shall continually

monitor the operation of the Administrative Process Act (§ 2.2-4000 et seq.) and the Virginia Register Act (§ 2.2-4100 et seq.) to ensure that those laws provide administrative agencies of the Commonwealth with the most practical means for the promulgation, amendment, and repeal of administrative law within the powers granted to such agencies by the General Assembly, and to recommend periodically such changes as it deems appropriate.

B. The Commission may appoint an Administrative Law Advisory Committee (the Advisory Committee) to assist the Commission in fulfilling its responsibilities under subsection A. The chair of the Advisory Committee may be a member of and shall be appointed by the Commission.

1. The Advisory Committee is a legislative branch agency and may consist of representatives from state agencies, the Office of the Executive Secretary of the Supreme Court, the regulated communities, consumer and other public interest groups, local governments, the bar, and the academic community. The number of members shall be determined by the Commission but shall not exceed 12. Members shall serve two-year terms and shall be reimbursed for their expenses incurred in attending meetings and other functions of the Advisory Committee.

2. The Advisory Committee shall submit an annual work plan and budget to the Commission for approval. Funds necessary to support any such budget approved by the Commission shall be paid from sums appropriated to the Commission. The Commission may authorize the Advisory Committee to undertake research projects, hire consultants, sponsor conferences, hold public hearings, conduct surveys, and engage in other efforts consistent with assisting the Commission in fulfilling its responsibilities under subsection A. The Advisory Committee shall report its findings and recommendations annually to the Commission, and that report shall be forwarded to the General Assembly and the Governor.

3. The Division of Legislative Services shall provide administrative staff support to the Advisory Committee.

Article 3.

Joint Commission on Administrative Rules.

§ 30.1-819. Definitions.

As used in this article, unless the context requires a different meaning:

"Agency" means any authority, commission, instrumentality, officer, board, or other unit of the state government empowered by the basic laws to make regulations or decide cases.

"Joint Commission" means the Joint Commission on Administrative Rules.

"Rule" or "regulation" means any statement of general application that has the force of law, affects the rights or conduct of any person, and is adopted by an agency in accordance with the authority conferred on it by applicable laws of the Commonwealth.

§ 30.1-820. Joint Commission on Administrative Rules; purpose.

The Joint Commission on Administrative Rules is established in the legislative branch of state government. The purpose of the Commission is to (i) review existing agency rules, regulations, and practices; (ii) review agency rules or regulations during the promulgation or final adoption process; and (iii) make recommendations to the General Assembly and the Governor.

§ 30.1-821. Membership; quorum; terms.

A. The Commission shall have a total membership of 12 legislative members. Members shall be appointed as follows:

1. Seven members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and

2. Five members of the Senate to be appointed by the Senate Committee on Rules.

B. Members shall serve for terms coincident with their terms of office. Members may be reappointed. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

§ 30.1-822. Quorum; chair and vice-chair.

Six members of the Commission shall constitute a quorum. The Commission shall elect a chair and vice-chair from among its members.

§ 30.1-823. Compensation; expenses.

Members of the Commission shall receive compensation as provided in § 30.1-109 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as

provided in §§ 2.2-2813 and 2.2-2825. However, all such expense payments shall come from existing appropriations to the Commission.

§ 30.1-824. Powers and duties of the Commission.

A. The Commission shall have the following powers and duties:

1. Review proposed rules and regulations of any agency during the promulgation or final adoption process and determine whether or not the rule or regulation (i) is authorized by statute; (ii) complies with legislative intent; (iii) will cause a substantial reduction in private sector employment; and (iv) contains any mandate that improperly burdens businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected as defined in § 2.2-4007.04;

2. Review the effect of the rule or regulation on (i) the economy; (ii) the protection of the Commonwealth's natural resources pursuant to Article XI, Section 1 of the Constitution of Virginia; (iii) government operations of the Commonwealth and localities; and (iv) affected persons and businesses;

3. File with the Registrar of Regulations and the agency promulgating the regulation an objection to a proposed or final adopted regulation;

4. Suspend the effective date of any portion or all of a final regulation with the concurrence of the Governor as provided in subsection B of § 2.2-4014;

5. Make recommendations to the General Assembly and the Governor for action based on its review of any proposed rule or regulation;

6. Review any existing agency rule, regulation, or practice or the failure of an agency to adopt a rule and recommend to the General Assembly and the Governor that a rule be modified, repealed, or adopted; and

7. Conduct an ongoing review of the exemptions authorized by the Administrative Process Act (§ 2.2-4000 et seq.) in accordance with subsections B and D of § 2.2-4005 on a schedule established by the Commission.

B. If the Commission finds that a rule or regulation improperly burdens businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, it

2106 shall report quarterly to the General Assembly and the Governor on any such regulation. The report shall
2107 contain a statement of any position taken by the Commission on any such regulation.

2108 C. If the Commission decides to seek suspension of a final rule or regulation, it shall deliver a
2109 statement to the Governor, signed by a majority of the members of the Commission, asking the Governor
2110 to concur in delaying the effective date of a portion or all of the final regulation until the end of the next
2111 regular legislative session as provided in §§ 2.2-4014 and 2.2-4015.

2112 D. Based upon its review of (i) any final rule or regulation during the promulgation or final
2113 adoption process or (ii) any existing agency rule, regulation, or practice or failure of an agency to adopt a
2114 rule or regulation, the Commission may prepare and arrange for the introduction of a bill to clarify the
2115 intent of the General Assembly when the General Assembly has enacted a law or to correct any
2116 misapplication of a law by an agency.

2117 **§ 30.1-825. Staffing; cooperation and assistance.**

2118 The Division of Legislative Services shall provide administrative staff support to the Commission.
2119 All agencies, authorities, and institutions of the Commonwealth shall cooperate and provide such
2120 assistance to the Commission as the Commission may request.

2121 Article 4.

2122 Commissioners for Promotion of Uniformity of Legislation.

2123 **§ 30.1-826. Appointment of Commissioners; terms; compensation.**

2124 A. There shall be appointed by the Governor three Commissioners who, with the Director of the
2125 Division of Legislative Services and any persons appointed as life members, are hereby constituted a board
2126 of Commissioners by the name and style of Commissioners for the Promotion of Uniformity of Legislation
2127 in the United States. The three Commissioners appointed by the Governor shall serve for a term of four
2128 years, with each such term commencing on October 1. A Commissioner appointed by the Governor shall
2129 serve until his successor is appointed.

2130 B. Each of the appointed Commissioners shall hold office at the pleasure of the Governor, and
2131 excepting life members and the Director of the Division of Legislative Services, shall serve for a term of
2132 four years. Vacancies shall be filled by the Governor for unexpired terms.

C. The Commissioners shall receive no compensation for their services, but their necessary travel and hotel expenses shall be reimbursed, subject to the approval of the Joint Rules Committee or to the joint approval of the Speaker of the House of Delegates and the Chair of the Senate Committee on Rules, and shall be paid out of any funds that may be appropriated for such purposes.

§ 30.1-827. Duties; staff.

A. It is the duty of the Commissioners to examine subjects on which uniformity is desirable, to ascertain the best means to effect uniformity in the laws of the states, to represent the Commonwealth in conventions of like Commissioners appointed by other states to consider and draft uniform laws to be submitted for adoption by the several states, and to devise and recommend such other course of action as shall best accomplish the purpose of this article.

B. The Commissioners shall, on or before December 1 of each year the first day of each regular session of the General Assembly, make a detailed report to the General Assembly on their work and activities. The Division of Legislative Services shall provide administrative staff support.

CHAPTER 9.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION.

Article 1.

Joint Legislative Audit and Review Commission.

§ 30.1-900. Joint Legislative Audit and Review Commission; purpose.

The Joint Legislative Audit and Review Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to (i) review the operations of state agencies and (ii) study and report on such topics as requested by the General Assembly.

§ 30.1-901. Membership; terms; voting on recommendations.

The Commission shall have a total membership of 15 members that shall include 14 legislative members and one ex officio member. Members shall be appointed as follows:

1. Nine members of the House of Delegates to be appointed by the Speaker of the House of Delegates, of whom at least five shall be members of the House Committee on Appropriations; and

2159 2. Five members of the Senate to be appointed by the Senate Committee on Rules, of whom at
2160 least two shall be members of the Senate Committee on Finance and Appropriations.

2161 The Auditor of Public Accounts shall serve ex officio with nonvoting privileges.

2162 Members shall serve terms coincident with their terms of office. Members may be reappointed for
2163 successive terms.

2164 No recommendation of the Commission shall be adopted if a majority of the Senate members or a
2165 majority of the House members appointed to the Commission (i) vote against the recommendation and
2166 (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

2167 **§ 30.1-902. Compensation; expenses.**

2168 Members of the Commission shall receive such compensation as provided in § 30.1-109 and shall
2169 be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties on the
2170 Commission. Funding for the costs of compensation and expenses of the members shall be provided from
2171 existing appropriations to the Commission. Adequate office space shall be provided by the
2172 Commonwealth.

2173 **§ 30.1-903. Chair and vice-chair; quorum; meetings.**

2174 The Commission shall elect a chair and vice-chair from among its membership. A majority of the
2175 members shall constitute a quorum. Meetings of the Commission shall be held upon the call of the chair
2176 or whenever the majority of the members so request.

2177 **§ 30.1-904. Director, executive staff, and personnel.**

2178 The Commission shall appoint, subject to confirmation by a majority of the members of the
2179 General Assembly, a Director and fix his duties and compensation. The Director may, with prior approval
2180 of the Commission, employ and fix the duties and compensation of an adequate executive staff as may be
2181 required to perform the studies, research, and budget analyses required by this article. The Director and
2182 the executive staff shall be appointed for a term of six years and shall consist of professional persons
2183 having experience and training in program and policy evaluation and management and cost analyses. The
2184 Director and any executive staff member may be removed from office for cause by a majority vote of the

Commission. Such other professional personnel, consultants, and administrative employees may be hired or contracted by the Commission on such terms and conditions as set forth by the Commission.

§ 30.1-905. Powers and duties of the Commission.

A. For the purposes of this section, the term "state agency" means all executive, judicial, and legislative entities of the Commonwealth as well as all constitutionally or statutorily created state entities.

B. The Commission shall have the following powers and duties:

1. Make performance reviews of operations of state agencies and programs to ascertain that sums appropriated have been or are being expended for the purposes for which such appropriations were made and to evaluate the effectiveness of programs in accomplishing legislative intent;

2. Conduct reviews and analyses of public policy topics as requested by the General Assembly;

3. Make such special studies and reports of the operations and functions of state agencies and programs as it deems appropriate and as may be requested by the General Assembly;

4. Assess, analyze, and evaluate the social impact, medical effectiveness, and relevant issues of any proposed mandated health insurance benefit or mandated provider that is not included in the essential health benefits required by federal law to be provided under a health care plan and report its findings with respect to the proposed mandate to the Health Insurance Reform Commission;

5. Make such reports on its findings and recommendations at such time and in such manner as the Commission deems proper and submit such reports to the concerned state agencies, the General Assembly, and the Governor. Such reports shall relate to the following matters:

a. Ways in which state agencies and programs may operate more economically and efficiently;

b. Ways in which state agencies and programs can provide better services to the Commonwealth and to the people; and

c. Areas in which the functions of state agencies and programs are duplicative, overlapping, or failing to accomplish legislative objectives or for any other reason should be redefined or redistributed; and

6. Review the fiscal impact statements associated with introduced bills after such statements are issued.

2212 The work of the Commission's staff shall be directed by statute, joint resolution approved by the
2213 House of Delegates and the Senate, or resolution or other directive approved by the Commission.

2214 **§ 30.1-906. Supplementary reports.**

2215 The Commission shall prepare supplementary reports of the program reviews and evaluations
2216 called for in § 30.1-905 in the following manner:

2217 1. At least once in each biennium and at such other times as the Commission deems necessary, a
2218 report shall be made to the General Assembly that includes (i) annotations of reports previously issued,
2219 (ii) a summary of significant actions taken by executive agencies in response to reports and
2220 recommendations previously issued, and (iii) matters pertaining to the report topics that may require
2221 additional legislative attention and consideration.

2222 2. From time to time, state agencies involved in matters that have been studied under the provisions
2223 of § 30.1-905 may be required to communicate to the Commission at a hearing called for such purpose or
2224 in writing the status of actions completed or being taken in response to reports and recommendations
2225 previously issued.

2226 3. In the event a report of the Commission cites waste, extravagance, unauthorized activities, or
2227 other significant deficiencies that result in the misuse of public funds, a supplementary report shall be
2228 made at such time as the Commission deems appropriate, providing the General Assembly with (i) a
2229 review of the problem, (ii) recommendations made by the Commission or other legislative committee to
2230 correct the problem, (iii) actions taken or planned by the state agency to correct the problem, and (iv) such
2231 other matters as may require additional legislative attention to correct the problem.

2232 Supplementary reports published by the Commission shall be issued to the relevant state agencies,
2233 members of the General Assembly, and the Governor.

2234 **§ 30.1-907. Annual report on state spending.**

2235 A. No later than November 15 of each year, the Commission shall provide to the General Assembly
2236 and the Governor an annual report on state spending to be published as a state document that shall include
2237 (i) an identification and analysis of spending functions and programs that could be consolidated with other
2238 programs without diminishing the quality of the services provided to the citizens of the Commonwealth;

(ii) an identification and analysis of those spending functions or programs that no longer have a distinct and discernible mission or are not performing their missions efficiently; (iii) an identification and analysis of the state programs that have had the largest impact on the growth of state spending over the prior five biennia in dollar terms; (iv) an identification and analysis of the state programs growing the fastest in percentage terms; (v) for the state programs identified as the largest or fastest growing, comparisons of the growth in spending on those programs to the rate of increase in inflation and the growth in populations served by those programs over a comparable time period; (vi) an analysis of the causes for the growth in spending on the largest and fastest-growing state programs and whether the growth in spending appears rationally related to the rates of increase in inflation, tax relief measures, mandated expenditures, populations served, or any other related matter; and (vii) such other related issues as it deems appropriate.

B. All agencies of the Commonwealth shall provide assistance to the Commission in the preparation of this report upon request.

§ 30.1-908. State agencies to furnish information and assistance.

A. For the purposes of this section, the term "state agency" means all executive, judicial, and legislative entities of the Commonwealth as well as all constitutionally or statutorily created state entities.

B. All state agencies and their staff and employees shall provide the Commission with the necessary information for the performance of its duties and to afford the Commission's staff ample opportunity to observe state agency operations.

C. The clerk of each circuit court shall provide the Commission with all case data in an electronic format from such court's own case management system or the statewide Circuit Case Management System upon request of the Commission. If the statewide Circuit Case Management System is used by the clerk when requested by the Commission, the Executive Secretary of the Supreme Court shall provide for the transfer of such data to the Commission. The Commission may use such data for research, evaluation, or statistical purposes only and shall ensure the confidentiality and security of the data. The Commission shall only publish analyses based on such data as needed for its reports, fiscal impact reviews, or racial and ethnic impact statements as required by the General Assembly. The Commission shall not publish personal or case identifying information, including names, social security numbers, and dates of birth, that

may be included in such data. Upon transfer to the Commission, such data shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Except for the publishing of personal or case identifying information, including names, social security numbers, and dates of birth, the restrictions in this section shall not prohibit the Commission from sharing aggregate data in reports, fiscal impact reviews, or racial and ethnic impact statements.

§ 30.1-909. Auditor of Public Accounts to render assistance upon request; relationship to Commission.

The Commission may request and receive the assistance of the staff of the Auditor of Public Accounts in making desired special studies and fiscal reviews within the manpower limitations of his office. The Commission may serve as an advisory and contact agency for the Auditor of Public Accounts to make such special reports as he may be required by law to submit to the General Assembly.

§ 30.1-910. Advisory committees.

The Commission may associate with itself such advisory committees as it deems necessary to advise it with respect to what business practices can be adopted to achieve greater economies and more efficient service. The expenses of the members of such committees shall be paid from the funds of the Commission.

§ 30.1-911. Operational and programmatic efficiency and effectiveness reviews.

A. In addition to the review and evaluation of state entities pursuant to the Legislative Program Review and Evaluation Act (§ 30.1-914 et seq.), the Commission may establish an operational and programmatic efficiency and effectiveness review and assessment of any state departments, agencies, and programs. The Commission may contract with a United States-based private management consulting firm to conduct the efficiency and effectiveness review and assessment. Such contract shall be pursuant to a fixed price contract and shall not provide for any payment resulting from the implementation of any recommendations of the review.

B. The purpose of the review and assessment shall be to provide an objective and independent cost-savings assessment of the Commonwealth's organizational structure and its programs in order to provide information to the General Assembly and the Governor to effect savings in expenditures, a

2293 reduction in duplication of effort, and programmatic efficiencies in the operation of state government.
2294 Any review and assessment conducted pursuant to this section shall take into consideration the results of
2295 any prior studies, audits, or reviews conducted by the Commission, the General Assembly, or the Auditor
2296 of Public Accounts, any Governor-appointed commission or like entity, or any other independent entity
2297 that addressed the structure and operation of state government and identified monetary savings or
2298 efficiencies leading to a reduction in costs or reduced duplication of effort.

2299 C. The Commission shall submit a report to the General Assembly on the results of any review
2300 and assessment by December 1 of the year in which such review is conducted.

2301 **§ 30.1-912. Payment of expenses of Commission.**

2302 The salaries, per diems, and other expenses necessary to the functions of the Commission shall be
2303 payable from funds appropriated to the Commission.

2304 **§ 30.1-913. Executive orders; impact statements by the Joint Legislative Audit and Review**
2305 **Commission.**

2306 A. At the request of the chair of any committee of the General Assembly, the Commission shall
2307 review any executive order issued by the Governor and prepare a statement reflecting the potential fiscal
2308 impact of such executive order on the operations of state government.

2309 B. The Commission shall forward copies of the impact statement prepared pursuant to subsection
2310 A to the requesting chair of the standing committee of both houses of the General Assembly to which
2311 matters relating to the content of the executive order are most properly referable.

2312 Article 2.

2313 Legislative Program Review and Evaluation Act.

2314 **§ 30.1-914. Definitions.**

2315 As used in this article, unless the context requires a different meaning:

2316 "Agency" means any agency, authority, board, department, division, commission, institution,
2317 bureau, or like governmental entity of the Commonwealth and includes any entity, public or private, with
2318 which any of the foregoing has entered into a contractual relationship to accomplish an agency program.

2319 "Functional area" means the grouping of state governmental activities, programs, and agencies that
2320 constitute a single budget function as identified and classified in the Virginia State Government Program
2321 Structure.

2322 **§ 30.1-915. Functional areas; scheduling of study areas.**

2323 A. The functional areas of state government shall be scheduled for legislative review and
2324 evaluation by the Joint Legislative Audit and Review Commission as specified in subsection B on a regular
2325 basis.

2326 B. From time to time as may be required, the House of Delegates and the Senate shall by joint
2327 resolution direct the review of specified functional areas of state government. In the absence of a
2328 resolution, the Joint Legislative Audit and Review Commission shall select a functional area for review
2329 on an annual basis.

2330 **§ 30.1-916. Evaluation criteria.**

2331 Each study carried out pursuant to this article shall consider, as required, (i) that there is a valid
2332 public need for the program or agency; (ii) that legislative intent is being carried out; (iii) that program
2333 and agency performance has been in the public interest; (iv) that program objectives have been defined;
2334 (v) that intended program outcomes are measurable and have been accomplished; (vi) that program and
2335 agency operations are managed efficiently, economically, and effectively; or (vii) such other specific
2336 criteria as the Commission deems necessary and desirable.

2337 **§ 30.1-917. Access to information.**

2338 For the purpose of carrying out its duties under this article and notwithstanding any contrary
2339 provision of law, the Joint Legislative Audit and Review Commission shall have access to the records and
2340 facilities of every agency whose operations are financed in whole or in part by state funds to the extent
2341 that such records and facilities are related to the expenditure of such funds. All such agencies shall
2342 cooperate with the Joint Legislative Audit and Review Commission and, when requested, shall provide
2343 specific information in the form requested.

2344 **§ 30.1-918. Reporting.**

The Joint Legislative Audit and Review Commission shall publish and submit its reports with appropriate findings and recommendations to the members of the General Assembly and the Governor.

§ 30.1-919. Operation and construction of article.

A. The operation of this article shall not restrict the power of the General Assembly to study or act on any matter at any time.

B. The operation of this article shall not imply or require the termination of any state agency or program.

C. Nothing in this article shall be construed to restrict the Joint Legislative Audit and Review Commission from holding hearings on any subject as may be required nor shall operation of this article limit the Joint Legislative Audit and Review Commission from such other activities as may be authorized by law or custom.

Article 3.

Virginia Retirement System Oversight Act.

§ 30.1-920. Oversight of the Virginia Retirement System.

The General Assembly designates the Joint Legislative Audit and Review Commission (the Commission) to oversee and evaluate the Virginia Retirement System (the Retirement System or the System) on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Committee on Appropriations, or the Senate Committee on Finance and Appropriations.

§ 30.1-921. Powers and duties.

A. The areas of review and evaluation to be conducted by the Commission shall include the following: (i) structure and governance of the Retirement System; (ii) structure of the investment portfolio; (iii) investment practices, policies, and performance, including the effect of investment performance on employer contributions; (iv) actuarial policy and the actuarial soundness of the Retirement System's trust funds; and (v) administration and management of the Retirement System.

B. For the purpose of carrying out its duties under this article and notwithstanding any contrary provision of law, the Commission shall have the power to:

2372 1. Access the information, records, and facilities of the Retirement System and any of its
2373 corporations or subsidiaries or other entities owned, directly or indirectly, or otherwise created by or on
2374 behalf of the System.

2375 2. Access the public and executive session meetings and records of the board of trustees of the
2376 System, as well as those of the System's investment advisory committee and real estate advisory
2377 committee. Access shall include the right to attend such meetings.

2378 3. Access the System's employees, consultants, actuaries, investment managers, advisors,
2379 attorneys, accountants, or other contractors in the employ or hire of the System. Such persons shall
2380 cooperate with the Commission and upon its request shall provide specific information or opinions in the
2381 form requested.

2382 C. The chair of the Commission may appoint a permanent subcommittee to provide guidance and
2383 direction for oversight activities, subject to the full Commission's supervision and such guidelines as the
2384 Commission itself may provide.

2385 D. Confidential or proprietary records of the Retirement System or its subsidiary corporations
2386 provided to the Commission shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700
2387 et seq.).

2388 **§ 30.1-922. Required reports.**

2389 A. The Retirement System shall submit to the General Assembly, through the Commission,
2390 semiannual reports on the investment programs of the Retirement System. The reports shall be presented
2391 in a format approved by the Commission and shall include information concerning (i) planned or actual
2392 material changes in asset allocation, (ii) investment performance of all asset classes and subclasses, and
2393 (iii) investment policies and programs.

2394 B. The System shall also submit a biennial report on the actuarial soundness of its trust funds that
2395 shall include (i) funding policy and objectives, (ii) current and projected funding levels, (iii) current and
2396 projected contribution rates, and (iv) actuarial assumptions.

2397 C. The System shall furnish such reports or information as may be requested by standing
2398 committees of the General Assembly having jurisdiction over the subject matter that is the basis of such
2399 committees' inquiry.

2400 D. The Commission shall publish the following reports concerning the Retirement System: (i) a
2401 biennial status report that shall include, at a minimum and where appropriate, findings and
2402 recommendations and the status of actions, if any, taken in response to prior recommendations and (ii)
2403 with the assistance of an actuary, an actuarial report once every four years.

2404 E. The Commission's staff shall prepare and maintain an informational guide to the Retirement
2405 System for the members of the General Assembly.

2406 F. The Auditor of Public Accounts shall complete an annual financial audit of the Retirement
2407 System, the State Police Officers' Retirement System, and the Judicial Retirement System. The Auditor
2408 of Public Accounts shall report the findings of his audit to the the General Assembly, the Governor, the
2409 Commission, and the board of trustees of the Retirement System. Such audit shall be submitted on or
2410 before the first day of the General Assembly session.

2411 **§ 30.1-923. Use of consultants.**

2412 The Commission may employ on a consulting basis such investment, actuarial, and other
2413 professional or technical experts as may be reasonably necessary for the Commission to fulfill its
2414 responsibilities under this article. Such consultants shall provide, upon request, assistance to the House
2415 Committee on Appropriations and the Senate Committee on Finance and Appropriations on matters
2416 related to the Retirement System.

2417 **§ 30.1-924. Cooperation of other agencies.**

2418 All agencies of the Commonwealth shall cooperate as requested by the Commission in the
2419 performance of its duties under this article.

2420 **§ 30.1-925. Funding for Commission's oversight activities.**

2421 The Commission's reasonable and necessary expenses related to its duties under this article shall
2422 be paid by the Retirement System and shall be borne by each trust fund in the System in the same ratio as
2423 the assets of each trust fund, as of the preceding June 30, bear to the total trust funds of the System on that

date. On or before September 30 of each year, the Commission shall submit to the board of trustees of the Retirement System an itemized estimate for the next fiscal year of the amounts necessary to pay the Commission's expenses related to its duties under this article and shall include the estimate as part of its budget submission to the House Committee on Appropriations and the Senate Committee on Finance and Appropriations.

Article 4.

Commonwealth Savers Plan Oversight Act.

§ 30.1-926. Oversight of the Commonwealth Savers Plan.

The General Assembly designates the Joint Legislative Audit and Review Commission (the Commission) to oversee and evaluate the Commonwealth Savers Plan on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Committee on Appropriations, or the Senate Committee on Finance and Appropriations.

§ 30.1-927. Powers and duties.

A. The areas of review and evaluation to be conducted by the Commission shall include the following: (i) structure and governance of the Commonwealth Savers Plan; (ii) structure of the investment portfolio; (iii) investment practices, policies, and performance; (iv) actuarial policy; and (v) administration and management of the Commonwealth Savers Plan.

B. For the purpose of carrying out its duties under this article, the Commission shall have the power to:

1. Access the information, records, and facilities of the Commonwealth Savers Plan and any of its corporations or subsidiaries or other entities owned, directly or indirectly, or otherwise created by or on behalf of the Commonwealth Savers Plan.

2. Access the public and executive session meetings and records of the board of the Commonwealth Savers Plan, as well as those of any advisory committees. Access shall include the right to attend such meetings.

3. Access the Commonwealth Savers Plan's employees, consultants, actuaries, investment managers, advisors, attorneys, accountants, or other contractors in the employ or hire of the

2451 Commonwealth Savers Plan. Such persons shall cooperate with the Commission and upon its request shall
2452 provide specific information or opinions in the form requested.

2453 C. The chair of the Commission may appoint a permanent subcommittee to provide guidance and
2454 direction for oversight activities, subject to the full Commission's supervision and such guidelines as the
2455 Commission itself may provide.

2456 D. Confidential or proprietary records of the Commonwealth Savers Plan or its subsidiary
2457 corporations provided to the Commission shall be exempt from the Virginia Freedom of Information Act
2458 (§ 2.2-3700 et seq.).

2459 **§ 30.1-928. Required reports.**

2460 A. The Commonwealth Savers Plan shall submit to the General Assembly, through the
2461 Commission, annual reports on the investment programs of the Commonwealth Savers Plan. The reports
2462 shall be presented in a format approved by the Commission and shall include information concerning (i)
2463 planned or actual material changes in asset allocation, (ii) investment performance of all asset classes and
2464 subclasses, and (iii) investment policies and programs.

2465 B. The Commonwealth Savers Plan shall submit an annual report on the actuarial soundness of the
2466 Commonwealth Savers Plan's prepaid programs, which shall include (i) contract pricing policies and
2467 objectives, (ii) current and projected assets and actuarially estimated value of tuition obligations, and (iii)
2468 actuarial assumptions.

2469 C. The Commonwealth Savers Plan shall furnish such reports or information as may be requested
2470 by the Commission or standing committees of the General Assembly having jurisdiction over the subject
2471 matter that is the basis of such committees' inquiry.

2472 D. The Commission shall publish the following reports concerning the Commonwealth Savers
2473 Plan: (i) a biennial status report that shall include, at a minimum and where appropriate, findings and
2474 recommendations and (ii) with the assistance of an actuary, a review of the Commonwealth Savers Plan's
2475 annual actuarial valuation reports once every four years.

2476 **§ 30.1-929. Use of consultants.**

The Commission may employ on a consulting basis such investment, actuarial, and other professional or technical experts as may be reasonably necessary for the Commission to fulfill its responsibilities under this article. Such consultants shall provide, upon request, assistance to the House Committee on Appropriations and Senate Committee on Finance and Appropriations on matters related to the Commonwealth Savers Plan.

§ 30.1-930. Cooperation of other agencies.

All agencies of the Commonwealth shall cooperate as requested by the Commission in the performance of its duties under this article.

§ 30.1-931. Funding for the Commission's oversight activities.

The Commission's reasonable and necessary expenses related to its duties under this article shall be paid by the Commonwealth Savers Plan. On or before September 30 of each year, the Commission shall submit to the board of the Commonwealth Savers Plan an itemized estimate for the next fiscal year of the amounts necessary to pay the Commission's expenses related to its duties under this article and shall include the estimate as part of the agency's budget submission to the House Committee on Appropriations and the Senate Committee on Finance and Appropriations.

Article 5.

Virginia Information Technologies Agency Oversight Act.

§ 30.1-932. Oversight of the Virginia Information Technologies Agency.

A. The General Assembly designates the Joint Legislative Audit and Review Commission (the Commission) to review and evaluate the Virginia Information Technologies Agency (VITA) on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Committee on Appropriations, or the Senate Committee on Finance and Appropriations.

B. The chair of the Commission may appoint a permanent subcommittee to provide guidance and direction for the review and evaluation of VITA, subject to the Commission's supervision and such guidelines as the Commission may provide.

§ 30.1-933. Areas of review and evaluation.

2504 A. The areas of review and evaluation to be conducted by the Commission shall include the
2505 following: (i) VITA's infrastructure services, including its infrastructure outsourcing contracts and any
2506 amendments to such contracts; (ii) adequacy of VITA's planning and oversight responsibilities, including
2507 VITA's oversight of information technology projects and the security of governmental information and
2508 information technology systems; and (iii) cost-effectiveness and adequacy of VITA's procurement
2509 services and its oversight of the procurement activities of state agencies.

2510 B. All agencies of the Commonwealth shall cooperate as requested by the Commission in the
2511 performance of its duties under this article.

2512 **§ 30.1-934. Access to information.**

2513 For the purpose of carrying out its duties under this article and notwithstanding any contrary
2514 provision of law, the Commission shall have the legal authority to access the information, records,
2515 facilities, and employees of VITA.

2516 **§ 30.1-935. Confidentiality of private entity records; exceptions.**

2517 A. Records provided to VITA by a private entity pertaining to VITA's comprehensive
2518 infrastructure agreement or any successor contract, or any contractual amendments to such agreement or
2519 contract, for the operation of the Commonwealth's information technology infrastructure shall be exempt
2520 from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) to the extent that such records contain
2521 (i) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), of the private entity or
2522 (ii) financial records of the private entity, including balance sheets and financial statements, that are not
2523 generally available to the public through regulatory disclosure or otherwise. In order for the records
2524 specified in clauses (i) and (ii) to be excluded from the Virginia Freedom of Information Act, the private
2525 entity shall make a written request to VITA (a) invoking such exclusion upon submission of the data or
2526 other materials for which protection from disclosure is sought, (b) identifying with specificity the data or
2527 other materials for which protection is sought, and (c) stating the reasons why such protection is necessary.

2528 B. VITA shall determine whether the requested exclusion from disclosure is necessary to protect
2529 the trade secrets or financial records of the private entity. VITA shall make a written determination of the
2530 nature and scope of the protection afforded under this section. Once a written determination is made by

VITA, any protected records shall continue to be protected from disclosure when in the possession of VITA or the Commission.

C. Except as specifically provided, nothing in this section shall be construed to authorize the withholding of (i) procurement records as required by § 56-575.17; (ii) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by VITA and the private entity; (iii) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (iv) information concerning the performance of the private entity under the comprehensive infrastructure agreement or any successor contract, or any amendments to such agreement or contract, for the operation of the Commonwealth's information technology infrastructure.

Article 6.

Economic Development Incentives Oversight Act.

§ 30.1-936. Oversight of economic development incentives and policies.

A. The General Assembly designates the Joint Legislative Audit and Review Commission (the Commission) to conduct, on a continuing basis, a review and evaluation of economic development incentives and policies and to make such special studies and reports as may be requested by the General Assembly, the House Committee on Appropriations, or the Senate Committee on Finance and Appropriations.

B. The chair of the Commission may appoint a permanent subcommittee to provide guidance and direction for ongoing review and evaluation activities, subject to the Commission's supervision and such guidelines as the Commission may provide.

§ 30.1-937. Areas of review and evaluation.

The areas of review and evaluation to be conducted by the Commission shall include the following: (i) spending on and performance of individual economic development incentives, including grants, tax preferences, and other assistance; (ii) economic benefits to the Commonwealth of total spending on economic development incentives at least biennially; (iii) effectiveness, value to taxpayers, and economic benefits to the Commonwealth of individual economic development incentives on a cycle approved by

the Commission; and (iv) design, oversight, and accountability of economic development entities, incentives, and policies as needed.

§ 30.1-938. Access to information.

A. For the purpose of carrying out its duties under this article and notwithstanding any contrary provision of law, the Commission shall have the legal authority to access the information, records, facilities, and employees, including confidential information, and the public and executive session meetings and records of the board of the Virginia Economic Development Partnership Authority (the Authority), that discuss economic development incentives and policies for the purpose of carrying out such duties in accordance with the established standards, processes, and practices exercised by the Commission. Such access shall include the right to attend such meetings for the purpose of carrying out such duties. Any nondisclosure agreement that the Authority enters into on or after July 1, 2016, for the provision of confidential and proprietary information to the Authority by a third party shall require that the Commission also be allowed access to such information for the purposes of carrying out its duties.

B. Notwithstanding the provisions of § 58.1-3 or any other provision of law, unless prohibited by federal law, an agreement with a federal entity, or a court decree, the Tax Commissioner is authorized to provide to the Commission such tax information as may be necessary to conduct oversight of economic development incentives and policies.

C. All agencies of the Commonwealth shall cooperate as requested by the Commission in the performance of its duties under this article.

§ 30.1-939. Confidentiality of records.

The following records shall be excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and shall not be disclosed by the Commission:

1. Records provided by a public body, as defined in § 2.2-3701, to the Commission in connection with its oversight of economic development initiatives and policies, where the records would not be subject to disclosure by the public body providing the records. The public body providing the records to the Commission shall identify the specific portion of the records to be protected and the applicable

provision of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or other provision of law that excludes the record or portions thereof from mandatory disclosure.

2. Confidential proprietary records provided by private entities pursuant to a promise of confidentiality from the Commission that are used by the Commission in connection with its oversight of economic development incentives and policies where, if such records are made public, the financial interest of the private entity would be adversely affected.

§ 30.1-940. Use of consultants.

The Commission may employ on a consulting basis such professional or technical experts as may be reasonably necessary for the Commission to fulfill its responsibilities under this article.

CHAPTER 10.

REAPPORTIONMENT AND REDISTRICTING.

Article 1.

Joint Reapportionment Committee.

§ 30.1-1000. Joint Reapportionment Committee; membership; terms; quorum; compensation and expenses.

A. The Joint Reapportionment Committee (the Joint Committee) is established in the legislative branch of state government. The Joint Committee shall consist of five members of the House Committee on Privileges and Elections and three members of the Senate Committee on Privileges and Elections to be appointed by the respective chairs of the two committees. Members shall serve terms coincident with their terms of office.

B. The Joint Committee shall elect a chair and vice-chair from among its membership. A majority of the members of the Joint Committee shall constitute a quorum. The meetings of the Joint Committee shall be held at the call of the chair or whenever the majority of the members so request.

C. The Joint Committee shall supervise activities required for the tabulation of population for the census and for the timely reception of precinct population data for reapportionment.

D. Members shall receive such compensation as provided in § 30.1-109 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§

2611 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be
2612 provided by the Office of the Clerk of the House of Delegates and the Office of Clerk of the Senate for
2613 their respective members.

2614 **§ 30.1-1001. Staffing.**

2615 The Division of Legislative Services shall provide staff support to the Joint Committee.

2616 **§ 30.1-1002. Reapportionment of congressional and state legislative districts; United States**
2617 **Census population counts.**

2618 For the purposes of redrawing the boundaries of the congressional, state Senate, and House of
2619 Delegates districts after the United States Census for the year 2020 and every 10 years thereafter, the
2620 Virginia Redistricting Commission established pursuant to Article 2 (§ 30.1-1003 et seq.) shall use the
2621 population data provided by the United States Bureau of the Census, as adjusted by the Division of
2622 Legislative Services pursuant to § 24.2-314. The census data used for this apportionment purpose shall
2623 not include any population figure that is not allocated to specific census blocks within the Commonwealth,
2624 even though that population may have been included in the apportionment population figures of the
2625 Commonwealth for the purpose of allocating United States House of Representatives seats among the
2626 states.

2627 Article 2.

2628 Virginia Redistricting Commission.

2629 **§ 30.1-1003. Virginia Redistricting Commission.**

2630 A. The Virginia Redistricting Commission is established in the legislative branch of state
2631 government. It shall be convened in the year 2020 and every 10 years thereafter for the purpose of
2632 establishing districts for the United States House of Representatives and for the Senate and the House of
2633 Delegates of the General Assembly.

2634 B. For purposes of this article:

2635 "Census data" means the population data received from the United States Bureau of the Census
2636 pursuant to P.L. 94-171.

2637 "Commission" means the Virginia Redistricting Commission established pursuant to this article.

"Committee" means the Redistricting Commission Selection Committee established pursuant to § 30.1-1005.

"Partisan public office" means (i) an elective or appointive office in the executive or legislative branch or in an independent establishment of the federal government; (ii) an elective office in the executive or legislative branch of the government of the Commonwealth, or an office that is filled by appointment and is exempt from the Virginia Personnel Act (§ 2.2-2900 et seq.); or (iii) an office of a county, city, or other political subdivision of the Commonwealth that is filled by an election process involving nomination and election of candidates on a partisan basis.

"Political party office" means an elective office in the national or state organization of a political party, as defined in § 24.2-101.

§ 30.1-1004. Membership; terms; vacancies; chair; quorum; compensation and expenses.

A. The Virginia Redistricting Commission shall have a total membership of 16 commissioners that shall include eight legislative commissioners and eight citizen commissioners. Commissioners shall be appointed as follows:

1. Two members of the Senate of Virginia representing the political party having the highest number of members in the Senate and appointed by the President pro tempore of the Senate;

2. Two members of the Senate of Virginia representing the political party having the next highest number of members in the Senate and appointed by the leader of that political party;

3. Two members of the House of Delegates representing the political party having the highest number of members in the House of Delegates and appointed by the Speaker of the House of Delegates;

4. Two members of the House of Delegates representing the political party having the next highest number of members in the House of Delegates and appointed by the leader of that political party; and

5. Eight citizen commissioners selected by the Redistricting Commission Selection Committee pursuant to § 30.1-1006. No appointing authority shall appoint himself to serve as a legislative commissioner or a citizen commissioner.

B. Legislative commissioners selected to serve as commissioners of the Commission shall be appointed by the respective authorities no later than December 1 of the year ending in zero and shall

continue to serve until their successors are appointed. In making appointments to the Commission, the appointing authorities shall endeavor to have their appointees reflect the racial, ethnic, geographic, and gender diversity of the Commonwealth. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment, such that the proper partisan balance of the Commission is maintained.

C. Citizen commissioners selected to serve as commissioners of the Virginia Redistricting Commission shall be selected by the Redistricting Commission Selection Committee as provided in § 30.1-1006. In making its selections, the Committee shall ensure the citizen commissioners are, as a whole, representative of the racial, ethnic, geographic, and gender diversity of the Commonwealth. Citizen commissioners shall be appointed no later than January 15 of the year ending in one and shall continue to serve until their successors are appointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled by the Commission selecting a replacement from the list submitted pursuant to subsection E of § 30.1-1006 from which the commissioner being replaced was selected and shall require an affirmative vote of a majority of the commissioners, including at least one commissioner representing or affiliated with each political party.

D. Legislative commissioners shall receive such compensation as provided in § 30.1-109, and citizen commissioners shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. All such compensation and expense payments shall come from existing appropriations to the Commission.

E. By February 1 of the year ending in one, the Commission shall hold a public meeting at which it shall select a chair from its membership. The chair shall be a citizen commissioner and shall be responsible for coordinating the work of the Commission. A majority of the commissioners appointed, which majority shall include a majority of the legislative commissioners and a majority of the citizen commissioners, shall constitute a quorum.

F. All meetings and records of the Commission shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § 30.1-1006. All records and

2692 documents of the Commission, or any individual or group performing delegated functions of or advising
2693 the Commission, related to the Commission's work, including internal communications and
2694 communications from outside parties, shall be considered public information.

2695 G. Commissioners, staff of the Commission, and any other advisor or consultant to the
2696 Commission shall not communicate with any person outside the Commission about matters related to
2697 reapportionment or redistricting outside of a public meeting or hearing. Written public comments
2698 submitted to the Commission, staff of the Commission, or any other advisor or consultant to the
2699 Commission shall not be a violation of this subsection.

2700 H. In the event the Commission hires a lawyer or law firm, the Commission as an entity shall be
2701 considered the client of the lawyer or the law firm. No individual commissioner or group of commissioners
2702 shall be considered to be the client of the lawyer or the law firm.

2703 **§ 30.1-1005. Redistricting Commission Selection Committee; chair; quorum; compensation**
2704 **and expenses.**

2705 A. There shall be a Redistricting Commission Selection Committee established for the purpose of
2706 selecting the citizen commissioners of the Virginia Redistricting Commission. This committee shall
2707 consist of five retired judges of the circuit courts of Virginia.

2708 B. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia
2709 shall certify to the Speaker of the House of Delegates, the leader in the House of Delegates of the political
2710 party having the next highest number of members in the House of Delegates, the President pro tempore
2711 of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next
2712 highest number of members in the Senate of Virginia a list of at least 10 retired judges of the circuit courts
2713 of Virginia who are willing to serve on the Committee. No retired judge who is a parent, spouse, child,
2714 sibling, parent-in-law, child-in-law, or sibling-in-law of, or a cohabitating member of a household with, a
2715 member of the Congress of the United States or of the General Assembly shall be included in such list. In
2716 compiling the list, the Chief Justice shall give consideration to the racial, ethnic, geographic, and gender
2717 diversity of the Commonwealth. The members shall each select a judge from the list and shall promptly,
2718 but not later than November 20, communicate their selection to the Chief Justice, who shall immediately

2719 notify the four judges selected. In making their selections, the members shall give consideration to the
2720 racial, ethnic, geographic, and gender diversity of the Commonwealth. Within three days of being notified
2721 of their selection, the four judges shall select, by a majority vote, a judge from the list prescribed herein
2722 to serve as the fifth member of the Committee, who shall serve as the chair of the Committee.

2723 A majority of the Committee members, which majority shall include the chair, shall constitute a
2724 quorum.

2725 The judges of the Committee shall serve until their successors are appointed. If a judge cannot, for
2726 any reason, complete his term, the remaining judges shall select a replacement from the list prescribed
2727 herein.

2728 C. Members of the Committee shall receive compensation for their services and shall be allowed
2729 all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-
2730 2813 and 2.2-2825. The compensation and expenses of members and all other necessary expenses of the
2731 Committee shall be provided from existing appropriations to the Commission.

2732 D. All meetings and records of the Committee shall be subject to the Virginia Freedom of
2733 Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § 30.1-1006.

2734 E. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required
2735 by this section is to be performed on a Saturday, Sunday, or legal holiday, or any day or part of a day on
2736 which the government office where the act to be performed is closed, the act required shall be performed
2737 on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which
2738 the government office is closed.

2739 F. Notwithstanding subsection C or any other provision of law, the daily compensation and
2740 reimbursement for reasonable and necessary expenses for legislative and nonlegislative members of the
2741 Virginia Redistricting Commission for attendance at an official meeting shall be set at the same amounts
2742 provided for legislative members in the general appropriation act.

2743 **§ 30.1-1006. Citizen commissioners; application process; qualifications; selection.**

2744 A. Within three days following the selection of the fifth member of the Committee, the Committee
2745 shall adopt an application and process by which residents of the Commonwealth may apply to serve on

2746 the Commission as citizen commissioners. The Division of Legislative Services shall assist the Committee
2747 in the development of the application and process.

2748 The application for service on the Commission shall require applicants to provide personal contact
2749 information and information regarding the applicant's race, ethnicity, gender, age, date of birth, education,
2750 and household income. The application shall require an applicant to disclose, for the period of three years
2751 immediately preceding the application period, the applicant's (i) voter registration status; (ii) preferred
2752 political party affiliation, if any, and any political party primary elections in which he has voted; (iii)
2753 history of any partisan public offices or political party offices held or sought; (iv) employment history,
2754 including any current or prior employment with the Congress of the United States or one of its members,
2755 the General Assembly or one of its members, any political party, or any campaign for a partisan public
2756 office, including a volunteer position; and (v) relevant leadership experience or involvements with
2757 professional, social, political, volunteer, and community organizations and causes.

2758 The application shall require an applicant to disclose information regarding the partisan activities
2759 and employment history of the applicant's parent, spouse, child, sibling, parent-in-law, child-in-law, or
2760 sibling-in-law, or any person with whom the applicant is a cohabitating member of a household, for the
2761 period of three years immediately preceding the application period.

2762 The Committee may require applicants to submit three letters of recommendation from individuals
2763 or organizations.

2764 The application process shall provide for both paper and electronic or online applications. The
2765 Committee shall cause to be advertised throughout the Commonwealth information about the Commission
2766 and how interested persons may apply.

2767 B. To be eligible for service on the Commission, a person shall have been a resident of the
2768 Commonwealth and a registered voter in the Commonwealth for three years immediately preceding the
2769 application period. He shall have voted in at least two of the previous three general elections. No person
2770 shall be eligible for service on the Commission who:

2771 1. Holds, has held, or has sought partisan public office or political party office;

2772 2. Is employed by or has been employed by a member of the Congress of the United States or of
2773 the General Assembly or is employed directly by or has been employed directly by the United States
2774 Congress or by the General Assembly;

2775 3. Is employed by or has been employed by any federal, state, or local campaign;

2776 4. Is employed by or has been employed by any political party or is a member of a political party
2777 central committee;

2778 5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a
2779 lobbyist's principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's principal in the
2780 previous five years; or

2781 6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a person
2782 described in subdivisions 1 through 5, or is a cohabitating member of a household with such a person.

2783 C. The application period shall begin no later than December 1 of the year ending in zero and shall
2784 end four weeks after the beginning date. During this period, interested persons shall submit a completed
2785 application and any required documentation to the Division of Legislative Services. All applications shall
2786 be reviewed by the Division of Legislative Services to ensure an applicant's eligibility for service pursuant
2787 to subsection B, and any applicant who is ineligible for service shall be removed from the applicant pool.

2788 The Division of Legislative Services shall make available the application for persons to use when
2789 submitting a paper application and shall provide electronic access for electronic submission of
2790 applications.

2791 D. Within two days of the close of the application period, the Division of Legislative Services shall
2792 provide to the Speaker of the House of Delegates, the leader in the House of Delegates of the political
2793 party having the next highest number of members in the House of Delegates, the President pro tempore
2794 of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next
2795 highest number of members in the Senate of Virginia the applications and documentation submitted by
2796 those applicants who are eligible for service on the Commission pursuant to subsection B and submitted
2797 complete applications, including any required documentation.

2798 E. By January 1 of the year ending in one, those persons receiving the applications pursuant to
2799 subsection D shall each submit to the Committee a list of at least 16 citizen candidates for service on the
2800 Commission. In selecting citizen candidates, they shall give consideration to the racial, ethnic, geographic,
2801 and gender diversity of the Commonwealth.

2802 They shall notify the Division of Legislative Services of the citizen candidates submitted to the
2803 Committee for consideration, and the Division of Legislative Services shall promptly provide to the
2804 Committee the applications and documentation for each citizen candidate being considered. Only the
2805 applications and documentation for each citizen candidate shall be maintained as public records.

2806 F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to
2807 subsection E, but no later than January 15, the Committee shall select, by a majority vote in a public
2808 meeting, two citizen members from each list submitted. In making its selections, the Committee shall
2809 ensure the citizen commissioners are, as a whole, representative of the racial, ethnic, geographic, and
2810 gender diversity of the Commonwealth. The Committee shall promptly notify those eight citizens of their
2811 selection to serve as a citizen commissioner of the Commission.

2812 No member of the Committee shall communicate with a member of the General Assembly or the
2813 United States Congress, or any person acting on behalf of a member of the General Assembly or the United
2814 States Congress, about any matter related to the selection of citizen commissioners after receipt of the lists
2815 submitted pursuant to subsection E.

2816 G. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required
2817 by this section is to be performed on a Saturday, Sunday, or legal holiday, or any day or part of a day on
2818 which the government office where the act to be performed is closed, the act required shall be performed
2819 on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which
2820 the government office is closed.

2821 **§ 30.1-1007. Staff to Virginia Redistricting Commission; census liaison.**

2822 A. The Division of Legislative Services shall provide staff support to the Commission. Staff shall
2823 perform those duties assigned to it by the Commission. The Director of the Division of Legislative
2824 Services, or his designated representative, shall serve as the state liaison with the United States Bureau of

the Census on matters relating to the tabulation of the population for reapportionment purposes pursuant to P.L. 94-171. The governing bodies, electoral boards, and registrars of every county and municipality shall cooperate with the Division of Legislative Services in the exchange of all statistical and other information pertinent to preparation for the census.

B. The Division of Legislative Services shall maintain the current election district and precinct boundaries of each county and city as a part of the Commission's computer-assisted mapping and redistricting system. Whenever a county or city governing body adopts an ordinance that changes an election district or precinct boundary, the local governing body shall provide a copy of its ordinance, along with Geographic Information System (GIS) maps and other evidence documenting the boundary, to the Division of Legislative Services.

§ 30.1-1008. Public participation in redistricting process; publicly available data.

A. All meetings and hearings held by the Commission shall be adequately advertised and planned to ensure the public is able to attend and participate fully. Meetings and hearings shall be advertised in multiple languages as practicable and appropriate.

B. Prior to proposing any plan for districts for the United States House of Representatives, the Senate, or the House of Delegates and prior to voting to submit such plans to the General Assembly, the Commission shall hold at least three public hearings in order to receive and consider comments from the public. Public hearings may be held virtually and any public hearings that are held in person shall be conducted in different parts of the Commonwealth.

C. The Commission shall establish and maintain a website or other equivalent electronic platform. The website shall be available to the general public and shall be used to disseminate information about the Commission's activities. The website shall be capable of receiving comments and proposals by citizens of the Commonwealth. Prior to voting on any proposed plan, the Commission shall publish the proposed plans on the website.

D. All data used by the Commission in the drawing of districts shall be available to the public on its website. Such data, including census data, precinct maps, election results, and shapefiles, shall be posted within three days of receipt by the Commission.

E. The block equivalency files and shapefiles for the congressional, Senate, and House of Delegates districts established pursuant to this article and Article II, Section 6-A of the Constitution of Virginia shall be maintained and available to the public on the Commission's website. Such block equivalency files and shapefiles shall be controlling in any legal determination of the boundary of a congressional, Senate, or House of Delegates district.

§ 30.1-1009. Proposal and submission of plans for districts.

A. The Commission shall submit to the General Assembly plans for districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data.

To be submitted as a proposed plan for districts for members of the Senate, a plan shall receive affirmative votes of at least six of the eight legislative commissioners, including at least three of the four legislative commissioners who are members of the Senate, and at least six of the eight citizen commissioners.

To be submitted as a proposed plan for districts for members of the House of Delegates, a plan shall receive affirmative votes of at least six of the eight legislative commissioners, including at least three of the four legislative commissioners who are members of the House of Delegates, and at least six of the eight citizen commissioners.

B. The Commission shall submit to the General Assembly plans for districts for the United States House of Representatives no later than 60 days following the receipt of census data or by the first day of July of that year, whichever occurs first.

To be submitted as a proposed plan for districts for members of the United States House of Representatives, a plan shall receive affirmative votes of at least six of the eight legislative commissioners and at least six of the eight citizen commissioners.

C. If the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B, the Commission shall have 14 days following its initial failure to submit a plan to the General Assembly. If the Commission fails to submit a plan for districts to the General Assembly by this date, the districts shall be established by the Supreme Court of Virginia pursuant to § 30.1-1011.

D. All plans submitted pursuant to this section shall comply with the criteria and standards set forth in § 24.2-304.04.

§ 30.1-1010. Consideration of plans by the General Assembly; timeline.

A. All plans for districts for the Senate and the House of Delegates shall be embodied in and voted on as a single bill.

B. All bills embodying plans for districts for the United States House of Representatives, the Senate, or the House of Delegates shall be voted on by the General Assembly in accordance with the provisions of Article IV, Section 11 of the Constitution of Virginia, except no amendments shall be permitted. All bills embodying a plan that are approved by both houses shall become law without the signature of the Governor and, pursuant to Article II, Section 6 of the Constitution of Virginia, shall take effect immediately.

C. Within 15 days of receipt of any plan for districts, the General Assembly shall take a vote on a bill embodying such plan. If the General Assembly fails to adopt the bill by this deadline, the Commission shall submit a new plan for districts within 14 days of the General Assembly's failure to adopt the bill. Within seven days of receipt of such plan, the General Assembly shall take a vote on the bill embodying the plan, and if the General Assembly fails to adopt the plan by this deadline, the districts shall be established by the Supreme Court of Virginia pursuant to § 30.1-1011.

D. If the Commission submits a plan for districts pursuant to subsection C of § 30.1-1009, the General Assembly shall take a vote on such plan within seven days of its receipt. If the General Assembly fails to adopt the plan by this deadline, the districts shall be established by the Supreme Court of Virginia pursuant to § 30.1-1011.

§ 30.1-1011. Establishment of districts by the Supreme Court of Virginia.

A. In the event the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B of § 30.1-1009, or the General Assembly fails to adopt a plan for districts by the deadline set forth in subsection C or D of § 30.1-1010, the Supreme Court of Virginia (the Court) shall be responsible for establishing the districts.

2905 B. The Court shall, not later than March 1 of a year ending in one, enact rules and procedures as
2906 may be necessary for implementing the requirements of Article II, Section 6-A of the Constitution of
2907 Virginia, empowering the Court to establish congressional or state legislative districts as provided for in
2908 that section. In enacting such rules and procedures, the Court shall follow the provisions of this section.

2909 C. Public participation in the Court's redistricting deliberations shall be permitted. Such public
2910 participation may be through briefings, written submissions, hearings in open court, or any other means
2911 as may be prescribed by the Court.

2912 D. The Division of Legislative Services shall make available staff support and technical assistance
2913 to the Court to perform those duties as may be requested or assigned to it by the Court.

2914 E. Any plan for congressional or state legislative districts established by the Court shall adhere to
2915 the standards and criteria for districts set forth in Article II, Section 6 of the Constitution of Virginia and
2916 § 24.2-304.04.

2917 F. The Court shall appoint two special masters to assist the Court in the establishment of districts.
2918 The two special masters shall work together to develop any plan to be submitted to the Court for its
2919 consideration.

2920 Within one week of the Commission's failure to submit plans or the General Assembly's failure to
2921 adopt plans, the leaders in the House of Delegates having the highest and next highest number of members
2922 in the House of Delegates and the leaders in the Senate of Virginia having the highest and next highest
2923 number of members in the Senate of Virginia shall each submit to the Court a list of three or more
2924 nominees, along with a brief biography and resume for each nominee, including the nominee's particular
2925 expertise or experience relevant to redistricting. The Court shall then select, by a majority vote, one special
2926 master from the lists submitted by the legislative leaders of the political party having the highest number
2927 of members in their respective chambers and one special master from the lists submitted by the legislative
2928 leaders of the political party having the next highest number of members in their respective chambers. The
2929 persons appointed to serve as special masters shall have the requisite qualifications and experience to
2930 serve as a special master and shall have no conflicts of interest. In making its appointments, the Court
2931 shall consider any relevant redistricting experience in the Commonwealth and any practical or academic

experience in the field of redistricting. The Court shall be reimbursed by the Commonwealth for all costs, including fees and expenses, related to the appointment or work of the special master from funds appropriated for this purpose.

G. Any justice who is a parent, spouse child, sibling, parent-in-law, child-in-law, or sibling-in-law of, or a cohabitating member of a household with, a member of the Congress of the United States or of the General Assembly shall recuse himself from any decision made pursuant to this section, and no senior justice designated pursuant to § 17.1-302 shall be assigned to the case or matter to serve in his place.

§ 30.1-1012. Remedial redistricting plans.

If any congressional or state legislative district established pursuant to this article or the provisions of Article II, Sections 6 and 6-A of the Constitution of Virginia is declared unlawful or unconstitutional, in whole or in part, by order of any state or federal court, the Commission shall be convened to determine and propose a redistricting plan to remedy the unlawful or unconstitutional district.

SUBTITLE III.

LEGISLATIVE COMMISSIONS, COUNCILS, COMMITTEES, AND OTHER LEGISLATIVE ENTITIES.

CHAPTER 11.

GENERAL PROVISIONS.

§ 30.1-1100. Application of this chapter.

As used in this chapter, unless the context requires a different meaning, "legislative entity" means any board, commission, council, advisory body, committee, subcommittee, or other collegial entity created by the General Assembly. The provisions of this chapter shall apply to all legislative entities contained in this subtitle unless otherwise specified.

§ 30.1-1101. Membership; chair and vice-chair; terms; vacancies.

A. For any legislative entity created on or after October 1, 2026, the number of legislative members shall exceed the number of nonlegislative citizen members and voting ex officio members combined. Nonlegislative citizen members of a legislative entity shall be citizens of the Commonwealth.

2958 B. Each legislative entity shall annually elect a chair and vice-chair from among its membership,
2959 who shall be members of the General Assembly.

2960 C. Legislative members and ex officio members of a legislative entity shall serve terms coincident
2961 with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years.
2962 Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.
2963 Legislative members and nonlegislative citizen members may be reappointed. However, no Senate
2964 member shall serve more than two consecutive four-year terms, no House member shall serve more than
2965 four consecutive two-year terms, and no nonlegislative citizen member shall serve more than four
2966 consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy
2967 shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be
2968 filled in the same manner as the original appointments.

2969 **§ 30.1-1102. Quorum; meetings; voting on recommendations.**

2970 A. A majority of the members of a legislative entity shall constitute a quorum. The meetings of a
2971 legislative entity shall be held at the call of the chair or whenever the majority of the members so request.

2972 B. No recommendation of a legislative entity shall be adopted if a majority of the House members
2973 or a majority of the Senate members appointed to the legislative entity (i) vote against the recommendation
2974 and (ii) vote for the recommendation to fail notwithstanding the majority vote of the legislative entity.

2975 **§ 30.1-1103. Compensation; expenses.**

2976 A. Legislative members of a legislative entity shall receive such compensation for the performance
2977 of their duties as provided in § 30.1-109, and nonlegislative citizen members of a legislative entity shall
2978 receive such compensation for the performance of their duties as provided in § 2.2-2813. All members of
2979 a legislative entity shall be reimbursed for reasonable and necessary expenses incurred in the performance
2980 of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General
2981 Assembly for attendance at official meetings of a legislative entity shall be paid by the Office of the Clerk
2982 of the House of Delegates or the Office of the Clerk of the Senate, as applicable. All other compensation
2983 and expenses shall be paid from existing appropriations to the legislative entity whose meeting the member
2984 attended, or, if such legislative entity is unfunded, shall be approved by the Joint Rules Committee.

2985 B. Unless otherwise approved in writing by the chair of the legislative entity and the respective
2986 Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within
2987 the Commonwealth for the purpose of attending meetings.

2988 **§ 30.1-1104. Appointment and removal authority.**

2989 A. All appointments made to a legislative entity created on or after October 1, 2026, shall be made
2990 by either the Speaker of the House, Senate Committee on Rules, or Joint Rules Committee.

2991 B. Any nonlegislative citizen member appointed to any legislative entity by either the Speaker of
2992 the House, Senate Committee on Rules, or Joint Rules Committee shall serve at the pleasure of such
2993 appointing authority. Any such nonlegislative citizen member may be relieved of his appointment at any
2994 time, with or without cause.

2995 **§ 30.1-1105. Absences on legislative commissions.**

2996 The absence of any appointed nonlegislative citizen member from three consecutive regular
2997 meetings of any legislative entity unless on account of sickness shall be sufficient cause for the original
2998 appointing authority to declare the position vacated and to fill such vacancy.

2999 **§ 30.1-1106. Assistance provided by agencies of the Commonwealth.**

3000 A. Any legislative entity may request and shall receive from every department, division, board,
3001 bureau, commission, authority, or other agency created by the Commonwealth, or to which the
3002 Commonwealth is party, or from any political subdivision of the Commonwealth, cooperation and
3003 assistance in the performance of its duties.

3004 B. Should a legislative entity determine at any point that information within a state agency is
3005 applicable to a study, investigation, or evaluation being conducted by such entity or standing committee,
3006 such entity or standing committee shall notify the head of such state agency. Following such notification,
3007 the agency head shall designate a point of contact for the entity or standing committee, who may then seek
3008 out all pertinent information within such agency from such point of contact. Each employee within the
3009 state agency shall give his full cooperation to the entity and its point of contact in collecting the
3010 information. No member or staff member of such entity shall be entitled to access information, without
3011 permission of the agency head, for which disclosure is prohibited by law.

C. The legislative entities shall perform their collection duties, and utilize the services of personnel within the agencies in doing so, in such a manner as to minimize disruption of the normal operations of the agency.

Such freedom to access all information within all state agencies is deemed absolutely necessary for the legislature to be able to efficiently evaluate laws and policies of the Commonwealth, how they are being administered, and the need for changes in such laws and policies, and also for the Virginia General Assembly to effectively fulfill its responsibility regarding legislative oversight.

§ 30.1-1107. Chair's executive summary of activity and work of legislative entities.

The chair of a legislative entity shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of such legislative entity no later than December 1. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Joint subcommittees, joint committees, and other legislative entities required or requested by law or resolution to conduct a study shall submit their reports no later than December 1 of the reporting year, unless otherwise specified.

§ 30.1-1108. Funding requirements.

If a legislative entity is not funded by a separate appropriation in the general appropriation act for its second year of existence, such legislative entity shall expire on July 1 of the fiscal year in which it fails to receive such funding.

CHAPTER 12.

STANDING LEGISLATIVE ENTITIES.

Article 1.

Virginia State Crime Commission.

§ 30.1-1200. Virginia State Crime Commission; purpose.

The Virginia State Crime Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to study, report, and make recommendations on

all areas of public safety and protection. In so doing, the Commission shall endeavor to ascertain the causes of crime and recommend ways to reduce and prevent it, explore and recommend methods of rehabilitation of convicted criminals, study compensation of persons in law enforcement and related fields, and study other related matters, including the apprehension, trial, and punishment of criminal offenders. The Commission shall make such recommendations as it deems appropriate with respect to the foregoing matters and shall coordinate the proposals and recommendations of all commissions and agencies regarding legislation affecting crimes, crime control, and criminal procedure. The Commission shall cooperate with the executive branch of state government, the Attorney General's office, and the judiciary, who are in turn encouraged to cooperate with the Commission. The Commission shall cooperate with governments and governmental agencies of other states and the United States.

§ 30.1-1201. Membership; terms.

A. The Commission shall have a total membership of 13 members that shall include nine legislative members, three nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows:

1. Six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Three members of the Senate to be appointed by the Senate Committee on Rules; and

3. Three nonlegislative citizen members to be appointed by the Governor.

The Attorney General or his designee shall serve ex officio.

B. Nonlegislative citizen members shall be appointed for a term of two years, except that the Attorney General, or his designee, and legislative members shall serve terms coincident with their terms of office. All members may be reappointed.

§ 30.1-1202. Powers and duties of the Commission.

A. The Commission shall have the following powers and duties:

1. Maintain offices and hold meetings or functions at any place within the Commonwealth that it deems necessary;

2. Conduct private and public hearings and designate a member of the Commission to preside over such hearings. Pursuant to a resolution adopted by a majority of the Commission, witnesses appearing before the Commission may be examined privately and the Commission shall not make public the particulars of such examination. The Commission shall not have the power to take testimony at private or public hearings unless at least three of its members are present at such hearings. Witnesses appearing before the Commission at its request shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the Commonwealth, if such witnesses request such fees and mileage;

3. Conduct studies and gather information and data in order to accomplish its purposes as set forth in § 30.1-1200, and in connection with the faithful execution and effective enforcement of the laws of the Commonwealth, including laws relating to organized crime and racketeering, and formulate its recommendations to the General Assembly and the Governor;

4. Examine matters relating to law enforcement extending across the boundaries of the Commonwealth into other states, and consult and exchange information with officers and agencies of other states with respect to law-enforcement problems of mutual concern to the Commonwealth and other states; and

5. Submit reports pursuant to § 30.1-1107.

B. At the direction or request of the legislature by concurrent resolution or of the Governor, the Commission shall, or at the request of any department, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party, the Commission may study the operations, management, jurisdiction, powers, and interrelationship of any such department, board, bureau, commission, authority, or other agency that has any direct responsibility for enforcing the criminal laws of the Commonwealth.

§ 30.1-1203. Staffing.

The Commission may appoint and employ and, at its pleasure, remove an executive director, counsel, and such other persons as it deems necessary to assist it in carrying out its duties as set forth in this article. The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated in the general appropriation act.

3093 § 30.1-1204. Commission to refer cases of crime or official misconduct to appropriate
3094 authorities.

3095 Whenever it appears to the Commission that there is reasonable cause for an official investigation
3096 or prosecution of a crime or for the removal of a public officer for misconduct, the Commission shall refer
3097 the matter and such information as has come to its attention to (i) the officials having the duty and authority
3098 to conduct investigations, prosecute criminal offenses, or remove such public officer or (ii) the judge of
3099 an appropriate court of record with recommendation that a special grand jury be convened.

3100 § 30.1-1205. Publication of information.

3101 By such means and to such extent as it deems appropriate, the Commission shall keep the public
3102 informed as to the operations of organized crime, problems of criminal law enforcement in the
3103 Commonwealth, and other activities of the Commission.

3104 § 30.1-1206. Disclosure of certain information by employee; penalty.

3105 Any employee of the Commission who, except as directed by the Governor, a court of record, or
3106 the Commission, discloses to any person other than the Commission or an officer having the power to
3107 appoint one or more of the members of the Commission (i) the name of any witness appearing before the
3108 Commission in a private hearing or (ii) any information obtained or given in a private hearing is guilty of
3109 a Class 1 misdemeanor.

3110 § 30.1-1207. Impounding of certain documents.

3111 Upon the application of the Commission or a duly authorized member of its staff, the judge of any
3112 court of record may impound any exhibit or document received or obtained in any public or private hearing
3113 held in connection with a hearing conducted by the Commission and may order such exhibit to be retained
3114 by, or delivered to and placed in custody of, the Commission. The order may be rescinded by further order
3115 of the court made after five days' notice to the Commission or upon its application or with its consent, all
3116 in the discretion of the court.

3117 § 30.1-1208. Construction of article.

Nothing contained in this article shall be construed to supersede, repeal, or limit any power, duty, or function of the Governor or any department or agency of the Commonwealth, or any political subdivision thereof, as prescribed or defined by law.

Article 2.

Chesapeake Bay Commission.

§ 30.1-1209. Chesapeake Bay Commission created.

The Chesapeake Bay Commission, hereinafter designated as "Commission," is hereby created as a tristate legislative commission.

§ 30.1-1210. Members.

The Commission shall consist of 21 members, seven from Virginia, seven from Maryland and seven from Pennsylvania. In each state, five of the members shall be members of the General Assembly. In Virginia, two Senators appointed by the Senate Committee on Rules and three Delegates appointed by the Speaker of the House of Delegates shall serve as members. The Governor of Virginia or his designee shall serve as a member. In addition, the Senate Committee on Rules and the Speaker of the House of Delegates shall jointly appoint one Virginia member who is not a legislator or an employee of the executive branch. In Maryland, two senators designated by the President of the Senate and three delegates designated by the Speaker of the House of Delegates shall serve as members. The Governor of Maryland or his designee shall serve as a member. In addition, the President of the Senate and the Speaker of the House of Delegates shall jointly select one Maryland member who is not a legislator or an employee of the executive branch. In Pennsylvania, two senators designated by the President pro tempore of the Senate and three representatives designated by the Speaker of the House of Representatives shall serve as members. The Governor of Pennsylvania or his designee shall serve as a member. In addition, the President pro tempore of the Senate shall select one Pennsylvania member who is not a legislator or an employee of the executive branch.

§ 30.1-1211. Terms.

Legislators serving as members of the Commission shall serve terms coterminous with their current terms of office. The nonlegislative members shall serve at the pleasure of their respective

3145 appointing authorities for a term of not more than four years. Nonlegislative members may be reappointed
3146 at the end of the four-year term.

3147 **§ 30.1-1212. Compensation and expenses; generally.**

3148 The Commission members shall serve without compensation from the Commission but may be
3149 reimbursed by the Commission for necessary expenses incurred in and incident to the performance of their
3150 duties. In addition, Commission members from each state may receive from their respective states, any
3151 other compensation to which they may be entitled under the laws of the respective states.

3152 **§ 30.1-1213. Compensation and expenses; Virginia delegation.**

3153 The legislative representatives of Virginia to the Commission shall receive such compensation as
3154 provided in § 30.1-109 and the nonlegislative citizen representatives of Virginia shall receive such
3155 compensation as provided in § 2.2-2813 for their services. All members shall be entitled to reimbursement
3156 for all reasonable and necessary expenses incurred in their performance of their duties as provided in §§
3157 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the members shall be
3158 provided from existing appropriations to the Commission for such purpose.

3159 **§ 30.1-1214. Meetings and voting.**

3160 Commission meetings shall be held at least once each quarter, and at such other times as the
3161 Commission may determine. In order to constitute a quorum for the transaction of any business, at least
3162 11 Commission members, including at least three Commission members from each state, must be present.
3163 Approval of proposed action shall require the majority vote of the Commission members present.

3164 **§ 30.1-1215. Organization, internal procedures and delegation of powers; officers and**
3165 **employees as state employees.**

3166 A. The Commission members shall serve as the governing body of the Commission, and, except
3167 as hereinafter provided, shall exercise and discharge all powers, functions and responsibilities assigned to
3168 the Commission. The Commission shall provide for the organization of internal procedures of the
3169 Commission and to this end shall adopt suitable bylaws. The Commission shall have a chairman and two
3170 vice-chairmen, chosen by the respective delegation, whose offices shall rotate annually among the
3171 signatory states and may at no time be held by members from the same signatory. The Commission may

maintain one or more offices for the transaction of its business. The Commission may, without regard to the civil service or the laws of any signatory relative to public officers and employees, create and abolish offices, employments and positions as it deems necessary for the purposes of the Commission, affix and provide for the duties, conditions of employment, qualifications, appointment, removal, term, compensation, and other rights and benefits of the Commission's officers and employees, and shall appoint the principal officers of the Commission and allocate among them administrative functions, powers, and duties. The Commission may delegate to the officers and employees of the Commission any powers, functions and responsibilities under this agreement as it deems suitable, except that it may not delegate its power to make recommendations to the respective legislatures, to issue reports or to adopt the annual expense budget.

B. Every full-time officer or employee of the Commission on a salary basis shall be eligible for pension and health and related insurance offered to employees of one of the member states, provided that such officer or employee so elects within 30 days of commencing employment; and provided that the Commission allocates funds in its budget for the employer share of these benefits.

§ 30.1-1216. Purposes.

The purposes of the signatories in enacting this Agreement are to assist the legislatures of Virginia, Maryland, and Pennsylvania in evaluating and responding to problems of mutual concern relating to the Chesapeake Bay; to promote intergovernmental cooperation; to encourage cooperative coordinated resource planning and action by the signatories and their agencies; to provide, where appropriate, through recommendation to the respective legislature, uniformity of legislative application; to preserve and enhance the functions, powers and duties of existing offices and agencies of government; and to recommend improvements in the existing management system for the benefit of the present and future inhabitants of the Chesapeake Bay region.

§ 30.1-1217. Powers.

In pursuit of the purposes and duties set forth in this article, the Commission may exercise the following powers:

3198 1. Collect, compile, analyze, interpret, coordinate, tabulate, summarize, and distribute technical
3199 and other data relative to the Chesapeake Bay and its environs. It may conduct or contract for studies,
3200 except those for primary scientific research, and may prepare reports on existing or potential problems
3201 within the Bay region;

3202 2. Prepare, publish and disseminate information in reports related to the resources of the region;

3203 3. Serve as an advisory board to any requesting agency of the member states on matters of interstate
3204 concern;

3205 4. Make application for grants, services or other aids as may be available from public or private
3206 sources to finance or assist in effectuating any purposes of this Agreement; and receive and accept the
3207 same on such terms and conditions as may be required by the law of the respective signatory states;

3208 5. Purchase administrative supplies and lease sufficient office space if such space is not otherwise
3209 made available for its use; and

3210 6. Exercise such other powers as are granted by this Agreement and take such actions as are
3211 necessary or appropriate for performing the duties set forth in this Agreement.

3212 **§ 30.1-1218. Duties.**

3213 In carrying out the purposes set forth in this article, the Commission shall have the following
3214 duties:

3215 1. Identify specific Bay management concerns requiring intergovernmental coordination and
3216 cooperation; and recommend to the federal, state and local governments that are involved in the
3217 Chesapeake Bay region legislative and administrative actions necessary to effectuate coordinated and
3218 cooperative management for the Bay;

3219 2. Consider, in administering the provisions of this Agreement, the needs of the region for
3220 industrial and agricultural development and for gainful employment and maintenance of a high-quality
3221 environment;

3222 3. Respect and support the primary role of the respective signatory states and their administrative
3223 agencies in managing the resources of the region;

3224 4. Collect, analyze and disseminate information pertaining to the region and its resources for the
3225 respective legislative bodies. The Commission shall prepare an annual report indicating the status of
3226 environmental and economic Bay issues involving the Chesapeake Bay and the progress of coordinative
3227 efforts by the member states;

3228 5. Represent common interests of the signatories as they are affected by the activities of the federal
3229 government and shall assist in the monitoring of those activities in the Chesapeake Bay region; and

3230 6. Provide, as may be determined, a forum to serve as an advisory mediator for programmatic
3231 conflicts between or among the member states when such action is requested by the conflicting member
3232 states.

3233 **§ 30.1-1219. Annual budget.**

3234 The Commission shall annually adopt a budget, which shall include the Commission's estimated
3235 expenses for administration and operation. In establishing the annual current expense budget, the
3236 Commission shall balance total expenses against the Commission's estimate of revenues from all sources,
3237 either previously appropriated by a signatory state or receivable from any person or governmental agency
3238 by contract or grant with that person or governmental agency. The chairman of the Commission shall
3239 certify to the respective signatories, and submit to persons in other governmental agencies, statements of
3240 the amounts requested from them in accordance with existing cost-sharing established by this Agreement
3241 or by the parties. The chairman of the Commission shall transmit certified copies of such budgets to the
3242 principal budget officer of the respective signatory parties at such time and in such manner as may be
3243 required under their respective budgetary procedures.

3244 **§ 30.1-1220. Apportionment of cost.**

3245 The amount required for the Commission's current expense budget shall be apportioned equally
3246 among the signatory parties unless a different apportionment is agreed to by unanimous vote of the
3247 Commission.

3248 **§ 30.1-1221. Modification.**

This Agreement shall not be amended or modified except with the concurrence of the legislatures of the Commonwealth of Virginia, the state of Maryland, and the Commonwealth of Pennsylvania. Amendments shall not become effective until adopted in the same manner as the original Agreement.

§ 30.1-1222. Term.

The duration of this Agreement among the Commonwealth of Virginia, the state of Maryland, and the Commonwealth of Pennsylvania shall be for an initial period of 10 years from its effective date, and it shall be continued for additional periods of 10 years unless one or more of the signatory states, by authority of an act of its legislature, notifies the Commission of intention to terminate the Agreement at the end of the current 10-year term. However, any signatory, by act of its legislature, can withdraw from the Agreement at the end of any calendar year or fiscal year.

§ 30.1-1223. Dissolution.

In the event that this Agreement shall be terminated by operation of § 30.1-1222, the Commission shall be dissolved, its assets and liabilities transferred, and its corporate affairs wound up in accordance with the unanimous agreement of its signatories, or failing unanimous agreement, in such manner that the assets and liabilities of the Commission shall be shared by the respective states.

§ 30.1-1224. Governor to execute agreement.

The Governor of the Commonwealth of Virginia is authorized and directed to: (i) execute and deliver, on behalf of the Commonwealth, all agreements and modifications of agreements that relate to the Chesapeake Bay Commission; and (ii) take those actions that may be necessary to effectuate the Agreement.

Article 3.

Virginia Commission on Youth.

§ 30.1-1225. Virginia Commission on Youth; purpose.

The Virginia Commission on Youth (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to study and provide recommendations addressing the needs of and services to the Commonwealth's youth and their families. The Commission shall encourage the development of uniform policies and services to youth across the Commonwealth and

provide a forum for continuing review and study of such services. In addition to its own proposals, the Commission shall coordinate the proposals and recommendations of all commissions and agencies as to legislation affecting youth.

§ 30.1-1226. Membership.

The Commission shall have a total membership of 12 members that shall include nine legislative members and three nonlegislative citizen members. Members shall be appointed as follows:

1. Six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Three members of the Senate to be appointed by the Senate Committee on Rules; and

3. Three nonlegislative citizen members to be appointed by the Governor.

C. Nonlegislative citizen members shall serve four-year terms. Members may be reappointed for successive terms.

D. Nonlegislative citizen members shall receive no compensation for the performance of their duties.

§ 30.1-1227. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Undertake studies and gather information and data in order to accomplish its purposes as set forth in § 30.1-1225, and to formulate and report its recommendations to the General Assembly and the Governor.;

2. At the direction or request of the legislature by concurrent resolution or of the Governor, or at the request of any department, board, bureau, commission, authority, or other agency created by the Commonwealth or to which the Commonwealth is a party, study the operations, management, jurisdiction, or powers of any such department, board, bureau, commission, authority, or other agency that has responsibility for services to youth; and

3. Submit reports pursuant to § 30.1-1107.

§ 30.1-1228. Staffing.

3303 The Commission may appoint and employ and, at its pleasure, remove an executive director and
3304 such other persons as it deems necessary to assist it in carrying out its duties as set forth in this article.
3305 The Commission may determine the duties of such staff and fix their salaries or compensation within the
3306 amounts appropriated to the Commission in the general appropriation act.

3307 Article 4.

3308 Joint Commission on Health Care.

3309 **§ 30.1-1229. Joint Commission on Health Care; purpose.**

3310 The Joint Commission on Health Care (the Commission) is established in the legislative branch of
3311 state government. The purpose of the Commission is to study, report, and make recommendations on all
3312 areas of health care provision, regulation, insurance, liability, licensing, and delivery of services. The
3313 Commission shall endeavor to ensure that the Commonwealth as provider, financier, and regulator adopts
3314 the most cost-effective and efficacious means of delivery of health care services so that the greatest
3315 number of residents of the Commonwealth receive quality health care. The Commission shall also
3316 encourage the development of uniform policies and services to ensure the availability of quality,
3317 affordable, and accessible health services and provide a forum for continuing the review and study of
3318 programs and services.

3319 **§ 30.1-1230. Membership.**

3320 The Commission shall have a total membership of 18 legislative members. Members shall be
3321 appointed as follows:

3322 1. Ten members of the House of Delegates, of whom three shall be members of the House
3323 Committee on Health and Human Services, to be appointed by the Speaker of the House of Delegates in
3324 accordance with the principles of proportional representation contained in the Rules of the House of
3325 Delegates; and

3326 2. Eight members of the Senate to be appointed by the Senate Committee on Rules.

3327 **§ 30.1-1231. Powers and duties of the Commission.**

3328 A. The Commission shall have the following powers and duties:

3329 1. Study and gather information and data to accomplish its purposes as set forth in § 30.1-1229;

3330 2. Study the operations, management, jurisdiction, powers, and interrelationships of any
3331 department, board, bureau, commission, authority, or other agency with any direct responsibility for the
3332 provision and delivery of health care in the Commonwealth;

3333 3. Assess, analyze, and evaluate the social and economic costs and benefits, and other relevant
3334 issues, of any proposed mandated health insurance benefit or mandated provider that is not included in
3335 the essential health benefits required by federal law to be provided under a health care plan and report its
3336 findings with respect to the proposed mandate to the Health Insurance Reform Commission established in
3337 Article 7 (§ 30.1-1429 et seq.) of Chapter 14;

3338 4. Examine matters relating to health care services in other states and consult and exchange
3339 information with officers and agencies of other states with respect to health service problems of mutual
3340 concern;

3341 5. Maintain offices and hold meetings and functions at any place within the Commonwealth that
3342 it deems necessary;

3343 6. Invite other interested parties to sit with the Commission and participate in its deliberations;

3344 7. Report its recommendations to the General Assembly and the Governor annually and make such
3345 interim reports as it deems advisable or as may be required by the General Assembly and the Governor;
3346 and

3347 8. Submit reports pursuant to § 30.1-1107.

3348 B. The Commission may make recommendations and coordinate the proposals and
3349 recommendations of all commissions and agencies as to legislation affecting the provision and delivery
3350 of health care.

3351 **§ 30.1-1232. Staffing.**

3352 The Commission may appoint and employ and, at its pleasure, remove an executive director and
3353 such other persons as it deems necessary to assist it in carrying out its duties. The Commission may
3354 determine the duties of such staff and fix their salaries or compensation within the amounts appropriated
3355 to the Commission in the general appropriation act. The Commission may also employ experts who have
3356 special knowledge of the issues before it.

Article 5.

Joint Commission on Technology and Science.

§ 30.1-1233. Joint Commission on Technology and Science; purpose.

The Joint Commission on Technology and Science (JCOTS) is established in the legislative branch of state government. The purpose of JCOTS is to study all aspects of technology and science and endeavor to stimulate, encourage, promote, and assist in the development of technology and science in the Commonwealth and sound public policies related thereto.

§ 30.1-1234. Membership; quorum.

JCOTS shall have a total membership of 12 legislative members. Members shall be appointed as follows:

1. Seven members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and

2. Five members of the Senate to be appointed by the Senate Committee on Rules.

Five members of JCOTS shall constitute a quorum. At the first meeting following the adjournment sine die of the Regular Session in an even-numbered year, JCOTS shall elect a chair and vice-chair from among its membership. A vacancy in either office shall be filled for the unexpired term in the same manner.

§ 30.1-1235. Powers and duties of JCOTS.

JCOTS shall have the following powers and duties:

1. Evaluate the impact of existing statutes and proposed legislation related to technology and science in the Commonwealth;

2. Advise the General Assembly, the Governor, and agencies, authorities, and institutions of the Commonwealth upon matters related to technology and science;

3. Investigate, research, and consider such issues related to technology and science as may be requested by the General Assembly or determined by JCOTS;

- 3383 4. Make recommendations to the General Assembly and the Governor related to technology and
3384 science in the Commonwealth;
- 3385 5. Consult with appropriate entities, public or private, on matters related to technology and science
3386 under JCOTS's consideration;
- 3387 6. Encourage research and development in technology and science;
- 3388 7. Solicit input from appropriate entities, public or private, on issues related to technology and
3389 science;
- 3390 8. Coordinate its efforts with and assist the efforts of other agencies, authorities, and institutions
3391 of the Commonwealth;
- 3392 9. Accept public or private funds to carry out its purposes; and
- 3393 10. Submit reports pursuant to § 30.1-1107. JCOTS shall make such further interim reports to the
3394 General Assembly and the Governor as it deems advisable or as required by concurrent resolution of the
3395 General Assembly or by the Governor.

3396 **§ 30.1-1236. Staffing.**

3397 JCOTS may appoint and employ and, at its pleasure, remove an executive director and such other
3398 persons as it deems necessary to assist it in carrying out its duties as set forth in this article. The
3399 Commission may determine the duties of such staff and fix their salaries or compensation within the
3400 amounts appropriated to the Commission in the general appropriation act.

3401 **§ 30.1-1237. Advisory committees.**

3402 JCOTS may establish advisory committees composed of persons with expertise in the matters
3403 under consideration by JCOTS. Such persons shall serve without compensation but shall be reimbursed
3404 from funds appropriated or otherwise available to JCOTS for reasonable and necessary expenses incurred
3405 in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825, unless they waive
3406 reimbursement.

3407 Article 6.

3408 Virginia Freedom of Information Advisory Council.

3409 **§ 30.1-1238. Virginia Freedom of Information Advisory Council; purpose.**

The Virginia Freedom of Information Advisory Council (the Council) is established in the legislative branch of state government. The purpose of the Council is to encourage and facilitate compliance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) (the Act).

§ 30.1-1239. Membership; terms; chair and vice-chair; vacancies.

A. The Council shall have a total membership of 14 members that shall include four legislative members, seven nonlegislative citizen members, and three ex officio members. Members shall be appointed as follows:

1. Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Two members of the Senate to be appointed by the Senate Committee on Rules;

3. Three nonlegislative citizen members, of whom at least one shall be or have been a representative of the news media, to be appointed by the Speaker of the House of Delegates,;

4. Two nonlegislative citizen members, of whom one shall be or have been an officer of local government and one shall be an at-large member, to be appointed by the Senate Committee on Rules. The local government representative may be selected from a list recommended by the Virginia Association of Counties and the Virginia Municipal League, after due consideration of such list by the Senate Committee on Rules; and

5. Two nonlegislative citizen members to be appointed by the Governor, one of whom shall not be a state employee.

The Attorney General and the Librarian of Virginia or their designees shall serve ex officio. The Director of the Division of Legislative Services or his designee shall serve ex officio with nonvoting privileges.

B. The nonlegislative citizen members may be selected from a list recommended by the Virginia Press Association, the Virginia Association of Broadcasters, and the Virginia Coalition for Open Government, after due consideration of such list by the appointing authorities. Appointments of nonlegislative citizen members shall be for terms of four years. No nonlegislative citizen member shall

serve for more than two successive four-year terms. At the end of a term, a nonlegislative citizen member shall continue to serve until a successor is appointed. However, after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member. Legislative members may be reappointed for successive terms.

C. The chair and vice-chair shall serve terms of two years and may not succeed themselves to the same position.

§ 30.1-1240. Meetings; attendance of nonlegislative citizen members; compensation.

The Council shall hold meetings quarterly or upon the call of the chair. Notwithstanding the provisions of § 30.1-1239, if any nonlegislative citizen member of the Council fails to attend a majority of meetings of the Council in a calendar year, the Council shall notify the member's appointing authority. Upon receipt of such notification, the appointing authority may remove the member and appoint a successor as soon as practicable. Members of the Council shall receive no compensation for their services but shall be reimbursed for reasonable and necessary expenses pursuant to § 30.1-1103.

§ 30.1-1241. Powers and duties of the Council.

The Council shall have the following powers and duties:

1. Furnish, upon request, advisory opinions or guidelines and other appropriate information regarding the Act to any person or public body in an expeditious manner;

2. Conduct training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of the Act;

3. Publish such educational materials as it deems appropriate on the provisions of the Act;

4. Request from any public body such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by a public body shall not be released to any other party unless authorized by such public body;

5. Assist in the development and implementation of the provisions of § 2.2-3704.1;

6. Develop an online public comment form to be posted on the Council's official public government website, as defined in § 2.2-3701, to enable any requester to comment on the quality of assistance provided to the requester by a public body; and

7. Report annually on its activities and findings regarding the Act, including recommendations for legislation, to the General Assembly and the Governor. The annual report shall be published according to the provisions of § 30.1-1107.

§ 30.1-1242. Staffing.

The Division of Legislative Services shall provide staff support. Staff shall perform the duties assigned to it by the Council.

Article 7.

Commission on Electric Utility Regulation.

§ 30.1-1243. Definitions.

As used in this article:

"Commission" means the Commission on Electric Utility Regulation.

"Ratepayer" means a residential, commercial, or industrial customer who is billed for the consumption of electricity by an electric utility in the Commonwealth.

"Ratepayer impact statement" means a statement prepared using data or other relevant information to estimate the potential impact on ratepayers' electric bills of proposed legislation related to electric utilities.

§ 30.1-1244. (Expires July 1, 2029) Commission on Electric Utility Regulation; purpose.

The Commission is established in the legislative branch of state government. The purpose of the Commission is to monitor the State Corporation Commission's implementation of the Virginia Electric Utility Regulation Act (§ 56-576 et seq.).

§ 30.1-1245. (Expires July 1, 2029) Membership.

A. The Commission shall have a total membership of 14 members that shall include 10 legislative members, three nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows:

1. Six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Four members of the Senate to be appointed by the Senate Committee on Rules that consist of three members from the majority party and one member from the minority party or an equal number from each in the event the chamber is evenly divided;

3. One nonlegislative citizen member with expertise in energy affordability and ratepayer advocacy to be appointed by the Speaker of the House of Delegates;

4. One nonlegislative citizen member with expertise in economic development and ratepayer advocacy to be appointed by the Senate Committee on Rules; and

5. One nonlegislative citizen member with expertise in public utility regulation and ratepayer advocacy to be appointed by the Governor.

The Attorney General or his designee shall serve ex officio. Any such designee shall be an attorney employed within the Department of Law's Consumer Protection Unit.

B. Each member of the Commission shall annually complete an orientation on electric utility regulation provided by the State Corporation Commission.

C. The chair of the Commission is authorized to designate one or more members of the Commission to observe and participate in the discussions of any work group convened by the State Corporation Commission in furtherance of its duties under the Virginia Electric Utility Regulation Act (§ 56-576 et seq.) and this article. Members participating in such discussions are entitled to compensation and reimbursement as provided in § 30.1-1103, if approved by the Joint Rules Committee or its Budget Oversight Subcommittee.

§ 30.1-1246. (Expires July 1, 2029) Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Monitor the work of the State Corporation Commission in implementing Chapter 23 (§ 56-576 et seq.) of Title 56. The Commission shall receive an annual report from the State Corporation Commission by November 1 regarding such implementation and shall receive such other reports as the State Corporation Commission may be required to make, including reviews, analyses, and impact on consumers of electric utility regulation in other states;

2. Examine generation, transmission, and distribution systems reliability concerns;

3518 3. Establish one or more subcommittees, composed of its membership, persons with expertise in
3519 the matters under consideration by the Commission, or both, to meet at the direction of the chair of the
3520 Commission, for any purpose within the scope of the duties prescribed to the Commission by this section,
3521 provided that such persons who are not members of the Commission shall serve without compensation
3522 but shall be entitled to be reimbursed from funds appropriated or otherwise available to the Commission
3523 for reasonable and necessary expenses incurred in the performance of their duties;

3524 4. Monitor applications by the Commonwealth for grants and awards for energy projects from the
3525 federal government;

3526 5. Consider legislation referred to it during any session of the General Assembly or other requests
3527 by members of the General Assembly;

3528 6. Conduct studies and gather information and data in order to accomplish its purposes set forth in
3529 § 30.1-1244 and in connection with the faithful execution of the laws of the Commonwealth;

3530 7. Issue ratepayer impact statements pursuant to § 30.1-1247;

3531 8. Report annually to the General Assembly and the Governor with such recommendations as may
3532 be appropriate for legislative and administrative consideration in order to maintain reliable service in the
3533 Commonwealth while preserving the Commonwealth's position as a low-cost electricity market; and

3534 9. Submit reports pursuant to 30.1-1107.

3535 § 30.1-1247. (Expires July 1, 2029) Ratepayer impact statements for electric utility
3536 regulation.

3537 A. Upon request of the Chairs of the House Committee on Labor and Commerce or the Senate
3538 Committee on Commerce and Labor, the Commission shall prepare a ratepayer impact statement for any
3539 proposed legislation related to electric utility regulation specified by such Chair. Each such Chair may
3540 request up to five ratepayer impact statements in any given regular or special session of the General
3541 Assembly. Additionally, the Commission may, upon the request of any other member of the General
3542 Assembly, prepare a ratepayer impact statement for any proposed legislation related to electric utility
3543 regulation specified by such member.

B. The Commission shall provide any such ratepayer impact statement to the requesting Chair or member, the patron of the legislation, and the members of any committee considering the legislation.

C. The State Corporation Commission, the Office of the Attorney General, and all agencies of the Commonwealth shall, upon request of the Commission, expeditiously provide the Commission with assistance in the preparation of any ratepayer impact statement, including providing the Commission with any necessary data or other relevant information.

D. The Commission shall ensure that any ratepayer impact statement provides a neutral and accurate analysis of the potential impact on ratepayers' electric bills of the proposed legislation. Any ratepayer impact statement shall include the methodology used by the Commission to prepare such ratepayer impact statement.

§ 30.1-1248. (Expires July 1, 2029) Staffing.

The Commission may appoint and employ and, at its pleasure, remove an executive director and such other persons as it deems necessary to assist it in carrying out its duties. The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated to the Commission in the general appropriation act. The Commission may also employ experts who have knowledge of the issues before it.

§ 30.1-1249. (Expires July 1, 2029) Sunset.

This article shall expire on July 1, 2029.

Article 8.

Virginia Housing Commission.

§ 30.1-1250. Virginia Housing Commission; purpose.

The Virginia Housing Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to study and provide recommendations to ensure and foster the availability of safe, sound, and affordable housing for every resident of the Commonwealth. The Commission may also study and make recommendations relating to such other housing, real property, and community development issues as it may be called upon to consider or as may be desirable.

§ 30.1-1251. Membership.

The Commission shall have a total membership of 11 members that shall include eight legislative members and three nonlegislative citizen members. Members shall be appointed as follows:

1. Five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Three members of the Senate to be appointed by the Senate Committee on Rules; and

3. Three nonlegislative citizen members to be appointed by the Governor. Nonlegislative citizen members shall be appointed for a term of four years.

The Commission shall elect a chair and vice-chair every two years.

§ 30.1-1252. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Undertake studies, gather information and data, and pursue such other activities as may be desirable to accomplish its purposes as set forth in § 30.1-1250;

2. Review newly enacted federal legislation pertaining to mortgage lending and brokering and determine if such federal legislation necessitates amendments to the laws of the Commonwealth; and

3. Submit reports pursuant to § 30.1-1107. Such reports shall include a discussion of studies made and recommendations for administrative or legislative action.

§ 30.1-1253. Staffing.

The Commission may appoint and employ and, at its pleasure, remove an executive director and such other persons as it deems necessary to assist it in carrying out its duties as set forth in this article.

The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts as may be appropriated to the Commission in the general appropriation act.

Article 9.

Virginia Conflict of Interest and Ethics Advisory Council.

§ 30.1-1254. Virginia Conflict of Interest and Ethics Advisory Council; purpose.

The Virginia Conflict of Interest and Ethics Advisory Council (the Council) is established in the legislative branch of state government. The purpose of the Council is to encourage and facilitate

compliance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and the General Assembly Conflict of Interests Act (§ 30.1-200 et seq.) (the Acts) and the lobbying laws in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2.

§ 30.1-1255. Membership; terms; chair and vice-chair; vacancies; compensation.

A. The Council shall have a total membership of nine members that shall include four legislative members and five nonlegislative citizen members. Members shall be appointed as follows:

1. Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Two members of the Senate to be appointed by the Senate Committee on Rules;

3. One former judge of a court of record to be appointed by the Speaker of the House of Delegates;

4. One former judge of a court of record to be appointed by the Senate Committee on Rules; and

5. Three nonlegislative citizen members to be appointed by the Governor, of whom one shall be a current or former executive branch employee, one shall be appointed from a list of three nominees submitted by the Virginia Association of Counties, and one shall be appointed from a list of three nominees submitted by the Virginia Municipal League.

B. In the appointment to the Council of members of the House of Delegates and the Senate, equal representation shall be given to each of the political parties having the highest and next highest number of members elected to their respective body. All members of the Council are subject to confirmation by the General Assembly by a majority vote in each house of (i) the members present of the majority party and (ii) the members present of the minority party.

C. Appointments of nonlegislative citizen members shall be for terms of four years. No nonlegislative citizen member shall serve for more than two successive four-year terms. However, after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member. Legislative members may be reappointed for successive terms.

D. The chair and vice-chair shall serve terms of two years and may not succeed themselves to the same position.

E. Members of the Council shall receive no compensation for their services but shall be reimbursed for reasonable and necessary expenses pursuant to § 30.1-1103.

§ 30.1-1256. Powers and duties of the Council.

The Council shall have the following powers and duties:

1. Prescribe the forms required for complying with the disclosure requirements of Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 and the Acts. These forms shall be the only forms used to comply with the provisions of Article 3 or the Acts. The Council shall make available the disclosure forms and shall provide guidance and other instructions to assist in the completion of the forms;

2. Review all disclosure forms filed by lobbyists pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 and by state government officers and employees and legislators pursuant to the Acts. The Council may review disclosure forms for completeness, including reviewing the information contained on the face of the form to determine if the disclosure form has been fully completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, and requesting any amendments to ensure the completeness of and correction of errors in the forms, if necessary. If a disclosure form is found to have not been filed or to have been incomplete as filed, the Council shall notify the filer in writing and direct the filer to file a completed disclosure form within a prescribed period of time, and such notification shall be confidential and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

3. Require all disclosure forms and lobbyist registration statements that are required to be filed with the Council to be filed electronically in accordance with the standards approved by the Council. The Council shall provide software or electronic access for filing the required disclosure forms and registration statements without charge to all individuals required to file with the Council. The Council shall prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The Council may grant extensions as provided in § 30.1-1258 and may authorize a designee to grant such extensions;

4. Accept and review any statement received from a filer disputing the receipt by such filer of a gift that has been disclosed on the form filed by a lobbyist pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2;

5. Establish and maintain a searchable electronic database comprising those disclosure forms that are filed with the Council pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30.1-214. Such database shall be available to the public through the Council's official website;

6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding (i) ethics, (ii) conflicts issues arising under Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or the Acts, or (iii) a person's duties under Article 3 or the Acts to any person covered by Article 3 or the Acts or to any agency of state or local government, in an expeditious manner. The Council may authorize a designee to furnish formal opinions or informal advice.

a. Formal advisory opinions are public record and shall be published on the Council's website; however, no formal advisory opinion furnished by a designee of the Council shall be available to the public or published until such opinion has been approved by the Council. Published formal advisory opinions may have such deletions and changes as may be necessary to protect the identity of the person involved or other persons supplying information.

b. Informal advice given by the Council or the Council's designee is confidential and is excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however, if the recipient invokes the immunity provisions of § 2.2-3121 or 30.1-229, the record of the request and the informal advice given shall be deemed to be a public record and shall be released upon request. Other records relating to formal advisory opinions or informal advice, including records of requests, notes, correspondence, and draft versions of such opinions or advice, shall also be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act;

7. Conduct training seminars and educational programs for lobbyists, state and local government officers and employees, legislators, and other interested persons on the requirements of Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 and the Acts and provide training sessions for local elected officials

in compliance with Article 9 (§ 2.2-3132) of Chapter 31 of Title 2.2 and ethics orientation sessions for legislators in compliance with Article 7 (§ 30.1-235 et seq.) of Chapter 2;

8. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the educational materials and approve any training or course on the requirements of Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 and the Acts conducted for state and local government officers and employees;

9. Publish such educational materials as it deems appropriate on the provisions of Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 and the Acts;

10. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice;

11. Request from any agency of state or local government such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency;

12. Redact from any document or form that is to be made available to the public any residential address, personal telephone number, email address, or signature contained on that document or form; and

13. Report according to the provisions of § 30.1-1107 on its activities and findings regarding Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 and the Acts, including recommendations for legislation, to the General Assembly and the Governor.

§ 30.1-1257. Request for approval for certain travel.

A. The Council shall receive and review a request for the approval of travel submitted by a person required to file the disclosure form prescribed in § 2.2-3117 or 30.1-214 to accept any travel-related transportation, lodging, hospitality, food or beverage, or other thing of value that has a value exceeding \$100 where such approval is required pursuant to subsection G of § 2.2-3103.1 or subsection F of § 30.1-204. A request for the approval of travel shall not be required for the following, but such travel shall be disclosed as may be required by the Acts:

1. Travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.);

3703 2. Travel paid for or provided by the government of the United States, any of its territories, or any
3704 state or any political subdivision of such state;

3705 3. Travel provided to facilitate attendance by a legislator at a regular or special session of the
3706 General Assembly, a meeting of a legislative committee or commission, or a national conference where
3707 attendance is approved by the House Committee on Rules or its Chair or the Senate Committee on Rules
3708 or its Chair; or

3709 4. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any
3710 board, commission, authority, or other entity, or any charitable organization established pursuant to §
3711 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been
3712 appointed or elected or is a member by virtue of his office or employment.

3713 B. When reviewing a request for the approval of travel, the Council shall consider the purpose of
3714 the travel as it relates to the official duties of the requester. The Council shall approve any request for
3715 travel that bears a reasonable relationship between the purpose of the travel and the official duties of the
3716 requester. Such travel shall include any meeting, conference, or other event (i) composed primarily of
3717 public officials, (ii) at which public policy related to the duties of the requester will be discussed in a
3718 substantial manner, (iii) reasonably expected to educate the requester on issues relevant to his official
3719 duties or to enhance the requester's knowledge and skills relative to his official duties, or (iv) at which the
3720 requester has been invited to speak regarding matters reasonably related to the requester's official duties.

3721 C. The Council shall not approve any travel requests that bear no reasonable relationship between
3722 the purpose of the proposed travel and the official duties of the requester. In making such determination,
3723 the Council shall consider the duration of travel, the destination of travel, the estimated value of travel,
3724 and any previous or recurring travel.

3725 D. Within five business days of receipt of a request for the approval of travel, the Council shall
3726 grant or deny the request, unless additional information has been requested. If additional information has
3727 been requested, the Council shall grant or deny the request for the approval within five business days of
3728 receipt of such information. If the Council has not granted or denied the request for approval of travel or
3729 requested additional information within such five-day period, such travel shall be deemed to have been

approved by the Council. Nothing in this subsection shall preclude a person from amending or resubmitting a request for the approval of travel. The Council may authorize a designee to review and grant or deny requests for the approval of travel.

E. A request for the approval of travel shall be on a form prescribed by the Council and made available on its website. Such form may be submitted by electronic means, in-person submission, or mail or commercial mail delivery.

F. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for acceptance of a travel-related thing of value if he accepted the travel-related thing of value after receiving approval under this section, regardless of whether such approval is later withdrawn, provided the travel occurred prior to the withdrawal of the approval.

§ 30.1-1258. Right to grant extensions in special circumstances; civil penalty.

A. Notwithstanding any other provision of law, any person required to file the disclosure form prescribed in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or the Acts shall be entitled to an extension where good cause for granting such an extension has been shown, as determined by the Council. Good cause shall include:

1. The death of a relative of the filer, as relative is defined in the definition of "gift" in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or the Acts.

2. A state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order when such emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected by the emergency.

3. The filer being on active duty as a member of a uniformed service of the United States on the date of the filing deadline.

4. A failure of the electronic filing system when the failure of such system prevents the timely filing of disclosure forms.

B. For any filer who is unable to timely file the disclosure form prescribed in the Acts due to the disclosure form not being made available to him until after the deadline has passed, the Council shall grant such filer a five-day extension upon request. The head of the agency for which the filer works or the clerk of the school board or governing body of the locality that was responsible for providing the disclosure form to such filer shall be assessed a civil penalty in an amount equal to \$250, to be collected in accordance with the procedure set forth in subsection B of § 2.2-3124. If the disclosure form is provided to the filer within three days prior to the filing deadline, the Council shall grant the filer a three-day extension upon request and no civil penalties shall be assessed against the head of such filer's agency or the clerk.

C. The provisions of this section shall not apply to any statement of economic interests filed as a requirement of candidacy pursuant to § 24.2-502.

§ 30.1-1259. Staffing.

The Division of Legislative Services shall provide staff support. Staff shall perform the duties assigned to it by the Council, including the duties enumerated in § 30.1-1258. The Division of Legislative Services shall employ an executive director, who shall be subject to the confirmation of the Joint Committee on Rules.

Article 10.

Virginia-Israel Advisory Board.

§ 30.1-1260. Virginia-Israel Advisory Board; purpose.

The Virginia-Israel Advisory Board (the Board) is established in the legislative branch of state government. The purpose of the Board is to advise the General Assembly on ways to improve economic and cultural links between the Commonwealth and the State of Israel, with a focus on the areas of commerce and trade, art and education, and general government.

§ 30.1-1261. Membership; terms; compensation.

A. The Board shall have a total membership of 31 members that shall include 29 citizen members and two ex officio members. Members shall be appointed as follows:

1. Ten citizen members, who may be members of the House of Delegates or other state or local elected officials, to be appointed by the Speaker of the House of Delegates;

3783 2. Ten citizen members, who may be members of the Senate or other state or local elected officials,
3784 to be appointed by the Senate Committee on Rules; and

3785 3. Nine nonlegislative citizen members to be appointed by the Governor, of whom five shall be
3786 representatives of business, industry, education, the arts, and government and four shall be the president,
3787 or his designee, of each of the four Jewish Community Federations serving the Richmond, Northern
3788 Virginia, Tidewater, and Peninsula regions.

3789 The Secretaries of Commerce and Trade and Education or their designees shall serve ex officio.

3790 B. Nonlegislative citizen members shall serve for terms of four years.

3791 C. Members shall receive no compensation for their services, but shall be reimbursed for
3792 reasonable and necessary expenses pursuant to § 30.1-1103.

3793 **§ 30.1-1262. Powers and duties of the Board.**

3794 The Board shall have the following powers and duties:

3795 1. Undertake studies and gather information and data in order to accomplish its purposes as set
3796 forth in § 30.1-1260 and formulate and present its recommendations to the General Assembly and the
3797 Governor;

3798 2. Apply for, accept, and expend gifts, grants, or donations from public, quasi-public, or private
3799 sources, including any matching funds as may be designated in the appropriation act, to enable it to better
3800 carry out its purposes;

3801 3. Account annually on its fiscal activities, including any matching funds received or expended by
3802 the Board;

3803 4. Meet with the Governor at least annually to (i) provide a review of the Board's economic and
3804 cultural development activity and (ii) assist in planning an economic development and cultural exchange
3805 mission to Israel; and

3806 5. Submit reports pursuant to § 30.1-1107.

3807 **§ 30.1-1263. Staffing.**

3808 The Joint Rules Committee shall appoint an executive director to the Board. Funding for the costs
3809 of expenses of the members and the operations of the Board, including staffing needs, shall be from such
3810 funds as appropriated by the General Assembly.

3811 Article 11.

3812 Behavioral Health Commission.

3813 **§ 30.1-1264. Definitions.**

3814 As used in this article, unless the context requires a different meaning:

3815 "Behavioral health" means the full range of mental health and substance abuse services.

3816 "Behavioral health service system" means those public and private providers, including state and
3817 local government agencies and entities, engaged in the development, delivery, coordination, monitoring,
3818 oversight, and financing of behavioral health services in the Commonwealth.

3819 "Commission" means the Behavioral Health Commission.

3820 **§ 30.1-1265. Behavioral Health Commission; purpose.**

3821 The Behavioral Health Commission is established in the legislative branch of state government.
3822 The purpose of the Commission is to provide ongoing oversight and make recommendations for the
3823 improvement of behavioral health services and the behavioral health service system in the Commonwealth
3824 to encourage the adoption of policies to increase the quality and availability of and ensure access to the
3825 full continuum of high-quality, effective, and efficient behavioral health services for all persons in the
3826 Commonwealth.

3827 **§ 30.1-1266. Membership.**

3828 The Commission shall have a total membership of 12 legislative members. Members shall be
3829 appointed as follows:

3830 1. Seven members of the House of Delegates to be appointed by the Speaker of the House of
3831 Delegates in accordance with the principles of proportional representation contained in the Rules of the
3832 House of Delegates, of whom at least three shall be members of the House Committee on Appropriations
3833 and at least two shall be members of the House Committee on Health and Human Services; and

2. Five members of the Senate to be appointed by the Senate Committee on Rules, of whom (i) at least one shall be a member of the Senate Committee on Education and Health, (ii) at least one shall be a member of the Senate Committee on Rehabilitation and Social Services, and (iii) at least two shall be members of the Senate Committee on Finance and Appropriations.

§ 30.1-1267. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Collect and analyze information and data necessary to accomplish the purpose set forth in § 30.1-1265;

2. Provide ongoing oversight of behavioral health services and the behavioral health service system in the Commonwealth, including monitoring and evaluating established programs, services, and delivery and payment structures, and developing recommendations for the improvement thereof;

3. Monitor and evaluate the jurisdiction, powers and duties, operations, management, and interrelationships of any department, division, board, bureau, commission, authority, or other agency with direct responsibility for the delivery, coordination, management, or financing of behavioral health services in the Commonwealth and develop recommendations for the improvement thereof;

4. Monitor and evaluate the design, implementation, and operation of new behavioral health initiatives in the Commonwealth and develop recommendations for the improvement thereof;

5. Examine matters related to the delivery of behavioral health services in other states and consult and exchange information with officers and agencies of other states with respect to behavioral health service issues of mutual concern;

6. Maintain offices and hold meetings and functions at any place in the Commonwealth that it deems necessary;

7. Invite other interested parties to sit with the Commission and participate in its deliberations;

8. Coordinate with other agencies and entities of the Commonwealth with regard to developing and proposing recommendations related to behavioral health services in the Commonwealth;

9. Appoint any work group or special task force from among its members to study and make recommendations on specific matters before the Commission;

10. Implement a process to solicit and receive input from (i) individuals who are currently receiving or have received behavioral health services or (ii) individuals with intellectual or developmental disabilities or autism spectrum disorders or the family members of such individuals to inform the work of the Commission;

11. Submit reports pursuant to § 30.1-1107, including reports detailing its recommendations to the General Assembly and the Governor.

§ 30.1-1268. Staffing.

The Commission may appoint and employ and, at its pleasure, remove an executive director and such other persons as it deems necessary to assist it in carrying out its duties as set forth in this article. The Commission may also employ experts who have knowledge of the issues before it. The Commission shall determine the duties of such staff and fix their salaries or compensation within the amounts appropriated to the Commission in the general appropriation act.

§ 30.1-1269. Commission requests of other state agencies and political subdivisions.

The Commission may request records, including data and information, that it may require for the performance of its duties and every department, division, board, bureau, commission, authority, or other agency established by the Commonwealth or to which the Commonwealth is a party or any political subdivision of the Commonwealth shall provide such records, including data and information, to the fullest extent possible and except as prohibited by law. Upon request and availability, the Commission shall receive access to the facilities of and ample opportunity to observe the operations of every department, division, board, bureau, commission, authority, or other agency established by the Commonwealth or to which the Commonwealth is a party or of any political subdivision of the Commonwealth.

CHAPTER 13.

SPECIAL ADVISORY LEGISLATIVE ENTITIES.

Article 1.

Virginia Coal and Energy Commission.

§ 30.1-1300. Virginia Coal and Energy Commission; purpose.

3888 The Virginia Coal and Energy Commission (the Commission) is established in the legislative
3889 branch of state government. The purpose of the Commission is to study all aspects of coal as an energy
3890 resource and endeavor to stimulate, encourage, promote, and assist in the development of renewable and
3891 alternative energy resources other than petroleum.

3892 **§ 30.1-1301. Membership.**

3893 A. The Commission shall have a total membership of 20 members that shall include 13 legislative
3894 members and seven nonlegislative citizen members. Members shall be appointed as follows:

3895 1. Eight members of the House of Delegates to be appointed by the Speaker of the House of
3896 Delegates in accordance with the principles of proportional representation contained in the Rules of the
3897 House of Delegates;

3898 2. Five members of the Senate to be appointed by the Senate Committee on Rules; and

3899 3. Seven nonlegislative citizen members, who shall include representatives of industry,
3900 government, and groups or organizations identified with the production and conservation of coal, natural
3901 gas, and energy, to be appointed by the Governor.

3902 B. Nonlegislative citizen members shall be appointed for terms of four years.

3903 **§ 30.1-1302. Powers and duties of the Commission.**

3904 A. The Commission shall have the following powers and duties:

3905 1. Act in an advisory capacity to the Governor and executive branch agencies regarding energy-
3906 related matters;

3907 2. Investigate and consider such questions and problems relating to the field of coal and energy
3908 utilization and alternative energy sources as may be submitted;

3909 3. Make recommendations to the Governor and General Assembly on the Commission's own
3910 initiative;

3911 4. Consult with applicable state agencies on all matters regarding energy conservation, including
3912 the promotion and implementation of initiatives for the public at large to conserve energy;

3913 5. Endeavor to encourage research designed to further new and more extensive use of coal as well
3914 as alternative and renewable energy resources of the Commonwealth;

6. Disseminate proposals to state and local groups and organizations in order to encourage local governing bodies and private businesses to adopt energy initiatives;

7. Coordinate the efforts of the Commission with those of the Virginia Solar Energy Center established pursuant to § 45.2-1900 and the Virginia Center for Coal and Energy Research established pursuant to Article 3 (§ 23.1-2623 et seq.) of Chapter 26 of Title 23.1;

8. Actively seek federal and other funds to be used to carry out the functions of the Commission;

9. Seek to establish alternative fuel capability within the Commonwealth;

10. Investigate and make recommendations regarding the development of nuclear power. The Commission shall encourage the reprocessing of spent fuel for reuse and periodically address (i) incentives to encourage the study of nuclear engineering at public institutions of higher education in the Commonwealth, (ii) the storage of nuclear waste, (iii) the transportation of nuclear waste, (iv) security needs of nuclear power plants, and (v) on-site temporary storage facilities for spent nuclear fuel; and

11. Submit reports pursuant to § 30.1-1107.

B. The Commission shall have no authority to adopt regulations.

§ 30.1-1303. Staffing.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission.

Article 2.

State Water Commission.

§ 30.1-1304. State Water Commission; purpose.

The State Water Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to study and report on all aspects of water supply and allocation problems in the Commonwealth.

§ 30.1-1305. Membership; terms.

A. The Commission shall have a total membership of 15 members that shall include 13 legislative members and two nonlegislative citizen members. Members shall be appointed as follows:

1. The Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources;

2. Seven members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

3. Four members of the Senate to be appointed by the Senate Committee on Rules; and

4. Two nonlegislative citizen members to be appointed by the Governor.

B. Nonlegislative citizen members shall be appointed for terms of four years.

§ 30.1-1306. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Study all aspects of water supply and allocation problems in the Commonwealth, whether these problems are of a quantitative or qualitative nature;

2. Coordinate the legislative recommendations of all other state entities having responsibilities with respect to water supply and allocation issues; and

3. Submit reports pursuant to § 30.1-1107.

§ 30.1-1307. Staffing.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support.

The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission.

Article 3.

Small Business Commission.

§ 30.1-1308. Small Business Commission; purpose.

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

§ 30.1-1309. Membership.

The Commission shall have a total membership of 16 members that shall include 10 legislative members and six nonlegislative citizen members. Members shall be appointed as follows:

1. Six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Four members of the Senate to be appointed by the Senate Committee on Rules; and

3. Six nonlegislative citizen members, each of whom shall have previously demonstrated small business experience or expertise, to be appointed by the Governor.

§ 30.1-1310. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Evaluate the impact of existing statutes and proposed legislation on small businesses;

2. Assess the Commonwealth's small business assistance programs and examine ways to enhance their effectiveness;

3. Provide small business owners and their advocates with a forum to address their concerns; and

4. Submit reports pursuant to § 30.1-1107.

§ 30.1-1311. Staffing.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support.

The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission.

Article 4.

Virginia Disability Commission.

§ 30.1-1312. Virginia Disability Commission; purpose.

The Virginia Disability Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to identify and recommend legislative priorities and policies for adoption or examination by the General Assembly in order to provide ongoing support for the development and review of services and funding related to residents of the Commonwealth with physical and sensory disabilities.

3995 **§ 30.1-1313. Membership.**

3996 A. The Commission shall have a total membership of 11 members that shall include six legislative
3997 members and five nonlegislative citizen members. Members shall be appointed as follows:

3998 1. Four members of the House of Delegates to be appointed by the Speaker of the House of
3999 Delegates in accordance with the principles of proportional representation contained in the Rules of the
4000 House of Delegates;

4001 2. Two members of the Senate to be appointed by the Senate Committee on Rules;

4002 3. Three nonlegislative citizen members, of whom one shall be a consumer with a disability, one
4003 shall be a member of the medical, insurance, or rehabilitation profession, and one shall be a citizen at
4004 large, to be appointed by the Speaker of the House of Delegates upon consideration of the
4005 recommendations of the Governor, if any; and

4006 4. Two nonlegislative citizen members, of whom one shall be a consumer with a disability and one
4007 shall be a member of the medical, insurance, or rehabilitation profession, to be appointed by the Senate
4008 Committee on Rules upon consideration of the recommendations of the Governor, if any.

4009 **§ 30.1-1314. Powers and duties of the Commission.**

4010 A. The Commission shall have the following powers and duties:

4011 1. Serve as the primary forum in the Commonwealth where the needs of and issues affecting people
4012 with physical and sensory disabilities are identified and addressed through the collaboration of members
4013 of the legislative and executive branches of state government, including the staff of legislative and
4014 executive branch agencies, and citizens of the Commonwealth;

4015 2. Develop, evaluate, and advance budget proposals and legislative and policy recommendations
4016 to support a service system that maximizes the self-sufficiency of residents of the Commonwealth with
4017 disabilities;

4018 3. Develop and evaluate recommendations for service program changes and funding related to
4019 services for persons with physical and sensory disabilities;

4020 4. Advise the General Assembly and the Governor on local, state, and federal policies and
4021 programs relevant to citizens with disabilities;

4022 5. Serve as the primary body for coordinating proposals and recommendations of all commissions
4023 and agencies for legislation or budget actions affecting persons with physical and sensory disabilities,
4024 including receiving, reviewing, and responding to proposals and recommendations;

4025 6. Convene work groups composed of persons with expertise in the matters under consideration
4026 by the Commission to assist the Commission on issues related to (i) housing and transportation, (ii)
4027 education and employment, (iii) publicly funded services, and (iv) such other issues as the Commission
4028 may deem necessary. Persons serving on the work groups shall serve without compensation; and

4029 7. By October 1 of each year, submit its recommendations to the General Assembly and the
4030 Governor in an annual report that shall be submitted as provided in the procedures of the Division of
4031 Legislative Automated Systems for the processing of legislative documents and reports and shall be posted
4032 on the General Assembly's website.

4033 B. If the Commission is not funded by a separate appropriation in the general appropriation act for
4034 any year, the Commission shall expire on July 1 of the fiscal year in which it fails to receive such funding.

4035 **§ 30.1-1315. Staffing.**

4036 The Office of the Clerk of the chair of the Commission shall provide administrative staff support.
4037 The Division of Legislative Services shall provide legal and legislative research and analysis as requested
4038 by the Commission.

4039 Article 5.

4040 Manufacturing Development Commission.

4041 **§ 30.1-1316. Manufacturing Development Commission; purpose.**

4042 The Manufacturing Development Commission (the Commission) is established in the legislative
4043 branch of state government. The purpose of the Commission is to assess manufacturing needs and
4044 formulate legislative and regulatory remedies to ensure the future of the manufacturing sector in the
4045 Commonwealth.

4046 **§ 30.1-1317. Membership; terms; compensation.**

A. The Commission shall have a total membership of 14 members that shall include eight legislative members, five nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows:

1. Five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Three members of the Senate to be appointed by the Senate Committee on Rules; and

3. Five nonlegislative citizen members, of whom (i) one shall be a representative of a Virginia manufacturer, (ii) one shall be a representative of the Virginia Manufacturers Association, (iii) one shall be a representative of an entity or organization active in economic development efforts in the Commonwealth, (iv) one shall be a representative of Norfolk State University or Virginia State University, and (v) one shall be a representative of a public institution of higher education other than Norfolk State University or Virginia State University, to be appointed by the Governor.

The Secretary of Commerce and Trade or his designee shall serve ex officio.

B. Nonlegislative citizen members shall be appointed for terms of four years and shall serve without compensation.

C. Costs of the Commission shall not exceed \$12,000 per year.

§ 30.1-1318. Powers and duties of the Commission.

A. The Commission shall have the following powers and duties:

1. Assess the direct and indirect economic impact of the manufacturing sector on the economy of the Commonwealth;

2. Determine the needs of the manufacturing sector and the most efficient and cost-effective manner in which such needs may be addressed;

3. Consider the effect of local and state tax policies, regulatory compliance costs, and research and development investment, energy, transportation, and workforce training policies and costs on the manufacturing sector and recommend the appropriate role for state and local governments in ensuring the future of the manufacturing sector in the Commonwealth;

4. Develop a comprehensive energy plan for the Commonwealth that evaluates the Commonwealth's current and future energy supply and demand. In developing such plan, the Commission shall solicit and analyze suggestions and information from utility providers, petroleum companies, automobile manufacturers, fuel suppliers, technology companies, environmental organizations, and consumers;

5. Evaluate the effectiveness of state and local economic development programs and incentives on the research and development of technology-intensive manufacturing;

6. Consult and coordinate with the Joint Commission on Technology and Science, the Joint Legislative Audit and Review Commission, the Joint Commission on Administrative Rules, and other legislative commissions, committees, and councils to minimize fragmentation and duplication relative to the respective powers and duties of such entities;

7. Provide manufacturers and their advocates with a forum to address their concerns; and

8. Submit reports pursuant to § 30.1-1107.

B. If the Commission is not funded by a separate appropriation in the general appropriation act for any year, the Commission shall expire on July 1 of the fiscal year in which it fails to receive such funding.

§ 30.1-1319. Staffing.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission.

Article 6.

Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes.

§ 30.1-1320. (Expires July 1, 2026) Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes; purpose.

The Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to perform a comprehensive review of the Code of Virginia to assess ways in which it shall be revised to reflect the government-to-government relationship the Commonwealth should maintain, by treaty and

applicable federal law, with the sovereign, self-governing, federally recognized Tribal Nations located within the present-day external boundaries of the Commonwealth.

§ 30.1-1321. (Expires July 1, 2026) Membership.

The Commission shall have a total membership of 19 members that shall include 10 legislative members, eight nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows:

1. Six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Four members of the Senate to be appointed by the Senate Committee on Rules;

3. Seven nonlegislative citizen members, of whom at least one shall represent each of the seven federally recognized Tribal Nations located in the Commonwealth, to be appointed by the Speaker of the House of Delegates with the advice and consent of each such federally recognized Tribal Nation; and

4. One nonlegislative citizen member, who shall represent the Commonwealth's scholarly community, to be appointed by the Senate Committee on Rules.

The Secretary of the Commonwealth or his designee shall serve ex officio.

§ 30.1-1322. (Expires July 1, 2026) Voting on recommendations.

No recommendation of the Commission shall be adopted if the majority of the members representing Tribal Nations vote against the recommendation.

§ 30.1-1323. (Expires July 1, 2026) Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Perform a comprehensive review of the Code of Virginia to reflect the government-to-government relationship between the Commonwealth and federally recognized Tribal Nations located in the Commonwealth as distinct governments with the right to exercise general sovereignty and powers of government; and

2. Submit reports pursuant to § 30.1-1107.

§ 30.1-1324. (Expires July 1, 2026) Staffing.

4128 The Office of the Clerk of the chair of the Commission shall provide administrative staff support.
4129 The Division of Legislative Services shall provide legal and legislative research and analysis as requested
4130 by the Commission.

4131 **§ 30.1-1325. (Expires July 1, 2026) Sunset.**

4132 This article shall expire on July 1, 2026.

4133 Article 7.

4134 School Health Services Committee.

4135 **§ 30.1-1326. (Expires July 1, 2028) School Health Services Committee; purpose.**

4136 The School Health Services Committee (the Committee) is established in the legislative branch of
4137 state government. The purpose of the Committee is to review and provide advice to the General Assembly
4138 and other policy makers regarding proposals that require local school boards to offer certain health
4139 services in a school setting.

4140 **§ 30.1-1327. (Expires July 1, 2028) Membership.**

4141 The Committee shall have a total membership of 15 members that shall include eight legislative
4142 members, five nonlegislative citizen members, and two ex officio members. Members shall be appointed
4143 as follows:

4144 1. Five members of the House of Delegates, each of whom shall be a member of either the House
4145 Committee on Health and Human Services or the House Committee on Education, to be appointed by the
4146 Speaker of the House of Delegates in accordance with the principles of proportional representation
4147 contained in the Rules of the House of Delegates;

4148 2. Three members of the Senate, each of whom shall be a member of the Senate Committee on
4149 Education and Health, to be appointed by the Senate Committee on Rules;

4150 3. Two nonlegislative citizen members, of whom one shall be an educator at a public school in the
4151 Commonwealth and one shall be a public health expert, to be appointed by the Speaker of the House of
4152 Delegates; and

4.Three nonlegislative citizen members, of whom one shall be an educator at a public school in the Commonwealth, one shall be a school nurse at a public school in the Commonwealth, and one shall be a public health expert, to be appointed by the Senate Committee on Rules.

The Superintendent of Public Instruction and the State Health Commissioner or their designees shall serve ex officio with nonvoting privileges.

§ 30.1-1328. Powers and duties of the Committee.

The Committee shall have the following powers and duties:

1. Review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting; and

2. By October 1 of each year, in lieu of the report required by § 30.1-1107, submit its findings and recommendations to the General Assembly and the Governor in an annual report that shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 30.1-1329. (Expires July 1, 2028) Staffing.

The Office of the Clerk of the chair of the Committee shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Committee.

§ 30.1-1330. (Expires July 1, 2028) Sunset.

This article shall expire on July 1, 2028.

Article 8.

Autism Advisory Council.

§ 30.1-1331. (Expires July 1, 2027) Autism Advisory Council; purpose.

A. For the purposes of this article, "autism spectrum disorder" means the same as that term is defined in the current edition of the "Diagnostic and Statistical Manual of Mental Disorders" published by the American Psychiatric Association.

B. The Autism Advisory Council (the Council) is established in the legislative branch of state government. The purpose of the Council is to promote coordination of services and resources among

agencies involved in the delivery of services to residents of the Commonwealth with autism spectrum disorders and to increase public awareness of such services and resources.

§ 30.1-1332. Membership; terms; meetings.

A. The Council shall have a total membership of 25 members that shall include six legislative members, 12 nonlegislative citizen members, and seven ex officio members. Members shall be appointed as follows:

1. Four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Two members of the Senate to be appointed by the Senate Committee on Rules; and

3. Twelve nonlegislative citizen members, of whom (i) two shall be representatives of autism advocacy organizations, (ii) two shall be parents of children with autism, (iii) two shall be persons with an autism spectrum disorder, (iv) one shall be a clinician in the autism field, (v) one shall be a licensed behavior analyst, (vi) one shall be a private day school director, (vii) one shall be a public school special education director, and (viii) two shall be representatives from autism programs at an institution of higher education, to be appointed by the Governor.

The Commissioner of Behavioral Health and Developmental Services, the Commissioner for Aging and Rehabilitative Services, the Commissioner of Health, the Commissioner of Social Services, the Superintendent of Public Instruction, the Executive Director of the Virginia Board for People with Disabilities, and the Director of the Department of Medical Assistance Services or their designees shall serve ex officio.

B. Nonlegislative citizen members shall be appointed for terms of four years. No nonlegislative citizen member shall serve more than two consecutive four-year terms.

C. The Council shall meet no less than five times a year, upon the call of the chair or a majority of the members.

§ 30.1-1333. (Expires July 1, 2027) Powers and duties of the Council.

The Council shall have the following powers and duties:

4207 1. Facilitate the coordination of services and resources among agencies involved in the delivery of
4208 services to residents of the Commonwealth with autism spectrum disorders;

4209 2. Monitor the implementation of action plans developed by agencies in response to the report of
4210 the Joint Legislative Audit and Review Commission entitled "Assessment of Services for Virginians with
4211 Autism Spectrum Disorders," House Document No. 8 (2009);

4212 3. Recommend policies, legislation, and funding needed to implement the action plans developed
4213 in response to the report of the Joint Legislative Audit and Review Commission entitled "Assessment of
4214 Services for Virginians with Autism Spectrum Disorders," House Document No. 8 (2009) and address
4215 other emerging issues;

4216 4. Determine services, resources, and policies that may further address the needs of individuals
4217 with autism spectrum disorders; and

4218 5. Submit reports pursuant to § 30.1-1107, including progress updates and recommended next steps
4219 to be taken by agencies in the following year.

4220 **§ 30.1-1334. Staffing.**

4221 The Office of the Clerk of the chair of the Council shall provide administrative staff support. The
4222 Division of Legislative Services shall provide legal and legislative research and analysis as requested by
4223 the Council.

4224 **§ 30.1-1335. (Expires July 1, 2027) Sunset.**

4225 This article shall expire on July 1, 2027.

4226 Article 9.

4227 Virginia Minority Business Commission.

4228 **§ 30.1-1336. (Expires July 1, 2028) Virginia Minority Business Commission; purpose.**

4229 The Virginia Minority Business Commission (the Commission) is established in the legislative
4230 branch of state government. The purpose of the Commission is to promote the growth and competitiveness
4231 of minority-owned businesses in the Commonwealth, as defined in § 2.2-1604.

4232 **§ 30.1-1337. (Expires July 1, 2028) Membership.**

4233 The Commission shall have a total membership of 13 members that shall include seven legislative
4234 members and six nonlegislative citizen members. Members shall be appointed as follows:

4235 1. Four members of the House of Delegates to be appointed by the Speaker of the House of
4236 Delegates in accordance with the principles of proportional representation contained in the Rules of the
4237 House of Delegates;

4238 2. Three members of the Senate to be appointed by the Senate Committee on Rules;

4239 3. Three nonlegislative citizen members with expertise in entrepreneurship, economics, and
4240 business to be appointed by the Speaker of the House of Delegates; and

4241 4. Three nonlegislative citizen members with expertise in entrepreneurship, economics, and
4242 business to be appointed by the Senate Committee on Rules.

4243 **§ 30.1-1338. (Expires July 1, 2028) Powers and duties of the Commission.**

4244 The Commission shall have the following powers and duties:

4245 1. Evaluate the impact of existing statutes and proposed legislation on minority-owned businesses
4246 in the Commonwealth;

4247 2. Assess current programs in the Commonwealth aimed at assisting minority-owned businesses
4248 and examine ways to enhance their effectiveness;

4249 3. Provide minority business owners and their advocates with a forum to address their concerns;

4250 4. Develop strategies and recommendations to promote the growth and competitiveness of
4251 minority-owned businesses in the Commonwealth;

4252 5. Collaborate with the Department of Small Business and Supplier Diversity and other appropriate
4253 entities to facilitate the Commission's work and mission;

4254 6. Submit reports pursuant to § 30.1-1107, although such reports shall be optional, not mandatory;
4255 and

4256 7. Perform such other duties, functions, and activities as may be necessary to facilitate and
4257 implement the objectives of this article.

4258 **§ 30.1-1340. (Expires July 1, 2028) Sunset.**

4259 This article shall expire on July 1, 2028.

CHAPTER 14.

OVERSIGHT LEGISLATIVE ENTITIES.

Article 1.

Chesapeake Bay Restoration Fund Approval Committee.

§ 30.1-1400. Chesapeake Bay Restoration Fund Approval Committee; purpose.

The Chesapeake Bay Restoration Fund Approval Committee (the Committee) is established in the legislative branch of state government. The purpose of the Committee is to provide oversight on the expenditure of moneys received in the Chesapeake Bay Restoration Fund created pursuant to § 46.2-749.2.

§ 30.1-1401. Membership; terms; compensation.

A. The Committee shall have a total membership of seven members that shall include three legislative members and four nonlegislative citizen members. Members shall be appointed as follows:

1. Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. One member of the Senate to be appointed by the Senate Committee on Rules;

3. Two nonlegislative citizen members, of whom one shall be a representative of the Chesapeake Bay Foundation, to be appointed by the Speaker of the House of Delegates; and

4. Two nonlegislative citizen members, of whom one shall be a representative of the Virginia Association of Soil and Water Conservation Districts, to be appointed by the Senate Committee on Rules.

All persons appointed to the Committee shall represent interests associated with the restoration and conservation of the Chesapeake Bay.

B. Nonlegislative citizen members of the Committee shall serve for terms of four years.

C. Members shall receive no compensation for their services, but shall be reimbursed out of the Chesapeake Bay Restoration Fund for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

§ 30.1-1402. Powers and duties of the Committee.

The Committee shall have the following powers and duties:

4287 1. Develop goals and guidelines for the use of the Chesapeake Bay Restoration Fund (the Fund) in
4288 accordance with the purposes of the Fund as provided in § 46.2-749.2. The uses of the Fund may include
4289 cooperative programs with or project grants to state agencies, the federal government, or any not-for-profit
4290 agency, institution, organization, or entity, public or private. No moneys in the Fund shall be used to
4291 supplant existing general fund appropriations except as provided in subsection D of § 46.2-749.2.

4292 2. In lieu of the report required by § 30.1-1107, present to the General Assembly and the Governor
4293 a plan for the expenditure of any amounts in the Fund by November 15 of each year.

4294 **§ 30.1-1403. Staffing.**

4295 The Office of the Clerk of the chair of the Committee shall provide administrative staff support.
4296 The Division of Legislative Services shall provide legal and legislative research and analysis as requested
4297 by the Committee.

4298 Article 2.

4299 Commission on Unemployment Compensation.

4300 **§ 30.1-1404. Commission on Unemployment Compensation; purpose.**

4301 The Commission on Unemployment Compensation (the Commission) is established in the
4302 legislative branch of state government. The purpose of the Commission is to annually monitor and evaluate
4303 the Commonwealth's unemployment compensation system relative to the economic health of the
4304 Commonwealth.

4305 **§ 30.1-1405. Membership; meetings.**

4306 A. The Commission shall have a total membership of 10 members that shall include eight
4307 legislative members and two nonlegislative citizen members. Members shall be appointed as follows:

4308 1. Five members of the House of Delegates to be appointed by the Speaker of the House of
4309 Delegates in accordance with the principles of proportional representation contained in the Rules of the
4310 House of Delegates;

4311 2. Three members of the Senate to be appointed by the Senate Committee on Rules;

4312 3. One nonlegislative citizen member who shall be an employee stakeholder representative to be
4313 appointed by the Speaker of the House of Delegates; and

4314 4. One nonlegislative citizen member who shall be an employer representative to be appointed by
4315 the Senate Committee on Rules.

4316 B. The Commission shall meet at least two times each year.

4317 **§ 30.1-1406. Powers and duties of the Commission.**

4318 A. The Commission shall have the following powers and duties:

4319 1. Evaluate the impact of existing statutes and proposed legislation on unemployment
4320 compensation and the Unemployment Trust Fund;

4321 2. Assess the Commonwealth's unemployment compensation programs and examine ways to
4322 enhance effectiveness;

4323 3. Monitor the current status and long-term projections for the Unemployment Trust Fund; and

4324 4. Submit reports pursuant to § 30.1-1107.

4325 B. The Commission shall monitor the Virginia Employment Commission's management of the
4326 following operations of the Commonwealth's unemployment insurance system:

4327 1. Key performance metrics related to unemployment insurance backlogs;

4328 2. Efforts to identify, prevent, and recover incorrect unemployment insurance benefit payments,
4329 including fraudulent payments;

4330 3. Modernization of the unemployment insurance information technology system and subsequent
4331 efforts to improve functionality;

4332 4. Expenditures of state funds appropriated for unemployment insurance administration; and

4333 5. Implementation of recommendations from the 2021 Operations and Performance of the Virginia
4334 Employment Commission report by the Joint Legislative Audit and Review Commission.

4335 C. The Commission shall convene an advisory committee by December 1, 2022, and at least every
4336 five years thereafter. The advisory committee shall consist of an employer representative, an employee
4337 representative, a labor economist, a finance expert, a labor law expert, and any other stakeholders or
4338 subject matter experts deemed appropriate by the Commission for the following purposes:

4339 1. Review unemployment insurance benefits, replacement ratios, and reciprocity rates;

2. Identify factors that affect unemployment insurance benefits and reciprocity, such as the design of unemployment insurance benefit calculations or unemployment insurance eligibility criteria;

3. Assess the advantages and disadvantages of potential changes to benefits; and

4. Recommend to the Commission options to change benefit levels when needed.

§ 30.1-1407. Staffing.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission.

Article 3.

Public-Private Partnership Oversight Commission.

§ 30.1-1408. Definitions.

As used in this article, unless the context requires a different meaning:

"Commission" means the Public-Private Partnership Oversight Commission.

"Comprehensive agreement" means the same as that term is defined in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

"Detailed proposal" means a proposal from a private entity accepted by a responsible public entity beyond a conceptual level of review and at which time issues, such as fixed costs, payment schedules, financing, deliverables, and project schedules, are defined.

"Interim agreement" means the same as that term is defined in the Public-Private Education Facilities and Infrastructure Act of 2002.

"Private entity" means the same as that term is defined in the Public-Private Education Facilities and Infrastructure Act of 2002.

"Qualifying project" means the same as that term is defined in the Public-Private Education Facilities and Infrastructure Act of 2002.

"Responsible public entity" means a public entity that is an agency or institution of the Commonwealth and that has the power to develop or operate a qualifying project.

§ 30.1-1409. Public-Private Partnership Oversight Commission; purpose.

The Commission is established in the legislative branch of state government. The purpose of the Commission is to provide oversight of responsible public entities that are agencies or institutions of the Commonwealth on proposals received pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

§ 30.1-1410. Membership; meetings; chair; compensation.

A. The Commission shall have a total membership of 11 members that shall include eight legislative members and three ex officio members. Members shall be appointed as follows:

1. The Chair of the House Committee on Appropriations or his designee and four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and

2. The Chair of the Senate Committee on Finance and Appropriations or his designee and two members of the Senate to be appointed by the Senate Committee on Rules.

Three Secretaries, as defined in § 2.2-200, to be appointed by the Governor shall serve ex officio.

B. The members of the Commission shall elect from among the legislative membership a chair and a vice-chair who shall serve for two-year terms. The Commission shall hold meetings quarterly or upon the call of the chair.

C. Members of the Commission shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12, as appropriate.

§ 30.1-1411. Review of certain qualifying projects by the Commission.

A. Except as provided in subsection B, a responsible public entity receiving a detailed proposal for a qualifying project shall provide a copy of such detailed proposal to the chair of the Commission, the Chairs of the House Committee on Appropriations, House Committee on Finance, and Senate Committee on Finance and Appropriations or their designees, and the Director of the Department of General Services prior to entering into the negotiation of an interim or comprehensive agreement.

B. The following qualifying projects are exempt from review by the Commission:

1. Any proposed qualifying project with a total cost of less than \$3 million.

4394 2. Any proposed qualifying project with a total cost of more than \$3 million but less than \$50
4395 million for which funds are specifically appropriated as a public-private partnership in the general
4396 appropriation act or for capital construction projects that are authorized in the general appropriation act,
4397 provided that such project does not increase more than five percent beyond the plans and justifications
4398 that were the basis of the appropriation. However, for any qualifying project that will be completed in
4399 phases and for which no appropriation is made for phases other than the current phase of the project, the
4400 Commission may undertake additional reviews of such projects.

4401 C. Within 10 days of receipt of a detailed proposal for a qualifying project, the Commission shall
4402 accept or decline such proposal for review and notify the responsible public entity of its decision. Upon
4403 acceptance for review, the responsible public entity shall provide any additional information that may be
4404 requested by the Commission regarding the qualifying project, provided that such information is available
4405 to or can be obtained by the responsible public entity.

4406 D. If the Commission accepts a detailed proposal for review, the Commission shall provide
4407 findings and recommendations, if any, to the responsible public entity within 45 days of receiving the
4408 detailed proposal. Such findings and recommendations shall include the following:

4409 1. A determination of whether the terms and conditions of the detailed proposal and proposed
4410 qualifying project create state tax-supported debt, taking into consideration the specific findings of the
4411 Secretary of Finance;

4412 2. An analysis of the potential financial impact of the proposed qualifying project;

4413 3. A review of the policy aspects of the detailed proposal and the proposed qualifying project; and

4414 4. A review of the proposed general business terms and conditions.

4415 A review by the Commission shall not be construed to constitute approval of any appropriation
4416 necessary to implement any subsequent interim or comprehensive agreement. If no findings or
4417 recommendations are provided by the Commission to the responsible public entity within the 45-day
4418 period, the Commission shall be deemed to have no findings or recommendations.

E. No responsible public entity shall commence negotiation of an interim or comprehensive agreement until the Commission provides recommendations, if any, or declines to accept the detailed proposals for review.

F. The responsible public entity shall submit a copy of the proposed interim or comprehensive agreement to the Commission, the Chairs of the House Committee on Appropriations, House Committee on Finance, and Senate Committee on Finance and Appropriations or their designees, and the Director of the Department of General Services at least 30 days prior to execution of the agreement along with a report describing the extent to which the Commission's recommendations were addressed in the proposed interim or comprehensive agreement.

§ 30.1-1412. Staffing.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission. Technical assistance shall be provided by the staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations and the Office of the Auditor of Public Accounts. The Department of General Services shall provide additional assistance as needed.

§ 30.1-1413. Confidentiality of certain records submitted to the Commission.

Records and information afforded protection under subdivision 11 of § 2.2-3705.6 that are provided by a responsible public entity to the Commission shall continue to be protected from disclosure when in the possession of the Commission.

Article 4.

Joint Commission on Transportation Accountability.

§ 30.1-1414. Joint Commission on Transportation Accountability; purpose.

The Joint Commission on Transportation Accountability (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to ensure that sums appropriated to state agencies for transportation purposes have been or are being expended for the purposes for which they were made and to evaluate the effectiveness of programs in accomplishing such legislative intent.

§ 30.1-1415. Membership.

The Commission shall have a total membership of 11 members that shall consist of 10 legislative members and one ex officio member. Members shall be appointed as follows:

1. Six members of the House of Delegates, of whom at least three shall be members of the House Committee on Transportation, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and

2. Four members of the Senate, of whom at least two shall be members of the Senate Committee on Transportation, to be appointed by the Senate Committee on Rules.

The Auditor of Public Accounts or his designee shall serve ex officio with nonvoting privileges.

§ 30.1-1416. Powers and duties of the Commission.

A. The Commission shall have the following powers and duties:

1. Conduct performance reviews of operations of state agencies with transportation responsibilities to ensure that sums appropriated have been or are being expended for the purposes for which they were made and to evaluate the effectiveness of programs in accomplishing legislative intent;

2. Study, on a continuing basis, the operations, practices, and duties of state agencies with transportation responsibilities as they relate to efficiency in the use of space, personnel, equipment, and facilities;

3. Retain such consultants and advisers as the Commission deems necessary to evaluate financial and project management of state agencies with transportation responsibilities;

4. Make such special studies of and reports on the operations and functions of state agencies with transportation responsibilities as the Commission deems appropriate and as may be requested by the General Assembly;

5. Review actions of the Commonwealth Transportation Board; and

6. Make recommendations to the General Assembly on necessary transportation legislation.

B. The Commission is exempt from the reporting requirement established in § 30.1-1107.

§ 30.1-1417. Staffing.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support.

The Division of Legislative Services shall provide legal and legislative research and analysis as requested

by the Commission. Technical assistance shall be provided by the Joint Legislative Audit and Review Commission upon request.

Article 5.

MEI Project Approval Commission.

§ 30.1-1418. Definitions.

As used in this article, unless the context requires a different meaning:

"Commission" means the MEI Project Approval Commission.

"Major Employment and Investment project" or "MEI project" means the same as that term is defined in § 2.2-2260.

"Nondiscretionary incentive" means a tax credit, tax exemption, or grant to which a taxpayer or applicant is entitled if he meets the statutory criteria required for such credit, exemption, or grant.

§ 30.1-1419. MEI Project Approval Commission; purpose.

The Commission is established in the legislative branch of state government. The purpose of the Commission is to review financing for individual incentive packages, including packages offering tax incentives, for economic development, film, and episodic television projects, including MEI projects, for which the following apply:

1. One or more of the incentives in the incentive package are not authorized under current law or the General Assembly is seeking an amendment to one or more currently existing incentives included as part of the incentive package;

2. One of the proposed incentives includes a cash payment to a private sector business of more than \$3.5 million from any fund before any performance metrics are met by the proposed project; or

3. The aggregate amount of incentives provided by the Commonwealth in the incentive package, including discretionary grants, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth, is in excess of \$10 million in value.

Except for the value of any sales tax exemption available pursuant to subdivision 18 of § 58.1-609.3 or tax credit available pursuant to § 58.1-439.12:03, the value of any existing nondiscretionary

incentives shall not be considered in calculating whether the incentives are in excess of \$10 million in value, and no review shall be required for a project if the only incentives to be provided to a potential project are nondiscretionary incentives.

§ 30.1-1420. Membership.

The Commission shall have a total membership of 14 members that shall include 12 legislative members and two ex officio members. Members shall be appointed as follows:

1. Seven members of the House Committee on Appropriations or the House Committee on Finance to be appointed by the Chair of the House Committee on Appropriations; and

2. Five members of the Senate Committee on Finance and Appropriations to be appointed by the Chair of the Senate Committee on Finance and Appropriations.

The Secretaries of Finance and Commerce and Trade shall serve ex officio with nonvoting privileges.

§ 30.1-1421. Review of incentive packages.

A. In addition to reviewing certain incentive packages pursuant to § 30.1-1419, the Commission shall review economic development projects in which a business relocates or expands its operations in one or more localities in the Commonwealth and simultaneously closes its operations or substantially reduces the number of its employees in another locality in the Commonwealth if the aggregate amount of incentives to be provided by the Commonwealth in the incentive package, including discretionary grants, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth, is in excess of \$2.5 million in value. The Commission shall review such packages and projects and recommend approval or denial of such packages and projects to the General Assembly. Factors to be considered by the Commission in its review shall include the following:

1. Return on investment;

2. The time frame for repayment of incentives to the Commonwealth;

3. Average wages of the jobs created by the prospective MEI project or other economic development project;

4527 4. The amount of capital investment that is required; and
4528 5. The need for enhanced employment opportunities in the prospective location of the prospective
4529 MEI project or other economic development project.
4530 B. Anytime a proposed individual incentive package is considered by the Commission, materials
4531 outlining the following information shall be provided to the staff of the House Committee on
4532 Appropriations and Senate Committee on Finance and Appropriations not less than five business days
4533 prior to the scheduled Commission meeting:
4534 1. The value of the proposed incentives;
4535 2. The assumed return on investment;
4536 3. The time frame for repayment of incentives to the Commonwealth;
4537 4. The average wages of the jobs created by the prospective economic development, film, or
4538 episodic television project;
4539 5. The amount of capital investment that is required;
4540 6. The need for enhanced employment opportunities in the prospective location of the prospective
4541 economic development, film, or episodic television project;
4542 7. The total amount of state incentives received by the sponsor of the economic development, film,
4543 or episodic television project in the past; and
4544 8. A list of all other existing, nondiscretionary incentives for which the sponsor of the economic
4545 development, film, or episodic television project may qualify.
4546 Staff shall also be provided with an aggregate list of all discretionary incentives currently
4547 committed by the Commonwealth for the next 10 years, including anticipated requests for appropriations
4548 to satisfy such commitments during that time.
4549 C. The timing of any request for an endorsement of a proposed individual incentive package should
4550 be scheduled to permit the Commission, at its discretion, to have up to seven days after the presentation
4551 of the incentive package prior to endorsing or rejecting such proposal.
4552 D. State agencies, localities, authorities, or other political subdivisions of the Commonwealth that
4553 have significant involvement in a proposed individual incentive package in terms of providing facilities

or regulatory support to a project or in developing the proposed individual incentive package shall review the materials required by subsection B and certify the accuracy of such materials prior to consideration by the Commission.

E. An affirmative vote by four of the seven members of the Commission from the House of Delegates and three of the five members of the Commission from the Senate is required to endorse any incentive package, including packages described in § 30.1-1419. Such vote shall also be required to endorse any economic development project in which a business relocates or expands its operations in one or more localities in the Commonwealth and simultaneously closes its operations or substantially reduces the number of its employees in another locality in the Commonwealth if the aggregate amount of incentives to be provided by the Commonwealth in the incentive package, including discretionary grants, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth, is in excess of \$2.5 million in value. However, no vote shall be required for a project if the only incentives to be provided to a potential project are nondiscretionary incentives available to any qualified taxpayer under existing law.

§ 30.1-1422. Review of tax financing projects.

In addition to the required review of certain incentive packages pursuant to §§ 30.1-1419 and 30.1-1421, the Commission may, in its discretion, review potential economic development projects presented by private sector businesses or state authorities that would be financed through entitlements to sales taxes or through personal or corporate income tax incentives or modifications. The Commission is not required to endorse or recommend any such project but may include recommendations in its annual report prepared pursuant to § 30.1-1424.

§ 30.1-1423. Staffing.

The staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall provide administrative staff support. The Auditor of Public Accounts, Division of Legislative Services, Virginia Economic Development Partnership Authority, and Virginia Public Building Authority shall provide additional assistance as requested by the Commission.

§ 30.1-1424. Commission report to General Assembly.

A. In lieu of the report required by § 30.1-1107, the chair of the Commission shall report annually by the first day of each regular session of the General Assembly on all endorsed incentive packages for which an offer has been made and publicly announced. Staff identified in § 30.1-1423 shall assist the Commission in preparing such report, which shall contain the following information: (i) the industrial sector of the MEI project or other economic development project, (ii) known competitor states, (iii) employment creation and capital investment expectations, (iv) anticipated average annual wage of the new jobs, (v) local and state returns on investment as prepared by the Virginia Economic Development Partnership Authority, (vi) expected time frame for repayment of the incentives to the Commonwealth in the form of direct and indirect general tax revenues, (vii) details of the proposed incentive package, including the breakdown of the components into various uses and an expected timeline for payments, and (viii) draft legislation or amendments to the general appropriation act that propose financing for the endorsed incentive package through the Virginia Public Building Authority or any other proposed funding or financing mechanisms.

B. To assist in the preparation of such report, the draft legislation or amendments referred to in clause (viii) of subsection A shall be submitted to the staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations no later than December 15 each year.

Article 6.

Joint Subcommittee to Evaluate Tax Preferences.

§ 30.1-1425. Joint Subcommittee to Evaluate Tax Preferences; purpose.

The Joint Subcommittee to Evaluate Tax Preferences (the Joint Subcommittee) is established in the legislative branch of state government. The purpose of the Joint Subcommittee is to oversee the evaluation of the Commonwealth's tax preferences, including tax credits, deductions, subtractions, exemptions, and exclusions.

§ 30.1-1426. Membership.

The Joint Subcommittee shall have a total membership of 14 legislative members. Members shall be appointed as follows:

1. Eight members of the House of Delegates, of whom six shall be members of the House Committee on Finance and two shall be members of the House Committee on Appropriations, to be appointed by the Speaker of the House of Delegates, upon the recommendation of the Chair of the House Committee on Finance and the Chair of the House Committee on Appropriations, respectively; and

2. Six members of the Senate, who shall also be members of the Senate Committee on Finance and Appropriations, to be appointed by the Senate Committee on Rules, upon the recommendation of the Chair of the Senate Committee on Finance and Appropriations.

§ 30.1-1427. Powers and duties of the Joint Subcommittee.

The Joint Subcommittee shall have the following powers and duties:

1. Undertake a systematic review of the Commonwealth's tax preferences;
2. Adopt a schedule for reviewing tax preferences based upon program areas to which the preferences relate;
3. Establish procedures and performance measures to evaluate the effectiveness of tax preferences;
4. Request that the Governor direct Department of Taxation staff conduct independent evaluations of tax preferences in promoting economic activity, generating revenue, or otherwise achieving the tax preference's intended policy purpose and report the findings to the Joint Subcommittee;
5. Recommend a process and guidelines for establishing expiration dates for tax preferences; and
6. Submit reports pursuant to § 30.1-1107, which shall include recommendations on tax preferences to be continued, expanded, modified, or eliminated.

§ 30.1-1428. Staffing; technical advisory group.

A. The Office of the Clerk of the House of Delegates shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Joint Subcommittee. The staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall provide technical assistance.

B. The Joint Subcommittee is authorized to establish a technical advisory group to assist the work of the Joint Subcommittee and Department of Taxation staff by providing additional guidance and

reviewing evaluations conducted by the Department of Taxation. The technical advisory group shall include individuals with tax policy or economic expertise and legislative staff.

Article 7.

Health Insurance Reform Commission.

§ 30.1-1429. Definitions.

As used in this article, unless the context requires a different meaning:

"Act" means the federal Patient Protection and Affordable Care Act.

"Applicable agency" means the governmental agency that, in accordance with applicable federal rules, is responsible for identifying state-mandated benefits that are in addition to the essential health benefits.

"Bureau" means the Bureau of Insurance of the State Corporation Commission.

"Commission" means the Health Insurance Reform Commission.

"Essential health benefits benchmark plan" or "benchmark plan" has the same meaning as "EHB-benchmark plan" provided in 45 C.F.R. § 156.20.

"Mandated health insurance benefit or provider" has the same meaning as "state-mandated health benefit" provided in § 38.2-3406.1.

§ 30.1-1430. Health Insurance Reform Commission; purpose.

The Commission is established in the legislative branch of state government. The purpose of the Commission is to (i) monitor the implementation of the Act; (ii) assess proposed mandated health insurance benefits and providers; (iii) develop recommendations to increase access to health insurance coverage; (iv) ensure that the costs to business and individual purchasers of health insurance coverage are reasonable; and (v) encourage a robust market for health insurance products in the Commonwealth.

§ 30.1-1431. Membership.

The Commission shall have a total membership of 12 members that shall include 10 legislative members and two nonvoting ex officio members. Members shall be appointed as follows:

1. Four members of the House Committee on Labor and Commerce and one member of the House Committee on Appropriations to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and

2. Four members of the Senate Committee on Commerce and Labor and one member of the Senate Committee on Finance and Appropriations to be appointed by the Senate Committee on Rules.

The Secretary of Health and Human Resources and the Commissioner of Insurance or their designees shall serve ex officio with nonvoting privileges.

§ 30.1-1432. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Monitor the work of appropriate federal and state agencies in implementing the provisions of the Act, including any adopted amendments and regulations;

2. Receive information provided to the Commission pursuant to § 30.1-1433 and, on the basis of such information, assess the implications of the Act's implementation on residents of the Commonwealth, businesses operating within the Commonwealth, and the general fund of the Commonwealth;

3. Consider the development of a comprehensive strategy for implementing health reform in the Commonwealth, including recommendations for innovative health care solutions independent of the approach embodied in the Act that meet the needs of the Commonwealth's citizens and government by creating an improved health system that will serve as an economic driver for the Commonwealth while allowing for more effective and efficient delivery of high-quality care at lower cost;

4. Receive periodic reports from the Bureau pursuant to § 30.1-1433 and recommend, in accordance with the provisions of § 30.1-1434, health benefits required to be included within the scope of the essential health benefits provided under health insurance products offered in the Commonwealth, including any benefits that are not required to be provided by the terms of the Act;

5. Upon request of the Chair of the House Committee on Labor and Commerce or Senate Committee on Commerce and Labor, assess proposed mandated health insurance benefits and providers as provided in § 30.1-1433 and recommend whether, on the basis of such assessments, mandated health

insurance benefits and providers be providers under health care plans offered through a health benefit exchange, outside a health benefit exchange, neither, or both;

6. Conduct other studies of mandated health insurance benefits and provider issues as requested by the General Assembly;

7. Develop such recommendations as may be appropriate for legislative and administrative consideration in order to increase access to health insurance coverage, ensure that the costs to business and individual purchasers of health insurance coverage are reasonable, and encourage a robust market for health insurance products in the Commonwealth; and

8. Submit reports pursuant to § 30.1-1107.

§ 30.1-1433. Standing committees to request Commission assessment.

A. Whenever a legislative measure containing a mandated health insurance benefit or provider is proposed that is not identical or substantially similar to a legislative measure previously reviewed by the Commission within the three-year period immediately preceding the then-current session of the General Assembly, the Chair of the House Committee on Labor and Commerce or Senate Committee on Commerce and Labor having jurisdiction over the proposal shall (i) request that the Commission assess the proposal and (ii) send a copy of such request to the Bureau. The Commission shall be given a period of 24 months to complete and submit its assessment on each such request. A report summarizing the Commission's assessment shall be forwarded to the chair of the standing committee that requested the assessment.

B. Upon receipt of a copy of a request pursuant to subsection A, the Bureau shall prepare an analysis of the extent to which the proposed mandate is currently available under qualified health plans in the Commonwealth and advise the Commission as to whether the applicable agency has determined or would likely determine, in accordance with applicable federal rules, that the proposed mandate exceeds the scope of the essential health benefits. The Bureau's analysis shall be advisory only and not binding upon the Commission, the Bureau, the State Corporation Commission, or any other parties. If the applicable federal rules require an agency of the Commonwealth to identify the state-mandated benefits that are in addition to the essential health benefits but do not identify a specific agency that is responsible

for making such identification, the Bureau shall be the applicable agency. Following the Bureau's analysis, the Commission shall determine if the proposed mandate shall be (i) considered as part of an essential health benefits benchmark plan review in accordance with the provisions of § 30.1-1434, (ii) assessed jointly by the Bureau and the Joint Commission on Health Care in accordance with subsection C, or (iii) considered in another manner by the Commission.

C. Upon request of the Commission, the Bureau and the Joint Commission on Health Care shall jointly assess the social and financial impact and the medical efficacy of the proposed mandated health insurance benefit or provider. The assessment shall include an estimate of the effects of enactment of the proposed mandate on the costs of health coverage in the Commonwealth, including any estimated additional costs that the Commonwealth may be responsible for pursuant to § 1311(d)(3)(B) of the Act should the proposed mandate ultimately be determined by the applicable agency to be a benefit that exceeds the scope of the essential health benefits. Upon completion of such assessment by the Bureau and the Joint Commission on Health Care, the Commission may make a recommendation regarding its support of or opposition to the enactment of the proposed mandate. The Commission's recommendation may address whether the proposed mandate should be provided under health care plans offered through a health benefit exchange or outside a health benefit exchange.

The Commission shall be given a period of 24 months to complete and submit its assessment on each such request. A report summarizing the Commission's study shall be forwarded to the General Assembly and the Governor.

D. Whenever a legislative measure containing a mandated health insurance benefit or provider is identical or substantially similar to a legislative measure previously reviewed by the Commission within the three-year period immediately preceding the then-current session of the General Assembly, the standing committee may request the Commission to study the measure as provided in subsection A.

§ 30.1-1434. Review of essential health benefits benchmark plan.

A. The Commission, in coordination with the Bureau, shall conduct a review of the essential health benefits benchmark plan in 2025 and every five years thereafter in accordance with 45 C.F.R. § 156.111 and this article.

4738 B. Prior to any review year, the Bureau shall convene a work group of relevant stakeholders to
4739 discuss and make recommendations regarding any potential changes to the benchmark plan. Members of
4740 the work group shall possess demonstrated and acknowledged expertise in health benefit plan design,
4741 actuarial science, population health, patient advocacy, or advocating for or assisting enrollees in individual
4742 or small group health coverage. Factors the work group shall consider include (i) coverage denial rates of
4743 benefits that are not covered under the current benchmark plan; (ii) the utilization of mandated benefits;
4744 (iii) the projected impact of a proposed mandate on the prevalence of medical need, the urgency of such
4745 medical need, and any disproportionate disease burden borne by different subpopulations; (iv) the
4746 projected cost of each proposed mandate; and (v) other data as determined by the work group.
4747 Additionally, for any referred legislation the Commission chooses to be considered in the benchmark plan
4748 review, the Bureau shall complete an assessment of such legislation that includes an estimate of the effects
4749 of including the proposed mandate as part of the benchmark plan on the costs of health coverage in the
4750 Commonwealth. The Bureau shall submit the findings and any recommendations of the work group and
4751 any assessments of proposed mandates to the Commission by March 31 of the review year.

4752 C. By June 30 of any review year, the Commission shall determine if an application will be made
4753 for a change to the benchmark plan and shall identify any potential benefit changes to the benchmark plan
4754 for further analysis. In making its determination and identifying any potential benefit changes, the
4755 Commission may consider (i) the findings and recommendations of the work group, (ii) any referred
4756 legislation the Commission chooses to be considered in the benchmark plan review and the Bureau's
4757 assessment of such legislation, and (iii) public comment. If the Commission determines that an application
4758 will be made for a change to the benchmark plan, the Commission shall identify any potential benefit
4759 changes for further analysis.

4760 D. The Bureau shall conduct an actuarial analysis of any benefit changes identified by the
4761 Commission and present such analysis to the Commission by September 30 of such review year.

4762 E. By December 31 of any review year, the Commission shall determine which, if any, potential
4763 benefit changes shall be included in a new benchmark plan. The Commission shall make a

recommendation to the General Assembly in the form of a bill that directs the Bureau to select a new benchmark plan that includes any such changes at the next regular session of the General Assembly.

F. During the review year, the Commission shall conduct public hearings to solicit feedback from consumers and other interested parties regarding any potential benefit changes to the benchmark plan. At least two public hearings shall be held prior to the Commission's determination required by subsection C. If the Commission has determined that an application for a new benchmark plan will be made for a change to the benchmark plan, at least two additional public hearings shall be held prior to selection of a new benchmark plan required by subsection E. Such hearings shall be adequately advertised and planned and shall include an opportunity for the public to participate both in person and remotely.

G. The Bureau shall establish and maintain a website to convey relevant information to the public related to any benchmark plan review.

§ 30.1-1435. Staffing.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission. The Bureau and such other state agencies as may be considered appropriate by the Commission shall provide staff assistance to the Commission.

Article 8.

Intercollegiate Athletics Review Commission.

§ 30.1-1436. Intercollegiate Athletics Review Commission; purpose.

The Intercollegiate Athletics Review Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to review the plan and financing recommendations of the board of visitors of any public institution of higher education in the Commonwealth relating to the institution adding a major intercollegiate athletics program such as football or basketball or changing the division level of any of its existing intercollegiate athletics programs as set forth in subsection I of § 23.1-1309.

§ 30.1-1437. Membership.

4790 The Commission shall have a total membership of 11 members that shall include seven legislative
4791 members and four ex officio members. Members shall be appointed as follows:

4792 1. The Chair of the House Committee on Appropriations or his designee and three members of the
4793 House Committee on Appropriations to be appointed by the Chair; and

4794 2. The Chair of the Senate Committee on Finance and Appropriations or his designee and two
4795 members of the Senate Committee on Finance and Appropriations to be appointed by the Chair.

4796 The Auditor of Public Accounts, the Secretary of Education, the Secretary of Finance, and the
4797 Executive Director of the State Council of Higher Education for Virginia shall serve ex officio with
4798 nonvoting privileges.

4799 **§ 30.1-1438. Powers and duties of the Commission.**

4800 A. The Commission shall have the following powers and duties:

4801 1. Review plans and financing recommendations from the board of visitors of any public institution
4802 of higher education in the Commonwealth to add a major intercollegiate athletics program or change the
4803 division level of an existing intercollegiate athletics program; and

4804 2. Provide findings and recommendations to such public institution of higher education as provided
4805 in this section.

4806 B. Within two business days of receipt of a plan and financing recommendations for changing the
4807 division level of any existing intercollegiate athletics program pursuant to subsection I of § 23.1-1309, the
4808 Commission shall review the plan and notify the board of visitors of the public institution of higher
4809 education of its findings and recommendations.

4810 C. Within 45 business days of receipt of a plan and financing recommendations for adding a major
4811 intercollegiate athletics program such as football or basketball pursuant to subsection I of § 23.1-1309,
4812 the Commission shall review the plan and notify the board of visitors of the public institution of higher
4813 education of its findings and recommendations.

4814 D. Findings and recommendations of the Commission may relate to (i) the potential financial
4815 impact of the addition of a major intercollegiate athletics program or a change in the division level of an
4816 existing intercollegiate athletics program upon the Commonwealth and students; (ii) the potential impact

on the subsidy percentage, as that term is defined in § 23.1-1309; or (iii) the policy aspects of such an addition or change. Review by the Commission shall not be construed to constitute approval of any appropriation necessary to implement any portion of the plan.

E. Findings and recommendations of the Commission shall require an affirmative vote by three of the four members from the House Committee on Appropriations and two of the three members from the Senate Committee on Finance and Appropriations.

F. The Commission is exempt from the reporting requirement established in § 30.1-1107.

§ 30.1-1439. Staffing.

The staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall provide administrative staff support. The State Council of Higher Education for Virginia shall provide assistance as requested by the Commission.

CHAPTER 15.

COMMEMORATIVE, EDUCATIONAL, AND MEMORIAL ENTITIES.

Article 1.

Dr. Martin Luther King, Jr. Memorial Commission.

§ 30.1-1500. Dr. Martin Luther King, Jr. Memorial Commission; purpose.

The Dr. Martin Luther King, Jr. Memorial Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to (i) promote the legacy and continuation of the work of Dr. Martin Luther King, Jr., particularly racial, economic, and social justice, academic scholarship, and community service; (ii) coordinate and lead year-round educational and commemorative activities throughout the Commonwealth that inform the public of his principles, achievements, and contributions, giving special emphasis to his career as a scholar, author, orator, community leader, conciliator, and theologian and to the federal and state Dr. Martin Luther King, Jr. Holiday; (iii) facilitate public policy analysis relative to his principles and teachings; (iv) foster an appreciation of diverse cultures, particularly minority populations within the Commonwealth; and (v) provide opportunities for public discourse on contemporary issues.

§ 30.1-1501. Membership.

4844 The Commission shall have a total membership of 18 members that shall include 10 legislative
4845 members, six nonlegislative citizen members, and two ex officio members. Members shall be appointed
4846 as follows:

4847 1. Six members of the House of Delegates to be appointed by the Speaker of the House of
4848 Delegates in accordance with the principles of proportional representation contained in the Rules of the
4849 House of Delegates;

4850 2. Four members of the Senate to be appointed by the Senate Committee on Rules;

4851 3. Three nonlegislative citizen members to be appointed by the Speaker of the House of Delegates;
4852 and

4853 4. Three nonlegislative citizen members, of whom one shall be a representative of the Southern
4854 Christian Leadership Conference of Virginia, to be appointed by the Senate Committee on Rules.

4855 The Executive Director of Living the Dream and the Executive Director of Virginia Humanities
4856 shall serve ex officio.

4857 The Senate Committee on Rules and the Speaker of the House shall ensure, to the extent possible,
4858 that their respective appointments to the Commission reflect the demographic population of the
4859 Commonwealth.

4860 **§ 30.1-1502. Powers and duties of the Commission.**

4861 A. The Commission shall have the following powers and duties:

4862 1. Identify, plan, develop, and implement appropriate programs and events that further the
4863 philosophy and memory of Dr. Martin Luther King, Jr.;

4864 2. Monitor the educational goals, programs, and objectives of public and private schools to
4865 encourage the recognition and inclusion of the achievements and contributions of ethnic and minority
4866 groups;

4867 3. Inventory and review, biennially, activities and events sponsored by localities in the
4868 Commonwealth and those instituted or offered by public and private schools or institutions of higher
4869 education designed to honor Dr. King's memory;

- 4870 4. Facilitate the analysis of public policy relative to Dr. King's principles and philosophy, including
4871 his work pertaining to social and economic justice, ethics, and racial equality, and promote the
4872 appreciation of diverse cultures among the citizenry;
- 4873 5. Collaborate with The King Center in Atlanta and other established state and local entities and
4874 community organizations in activities and events that commemorate the birth and death of Dr. King and
4875 in initiatives designed to perpetuate his work and legacy;
- 4876 6. Establish a memorial to honor Dr. King in which (i) records, oral histories, and memorabilia
4877 documenting his relationship with and impact on the Commonwealth may be acquired and preserved; (ii)
4878 information concerning his life, work, teachings, writings, and philosophy may be collected, preserved,
4879 and accessed for educational and cultural purposes; and (iii) scholarly inquiry and writing, undergraduate
4880 and graduate study, and policy analysis may be conducted;
- 4881 7. Encourage and support collaborative activities among state, local, and national organizations
4882 that (i) emphasize the noncommercialization of the state and federal Dr. Martin Luther King, Jr. Holiday;
4883 (ii) present Dr. King's life and achievements in historical context; (iii) articulate the relationship between
4884 his philosophy, contributions, and current public policies; and (iv) demonstrate his principles consistently
4885 through significant participation of persons of diverse racial, ethnic, and cultural backgrounds in public
4886 and private endeavors and enterprises;
- 4887 8. Monitor and evaluate state, local, and national public policy relative to the principles and
4888 philosophy of Dr. King and make appropriate recommendations to the General Assembly and the
4889 Governor to maintain progress toward social and economic justice and equal opportunity for all citizens;
- 4890 9. Seek, receive, and expend gifts, donations, grants, bequests, or other funds from any source to
4891 support the work of the Commission and facilitate the objectives of this article;
- 4892 10. Seek, accept, and direct the expenditure of public and private contributions to carry out the
4893 Commission's purpose and enhance its fiscal stability, financial management, and fundraising abilities;
- 4894 11. Submit reports pursuant to § 30.1-1107; and
- 4895 12. Perform such other duties, functions, and activities as may be necessary to facilitate and
4896 implement the objectives of this article.

B. The Commission shall meet no more than four times each year.

§ 30.1-1503. Staffing.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support.

The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission.

§ 30.1-1504. Dr. Martin Luther King, Jr. Commission Fund established.

There is created in the state treasury a special nonreverting fund to be known as the Dr. Martin Luther King, Jr. Commission Fund (the Fund). The Fund shall be established on the books of the Comptroller. All moneys, including gifts, donations, grants, bequests, and other funds from any source, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in and be credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of supporting the Commission's work and as seed money to generate additional funds. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chair, upon the approval of a majority of the members of the Commission.

Article 2.

Brown v. Board of Education Scholarship Program and Fund.

§ 30.1-1505. Definitions.

As used in this article, unless the context requires a different meaning:

"Accredited career and technical education postsecondary school" means (i) a privately owned and managed academic-vocational non-college degree school, non-college degree school, postsecondary school, or vocational non-college degree school, as such terms are defined in § 23.1-213; (ii) formed, incorporated, or chartered within the Commonwealth and whose administrative office and principal campus is located in the Commonwealth; (iii) accredited by a national or regional organization or agency recognized by the U.S. Secretary of Education for accrediting purposes; and (iv) certified by the State

Council of Higher Education for Virginia to award certificates and diplomas or to confer degrees, pursuant to § 23.1-219.

"Approved education program" means an educational agency or transition program or services accepted for participation in the Program by the Committee.

"College-Level Examination Program" or "CLEP" means a program consisting of a series of general and subject examinations in undergraduate college courses that measures an individual's college-level knowledge gained through coursework, independent study, cultural pursuits, travel, special interests, military service, and professional development for the purpose of earning college credit.

"Committee" means the Brown v. Board of Education Scholarship Committee.

"Dual enrollment" means the concurrent enrollment of a scholarship recipient in an adult education program for the high school diploma and a public or private accredited two-year or four-year institution of higher education in the Commonwealth.

"Educational agency" means any (i) public school in the Commonwealth, (ii) public or private accredited two-year or four-year institution of higher education in the Commonwealth that is in compliance with the Southern Association of Colleges and Schools Commission on Colleges accreditation standards for institutions and academic programs or other national or regional organization or agency recognized by the U.S. Secretary of Education for accrediting purposes, (iii) high school equivalency preparation program in compliance with Board of Education guidelines, (iv) College-Level Examination Program in compliance with the requirements of the College Board governing college-level examination programs, or (v) accredited career and technical education postsecondary school in the Commonwealth, that accepts for scholarship recipients under the Program.

"Eligible student" means a person who resided in a jurisdiction in the Commonwealth between 1954 and 1964 in which the public schools were closed to avoid desegregation and who (i) was unable during such years to (a) begin, continue, or complete his education in the public schools of the Commonwealth; (b) attend a private academy or foundation, whether within or outside of the Commonwealth, established to circumvent desegregation; or (c) pursue postsecondary education opportunities or training because of the inability to obtain a high school diploma or (ii) was required to

4950 relocate within or outside of the Commonwealth to begin, continue, or complete his public education
4951 during such years because public schools were closed to avoid desegregation. "Eligible student" also
4952 means a lineal or collateral descendant of such person. "Eligible student" includes only persons currently
4953 domiciled and residing in the Commonwealth.

4954 "Fund" means the Brown v. Board of Education Scholarship Program Fund.

4955 "Graduate degree program" means an accredited academic program of study offered by an
4956 institution of higher education in the Commonwealth that has been accepted for participation in the
4957 Program by the Committee to which scholarship recipients are accepted for admission and for which
4958 successful completion of the academic program culminates in the awarding of the masters or doctoral
4959 degree.

4960 "High school equivalency preparation program" means a program of preparation and instruction
4961 for adults who did not complete high school, and for youth who have been granted permission by the
4962 division superintendent of the school in which they are enrolled, to take a high school equivalency
4963 examination approved by the Board of Education.

4964 "Professional degree program" means an accredited graduate level program of study offered by an
4965 institution of higher education in the Commonwealth that has been accepted for participation in the
4966 Program by the Committee to which scholarship recipients are accepted for admission and successful
4967 completion of the academic program culminates in the award of a degree in medicine, dentistry, nursing,
4968 law, pharmacy, optometry, engineering, architecture, veterinary medicine, or other discipline approved by
4969 the Committee.

4970 "Program" means the Brown v. Board of Education Scholarship Program.

4971 "Transition program and services" means individualized instruction or a compensatory education
4972 program designed to provide remediation, acceleration, or fundamental basic life skills to assist
4973 scholarship recipients in overcoming learning problems or to prepare such persons for academic success
4974 in an approved education program.

4975 **§ 30.1-1506. Brown v. Board of Education Scholarship Program; purpose.**

The Brown v. Board of Education Scholarship Program is established for the purpose of assisting students who were enrolled in the public schools of the Commonwealth between 1954 and 1964 in jurisdictions in which the public schools were closed to avoid desegregation, and their lineal or collateral descendants, in obtaining any of the following: the adult high school diploma; a passing score on a high school equivalency examination approved by the Board of Education; CLEP credit; career or technical education or training in an approved program at a comprehensive community college or at an accredited career and technical education postsecondary school in the Commonwealth; an undergraduate degree from an accredited associate-degree-granting or baccalaureate (i) private institution of higher education or (ii) public institution of higher education; a graduate degree at the masters or doctoral level; or a professional degree from an accredited baccalaureate private institution of higher education in the Commonwealth or baccalaureate public institution of higher education in the Commonwealth.

§ 30.1-1507. Brown v. Board of Education Scholarship Committee; purpose.

The Brown v. Board of Education Scholarship Committee is established in the legislative branch of state government. The purpose of the Committee is to evaluate applications for and select eligible students to receive scholarships under the Program.

§ 30.1-1508. Membership.

A. The Committee shall have a total membership of 11 members that shall include six legislative members and five nonlegislative citizen members. Members shall be appointed as follows:

1. Four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Two members of the Senate to be appointed by the Senate Committee on Rules; and

3. Five nonlegislative citizen members, of whom one shall represent college admissions personnel, one shall have expertise in academic and career counseling, and three shall represent residents of the affected jurisdictions, to be appointed by the Governor.

§ 30.1-1509. Powers and duties of the Committee.

A. The Committee shall have the following powers and duties:

- 5003 1. Establish criteria for the awarding of scholarships, including eligibility for and renewal of
5004 scholarships; evidence of satisfactory academic achievement in accordance with § 30.1-1511; terms and
5005 conditions of scholarships awarded pursuant to § 30.1-1512; cancellation, rescindment, and recovery of
5006 scholarship awards; and conditions for which repayment of scholarships, or any part thereof, may be
5007 required;
- 5008 2. Evaluate applications for and select recipients of scholarships under the Program;
- 5009 3. Establish standards and determine approved education programs to ensure that the Program is
5010 implemented and administered in a manner that preserves the purpose for which it was created;
- 5011 4. Establish, revise as necessary, and implement policies and standards to govern all aspects of the
5012 Program;
- 5013 5. Confer with the Board of Education, Virginia Community College System, State Council of
5014 Higher Education for Virginia, and Private College Advisory Board to the State Council of Higher
5015 Education for Virginia to establish a protocol to facilitate (i) the dual enrollment of eligible students in
5016 two-year and four-year degree programs and (ii) the conventional enrollment of eligible students in public
5017 and private two-year and four-year accredited institutions of higher education;
- 5018 6. Develop and implement a system to provide individualized transition programs and services,
5019 including remediation, acceleration, and fundamental basic life skills, designed to prepare eligible students
5020 for academic success in the preparation program for a high school equivalency examination approved by
5021 the Board of Education; earning college credit through CLEP examinations; adult basic education
5022 programs; and two-year, four-year, graduate, and professional degree programs;
- 5023 7. Determine annually the sum of any gifts, grants, donations, bequests, or other funds in the Fund,
5024 set the annual maximum scholarship award, and determine the maximum number of scholarships that may
5025 be awarded each year;
- 5026 8. Seek, receive, and expend gifts, grants, donations, bequests, or other funds from any source on
5027 behalf of the Program for its support and to facilitate its purpose;
- 5028 9. Make awards of the Program annually to eligible students selected by the Committee;
- 5029 10. Submit reports pursuant to § 30.1-1107; and

11. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this article.

B. The Commission shall meet no more than four times each year.

§ 30.1-1510. Staffing.

The Office of the Clerk of the chair of the Committee shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Committee. The State Council of Higher Education for Virginia, consistent with its statutory responsibilities for higher education in the Commonwealth, shall advise and provide technical assistance to the Committee in the implementation and administration of the Program, in the manner as may be requested by the Committee.

§ 30.1-1511. Brown v. Board of Education Scholarship Program Fund.

There is created in the state treasury a special nonreverting fund to be known as the Brown v. Board of Education Scholarship Program Fund. The Fund shall be established on the books of the Comptroller and shall consist of gifts, grants, donations, bequests, or other funds from any source as may be received by the Program or the Committee on behalf of the Program. Moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in and be credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of awarding scholarships to eligible students, pursuant to §§ 30.1-1512 and 30.1-1513. Expenditures and disbursements for scholarships to eligible students from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chair of the State Council of Higher Education for Virginia as directed by the Committee.

§ 30.1-1512. Criteria for awarding and renewal of scholarships by the Committee; eligibility; penalty.

A. Scholarships shall be awarded to eligible students annually by the Committee with the funds made available from gifts, grants, donations, bequests, and other funds as may be received for such purpose.

B. Scholarships may be granted for part-time or full-time attendance and shall be limited to:

1. One year of study for students enrolled in adult education programs for the high school diploma and preparation programs for a high school equivalency examination approved by the Board of Education or for CLEP credit; and

2. No more than the minimum number of credit hours required to complete program requirements, except as approved by the Committee for students enrolled in the following approved education programs:

a. An approved career or technical education or training program at a comprehensive community college, or at an accredited career and technical education postsecondary school in the Commonwealth;

b. A two-year undergraduate comprehensive community college program;

c. A four-year undergraduate degree program;

d. A recognized five-year undergraduate degree program;

e. A masters or doctoral level degree program; or

f. A professional degree program.

Scholarships granted may also be used for CLEP examinations and costs related to preparation for tests, transition programs and services, and dual enrollment programs as may be approved by the Committee, in accordance with § 30.1-1509.

C. No scholarship under the Program shall be used to obtain multiple baccalaureate, masters, doctoral, or professional degrees.

D. The Standards of Learning requirements and all related assessments shall be waived for any student awarded a scholarship under the Program and enrolled in an adult basic education program to obtain the high school diploma.

E. No student pursuing a course of religious training or theological education or a student enrolled in any institution whose primary purpose is to provide religious training or theological education shall be eligible to receive a scholarship. However, nothing in this section shall be construed to prohibit a student from taking courses of a religious or theological nature to satisfy undergraduate and graduate elective requirements for a liberal arts nonreligious degree.

F. Only students who are domiciled residents of the Commonwealth as defined by § 23.1-502 shall be eligible to receive scholarship awards. For purposes of this Program only, the Committee may establish a list of acceptable documents to verify United States citizenship and legal presence in the Commonwealth from among those included in regulations promulgated by the Department of Motor Vehicles governing legal presence in the Commonwealth to obtain a driver's license or identification card, and regulations promulgated by the State Department of Health governing requests for and access to vital records.

G. Scholarships may be renewed annually upon request if the recipient:

1. Maintains domicile and residency in the Commonwealth;
2. Evidences satisfactory academic achievement and progress toward program completion; and
3. Maintains continuous enrollment in an approved education program until graduation or program completion, in accordance with the provisions of this section and § 30.1-1506.

For scholarship renewal purposes, the Committee may extend the period in which satisfactory academic achievement shall be demonstrated for no more than two semesters or the equivalent thereof.

H. Any person who knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any application for a scholarship is guilty of a Class 3 misdemeanor.

§ 30.1-1513. Amount and use of scholarships; disbursement and recovery of scholarship funds; terms and conditions.

A. No scholarship awarded under the Program shall exceed the total annual costs of tuition, a book allowance, and fees assessed by the educational agency for the specific program in which the student is enrolled, as determined by the Committee.

B. The full amount of each scholarship awarded to a recipient shall be used solely for the payment of tuition, a book allowance, and fees, or for a one-time only payment of the costs of a preparation program, instructional materials, and high school equivalency examinations approved by the Board of Education or CLEP examinations.

C. Awards granted to applicants accepted for enrollment at accredited career and technical education postsecondary schools shall be made in accordance with Article VIII, Section 11 of the Constitution of Virginia.

5110 D. Before any scholarship is awarded, the applicant shall sign an acceptance form affirming the
5111 accuracy of the information he has provided and agreeing to pursue the approved education program for
5112 which the scholarship is awarded until his graduation or the completion of the program, as appropriate.
5113 Following verification of enrollment by the relevant educational agency to the State Council of Higher
5114 Education for Virginia, educational agencies acting as agents for students receiving awards under this
5115 article shall promptly credit disbursed funds to student accounts.

5116 E. No scholarship award shall be reduced by the educational agency upon receipt of any other
5117 financial assistance on behalf of the student. However, the scholarship award may be reduced by the
5118 Committee to ensure that, when such award is added to other financial assistance, the award does not
5119 produce a total of financial assistance that exceeds the annual total costs of tuition, a book allowance, and
5120 fees. Every educational agency acting as an agent for students receiving awards under this article shall
5121 notify the Committee and the State Council of Higher Education for Virginia upon request concerning the
5122 type and total of other financial assistance received by such students.

5123 F. Every educational agency accepting for admission persons awarded a Brown v. Board of
5124 Education scholarship shall, upon request, provide the Committee information concerning the
5125 accreditation status of the school and academic programs offered and other relevant information as the
5126 Committee may require to evaluate the person's eligibility for the scholarship and to determine the
5127 eligibility of the educational agency for participation in the Program. Whenever a student withdraws from
5128 an educational agency or otherwise fails, regardless of reason, to complete the program in which he is
5129 enrolled, the educational agency shall surrender promptly to the Commonwealth the balance of the
5130 scholarship award, in accordance with the tuition refund policy in effect at the time of the student's
5131 admission to the educational agency.

5132 G. This article shall not be construed as creating any legally enforceable right or entitlement on
5133 the part of any person or any right or entitlement to participation in the Program.

5134 Article 3.

5135 Commission on Civic Education.

5136 § 30.1-1514. Commission on Civic Education; purpose.

The Commission on Civic Education (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to (i) educate students on the importance of citizen involvement in a constitutional republic, (ii) promote the study of state and local government among the Commonwealth's citizenry, and (iii) enhance communication and collaboration among organizations in the Commonwealth that conduct civic education.

§ 30.1-1515. Membership.

The Commission shall have a total membership of 17 members that shall include five legislative members and 12 nonlegislative citizen members. Members shall be appointed as follows:

1. Three members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Two members of the Senate to be appointed by the Senate Committee on Rules;

3. Six nonlegislative citizen members, of whom two shall be former or current government or civics teachers, one shall be a representative of an organization involved in civic engagement, one shall be a representative of an institution of political or civil engagement studies, one shall be a Department of Education social studies specialist, and one shall have the qualifications or experience as determined by the Speaker, to be appointed by the Speaker of the House of Delegates; and

4. Six nonlegislative citizen members, of whom two shall be current or former social studies coordinators, one shall be a representative of a voter outreach organization, one shall be a member of the Virginia Press Association, one shall be a professor of social studies education, and one shall have the qualifications or experience as determined by the Senate Committee on Rules, to be appointed by the Senate Committee on Rules.

§ 30.1-1516. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Develop and coordinate outreach programs in collaboration with schools to educate students on the importance of understanding that (i) a constitutional republic is a form of government dependent on reasoned debate and good-faith negotiation; (ii) individual involvement is a critical factor in community

success; and (iii) consideration of and respect for others is essential to deliberating, negotiating, and advocating positions on public concerns;

2. Identify civic education projects in the Commonwealth and provide technical assistance as needed for such programs;

3. Build a network of civic education professionals to share information and strengthen partnerships;

4. Develop, in consultation with entities represented on the Commission and others as determined by the Commission, a clearinghouse that is accessible on the Department of Education's website. The electronic clearinghouse shall include (i) a database of civic education resources, lesson plans, and other programs of best practices in civic education; (ii) a bulletin board to promote discussion and exchange of ideas relative to civic education; (iii) an events calendar; and (iv) links to civic education research;

5. Make recommendations to the Board of Education regarding revisions to the Standards of Learning for civics and government;

6. Seek, receive, and expend gifts, grants, donations, bequests, or other funds from any source to support the work of the Commission and facilitate the objectives of this article; and

7. Submit reports pursuant to § 30.1-1107.

§ 30.1-1517. Staffing.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission. The Department of Education shall provide technical assistance.

§ 30.1-1518. Commission on Civic Education Fund.

There is created in the state treasury a special nonreverting fund to be known as the Commission on Civic Education Fund (the Fund). The Fund shall be established on the books of the Comptroller. All moneys, including gifts, grants, donations, bequests, or other funds from any source as may be received by the Commission, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in and be credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain

in the Fund. Moneys in the Fund shall be used for the purpose of enabling the Commission to perform its duties. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chair of the Commission.

Article 4.

American Revolution 250 Commission.

§ 30.1-1519. (Expires July 1, 2032) American Revolution 250 Commission; purpose.

The American Revolution 250 Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to commemorate the 250th anniversary of the American Revolution, the Revolutionary War, and the independence of the United States.

§ 30.1-1520. (Expires July 1, 2032) Membership.

A. The Commission shall have a total membership of at least 27 but no more than 31 members that shall include five legislative members, 17 nonlegislative citizen members, and at least five but no more than nine ex officio members. Members shall be appointed as follows:

1. Three members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Two members of the Senate to be appointed by the Senate Committee on Rules;

3. Three nonlegislative citizen members, consisting of one representative from each of the lead commemoration partners: the Jamestown-Yorktown Foundation, the primary state agency; the Virginia Museum of History & Culture, the primary nonstate agency; and Gunston Hall, the primary representative of historic homes and related sites in the Commonwealth;

4. Two nonlegislative citizen members, of whom one shall be a representative from the American Battlefield Trust and one shall be a representative from the Virginia Bar Association, to be appointed by the represented organization; and

5. Twelve nonlegislative citizen members, of whom six shall be selected from a list of 10 candidates provided by the Jamestown-Yorktown Foundation and six shall be selected from a list of 10 candidates provided by the Virginia Museum of History & Culture, to be appointed by the Governor.

5218 The chair and vice-chair of the Commission may appoint up to four members who are directors of
5219 historic homes, historic sites, or National Park Service sites in the Commonwealth. Such members shall
5220 serve ex officio.

5221 The chair and vice-chair of the Commission may appoint former legislative members of the
5222 Commission who have retired or resigned from the General Assembly. Such members shall serve ex
5223 officio.

5224 The Secretary of Education, the Librarian of Virginia, the Director of the Department of Historic
5225 Resources, the Executive Director of Virginia Humanities, and the Chief Executive Officer of the Virginia
5226 Tourism Authority or their designees shall serve ex officio.

5227 B. The Commission shall elect a chair and vice-chair from among its membership.

5228 C. Nonlegislative citizen members shall be appointed for the duration of the Commission's
5229 activities. Nonlegislative citizen members of the Commission shall not receive compensation or
5230 reimbursement for travel and other expenses incurred in the performance of their duties.

5231 **§ 30.1-1521. (Expires July 1, 2032) Powers and duties of the Commission.**

5232 A. The Commission shall have the following powers and duties:

5233 1. Formulate and implement a program for the inclusive observance of the 250th anniversary of
5234 the independence of the United States and the Revolutionary War in the Commonwealth, including (i)
5235 civic, cultural, and historical education and scholarship concerning the ideals of the American Revolution
5236 and their contemporary relevance; (ii) visitation of museums and historic sites, including battlefields; (iii)
5237 creation and publication of historical documents and studies; (iv) cooperation with agencies responsible
5238 for the preservation or restoration of historic sites, buildings, art, and artifacts; (v) establishment of
5239 exhibitions and interpretive and wayfinding signage; (vi) arrangement of appropriate public ceremonies;
5240 (vii) a comprehensive marketing and tourism campaign encompassing calendar year 2025 through
5241 calendar year 2026; and (viii) the general dissemination of public information regarding the
5242 Commonwealth's involvement in the American Revolution and its legacy today;

5243 2. Appoint and establish an advisory council composed of nonlegislative citizen members who
5244 have a knowledge of relevant history or expertise in areas useful to the work of the Commission, including

a representative of the Sons of the Revolution in the Commonwealth of Virginia, a representative of the Virginia Daughters of the American Revolution, and a representative of the National Washington-Rochambeau Revolutionary Route Association. The advisory council shall make recommendations and provide comment as requested by the Commission. The Commission may appoint, add, or remove members of the advisory council. Members of the advisory council shall serve without compensation or reimbursement;

3. Appoint and establish an executive committee composed of members of the Commission, including the Commission's chair and vice-chair and one representative designated by each of the lead commemoration partners: the Jamestown-Yorktown Foundation, the Virginia Museum of History & Culture, and Gunston Hall;

4. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of the Commission; and

5. Submit reports pursuant to § 30.1-1107.

B. The Commission may solicit, accept, use, and dispose of gifts, grants, donations, bequests, or other funds or real or personal property for the purpose of aiding or facilitating the work of the Commission. In accordance with the general appropriation act, the Commission may procure supplies, services, and property and make or enter into contracts, leases, or other legal agreements as it may deem necessary to carry out its duties. No contract, lease, or other legal agreement shall be entered into by the Commission that extends beyond the date of expiration of the Commission.

§ 30.1-1522. (Expires July 1, 2032) Staffing.

The Commission may appoint and employ and, at its pleasure, remove an executive director and such other persons as it deems necessary to assist it in carrying out its duties as set forth in this article. The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated in the general appropriation act. If funds are not appropriated for staffing, the Joint Rules Committee shall determine the staffing support for the Commission.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support.

§ 30.1-1523. (Expires July 1, 2032) Virginia American Revolution 250 Commission Fund.

There is created in the state treasury a special nonreverting fund to be known as the Virginia American Revolution 250 Commission Fund (the Fund). The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, grants, donations, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in and be credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of enabling the Commission to perform its duties. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request of the chair of the Commission.

§ 30.1-1524. (Expires July 1, 2032) Sunset.

This article shall expire on July 1, 2032.

CHAPTER 16.

LEGISLATIVE STUDY ENTITIES.

Article 1.

Commission on School Construction and Modernization.

§ 30.1-1600. (Expires July 1, 2026) Commission on School Construction and Modernization; purpose.

The Commission on School Construction and Modernization (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to develop and provide guidance and resources to local school divisions related to school construction and modernization and make funding recommendations to the General Assembly and the Governor.

§ 30.1-1601. (Expires July 1, 2026) Membership.

The Commission shall have a total membership of 17 members that shall include eight legislative members, three nonlegislative citizen members, and six ex officio members. Members shall be appointed as follows:

5297 1. Five members of the House of Delegates to be appointed by the Speaker of the House of
5298 Delegates in accordance with the principles of proportional representation contained in the Rules of the
5299 House of Delegates;

5300 2. Three members of the Senate to be appointed by the Senate Committee on Rules;

5301 3. One nonlegislative citizen member to be appointed by the Speaker of the House of Delegates;

5302 4. One nonlegislative citizen member to be appointed by the Senate Committee on Rules; and

5303 5. One nonlegislative citizen member to be appointed by the Governor.

5304 The Superintendent of Public Instruction, the Director of the Department of General Services, the
5305 Executive Director of the Virginia Resources Authority, the State Treasurer, the President of the Board of
5306 Education, and the Director of the Department of Planning and Budget or their designees shall serve ex
5307 officio.

5308 **§ 30.1-1602. (Expires July 1, 2026) Powers and duties of the Commission.**

5309 The Commission shall have the following powers and duties:

5310 1. Assess the Commonwealth's school facilities and determine funding needs for school
5311 construction and modernization;

5312 2. Identify funding mechanisms and make recommendations to the General Assembly and the
5313 Governor;

5314 3. Establish best practices in school construction and modernization for school divisions;

5315 4. Create standardized construction designs and procurement practices to recommend and make
5316 available to local school divisions;

5317 5. Identify potential cost-saving measures for implementation by local school divisions to
5318 minimize construction and modernization costs where possible; and

5319 6. Submit reports pursuant to § 30.1-1107.

5320 **§ 30.1-1603. (Expires July 1, 2026) Staffing.**

5321 The Office of the Clerk of the chair of the Commission shall provide administrative staff support.

5322 The Division of Legislative Services shall provide legal and legislative research and analysis as requested
5323 by the Commission.

§ 30.1-1604. (Expires July 1, 2026) Sunset.

This article shall expire on July 1, 2026.

Article 2.

Virginia Commission to End Hunger.

§ 30.1-1605. (Expires July 1, 2027) Virginia Commission to End Hunger; purpose.

The Virginia Commission to End Hunger (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to develop an action plan every two years for ending hunger in the Commonwealth, review the progress of such plan, and ensure cross-collaboration among government entities and community partners toward the goal of ending hunger in the Commonwealth.

§ 30.1-1606. (Expires July 1, 2027) Membership.

The Commission shall have a total membership of 19 members that shall include eight legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows:

1. Five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Three members of the Senate to be appointed by the Senate Committee on Rules;

3. Six nonlegislative citizen members, of whom one shall be a researcher at the university level, one shall be a representative of the Secretary of Health and Human Services, two shall be representatives from community organizations working toward ending hunger, one shall be a high school junior or senior student representative from a public school, and one shall be a board-certified physician, to be appointed by the Speaker of the House of Delegates; and

4. Five nonlegislative citizen members, of whom one shall be a researcher at the university level, three shall be representatives from community organizations working toward ending hunger, and one shall be a nutritionist, to be appointed by the Senate Committee on Rules.

§ 30.1-1607. (Expires July 1, 2027) Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Identify all funding sources that can be used for improving nutrition and ending hunger for which the state has administrative control and for development of future funding;

2. Identify strategies for ensuring that each public elementary and secondary student has access to nutritious meals and snacks at school, including by promoting full participation in all federally assisted school meal and snack programs by both eligible schools and eligible students in such schools;

3. Identify barriers to food access and develop sustainable policies and programs to address such barriers;

4. Promote and facilitate public-private partnerships;

5. Develop benchmarks and set goals to indicate success; and

6. Submit reports pursuant to § 30.1-1107.

§ 30.1-1608. (Expires July 1, 2027) Staffing.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission.

§ 30.1-1609. (Expires July 1, 2027) Sunset.

This article shall expire on July 1, 2027.

Article 3.

Commission on Women's Health.

§ 30.1-1610. Commission on Women's Health; purpose.

The Commission on Women's Health (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to study, report on, and make recommendations on issues related to women's health, including maternal health.

§ 30.1-1611. Membership.

The Commission shall have a total membership of 15 members that shall include 10 legislative members and five nonlegislative citizen members. Members shall be appointed as follows:

5376 1. Six members of the House of Delegates to be appointed by the Speaker of the House of
5377 Delegates in accordance with the principles of proportional representation contained in the Rules of the
5378 House of Delegates;

5379 2. Four members of the Senate to be appointed by the Senate Committee on Rules;

5380 3. Two nonlegislative citizen members with significant experience or expertise in women's or
5381 maternal health policy to be appointed by the Speaker of the House of Delegates; and

5382 4. Three nonlegislative citizen members with significant experience or expertise in women's or
5383 maternal health policy to be appointed by the Senate Committee on Rules.

5384 § 30.1-1612. Powers and duties of the Commission.

5385 The Commission shall have the following powers and duties:

5386 1. Study and evaluate issues related to women's health, including maternal health, mental health,
5387 access to reproductive care, chronic conditions, and health outcomes;

5388 2. Examine the intersection of social determinants of health and the impact of such determinants
5389 on women's health outcomes;

5390 3. Conduct public hearings, facilitate stakeholder engagement, and consult with subject-matter
5391 experts as necessary;

5392 4. Identify systemic barriers to equitable health care access for women and recommend policies to
5393 address such barriers;

5394 5. Develop and make recommendations to the General Assembly for legislative, regulatory, and
5395 budgetary changes or policies to improve women's health outcomes in the Commonwealth; and

5396 6. Submit reports pursuant to § 30.1-1107.

5397 § 30.1-1613. Staffing.

5398 The Office of the Clerk of the chair of the Commission shall provide administrative staff support.

5399 The Division of Legislative Services shall provide legal and legislative research and analysis as requested
5400 by the Commission. The Commission may consult or contract with experts who have knowledge of the
5401 issues before it within the amounts appropriated for such purpose.

5402 2. That whenever any of the conditions, requirements, provisions, or contents of any section or
5403 chapter of Title 30, or any other title of the Code of Virginia as such title existed prior to October 1,
5404 2026, are transferred in the same or modified form to a new section or chapter of Title 30.1 or any
5405 other title of the Code of Virginia and whenever any such former section or chapter is given a new
5406 number in Title 30.1 or any other title, all references to any such former section or chapter of Title
5407 30, or any other title appearing in this Code shall be construed to apply to the new or renumbered
5408 section or chapter containing such conditions, requirements, provisions, contents, or portions
5409 thereof.

5410 3. That the regulations of any department or agency affected by the revision of Title 30 or such other
5411 titles of the Code of Virginia as are in effect on the effective date of this act shall continue in effect
5412 to the extent that they are not in conflict with this act and shall be deemed to be regulations adopted
5413 under this act.

5414 4. That the provisions of § 30-152 of the Code of Virginia shall apply to the revision of proposed
5415 Title 30.1 of the Code of Virginia so as to give effect to other laws enacted by the 2026 Session of the
5416 General Assembly, notwithstanding the delay in the effective date of this act.

5417 5. That the repeal of Title 30 (§§ 30-1 through 30-453), effective as of October 1, 2026, shall not
5418 affect any act or offense done or committed, or any penalty incurred, or any right established,
5419 accrued, or accruing on or before such date, or any proceeding, prosecution, suit, or action pending
5420 on that day. Except as otherwise provided in this act, neither the repeal of Title 30 (§§ 30-1 through
5421 30-453) of the Code of Virginia, nor the enactment of Title 30.1 shall apply to offenses committed
5422 prior to October 1, 2026, and prosecution for such offenses shall be governed by the prior law, which
5423 is continued in effect for that purpose. For the purposes of this enactment, an offense was committed
5424 prior to October 1, 2026, if any of the essential elements of the offense occurred prior thereto.

5425 6. That if any clause, sentence, paragraph, subdivision, or section of Title 30.1 shall be adjudged in
5426 any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate
5427 the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph,

5428 subdivision, or section thereof directly involved in the controversy in which the judgment shall have
5429 been rendered, and to this end the provisions of Title 30.1 are declared severable.

5430 7. That Title 30 (§§ 30-1 through 30-453) of the Code of Virginia is repealed.

5431 8. That the provisions of this act shall not affect the existing terms of persons currently serving as
5432 members of any agency, board, authority, commission, or other entity and that appointees currently
5433 holding positions shall maintain their terms of appointment and continue to serve until such time
5434 as the existing terms might expire or become renewed. However, any new appointments made on or
5435 after October 1, 2026, shall be made in accordance with the provisions of this act.

5436 9. That the provisions of this act shall become effective on October 1, 2026.

5437

#

**A Report to the
Chairs of the Chairs of the House Committee on Counties, Cities and Towns
and the
Senate Committee on Local Government**

**A Review of Existing Provisions of the
Code of Virginia Related to the
Submission, Review, and Approval of
Subdivision Plats and Site Plans**

HB2660

**Prepared by the Virginia Code Commission on behalf of the
HB2660 Work Group**

November 1, 2025

Contents

Executive Summary	3
Meetings of the HB2660 Workgroup	4
Focus of the HB2660 Workgroup Recommendations	4
§15.2-2259 - Summary of Proposed Languages	4
1. Structure and Organization	4
2. New Definitions (Subsection A)	5
3. Submission Rules & Timing Simplification	5
4. Clarified Rules for What Can Be Re-Reviewed	5
5. Streamlined “Third Resubmission” Process	6
6. “Deemed Approved” Clause Moved & Clarified	6
7. Clarified “Notwithstanding Approval” Clause (Subsection B5)	6
8. Court Procedures Moved, Simplified, and Renumbered	6
§15.2-2260 - Summary of Proposed Languages	7
1. Definition of Preliminary Plat	7
2. A → B. Mandatory and Optional Submission	7
3. B → C. State Agency Review	7
4. C → D. Local Review & Timing	8
5. D → E. Failure to Act	8
6. E → F. Appeal of Disapproval	8
7. F → G. Duration and Revocation of Preliminary Approval	9
Topics Outside the Scope of HB2660 For Future Discussion	9
Conclusion	10
Appendices	11
Appendix A	12
Appendix B	13
Appendix C	15

A Review of Existing Provisions of the Code of Virginia Related to the Submission, Review, and Approval of Subdivision Plats and Site Plans

Executive Summary

This report is submitted pursuant to [House Bill 2660](#) passed during the 2025 Regular Session of the Virginia General Assembly, which required the Virginia Code Commission ("The Commission") to convene a work group to review provisions of the Code of Virginia related to the review of subdivision plats and site plans and develop recommendations to organize, clarify and standardize terminology, eliminate redundant provisions improve the Code's usability.

That the Virginia Code Commission shall convene a work group to review existing provisions of the Code of Virginia related to the submission, review, and approval of subdivision plats and site plans, including any amendments adopted during the 2025 Session of the General Assembly. The work group shall consist of representatives from the Home Builders Association of Virginia, Virginia Association for Commercial Real Estate, Virginia REALTORS, Virginia Municipal League, Virginia Association of Counties, Virginia Chapter of the American Planning Association, and other relevant stakeholders. The work group shall develop recommendations to (i) organize procedural steps in a clear, logical, and sequential order to enhance ease of reference; (ii) clarify the processes, requirements, and timelines applicable to each type of plat or plan; (iii) standardize terminology to ensure consistency, reduce ambiguity, and minimize misinterpretation; and (iv) identify and eliminate redundant or duplicative provisions to streamline the Code and improve its usability. The Virginia Code Commission shall submit a report to the Chairs of the House Committee on Counties, Cities and Towns and the Senate Committee on Local Government detailing any recommendations of the work group by November 1, 2025.

The legislation required the workgroup to include representatives from the the Home Builders Association of Virginia, Virginia Association for Commercial Real Estate, Virginia REALTORS, Virginia Municipal League, Virginia Association of Counties, and the Virginia Chapter of the American Planning Association. Additional participating stakeholders included the Virginia Municipal Stormwater Association and the Local Government Attorneys of Virginia, Inc. A list of the *HB2660 Workgroup* members ("the Workgroup") is provided in Appendix A.

The Workgroup held its first meeting on May 12 and adopted the *HB2660 WorkGroup Work Plan* ("the work plan") which is provided in Appendix B.

Meetings of the HB2660 Workgroup

The full Workgroup convened seven (7) virtual meetings occurring on May 12, June 16, September 4, September 25, October 16, October 30 and November 12. At each meeting, the Workgroup worked to build consensus on proposed amendments to §15.2-2259 and §15.2-2260.

At the September 25 meeting, the full Workgroup agreed to form a Sub-Workgroup to meet in-person and develop consensus recommendations for amendments to §15.2-2259 and §15.2-2260.

The following Workgroup members volunteered to serve on the Sub-Workgroup: Courtney Sydnor, Andrew Clark, Michele Gowdy, Mary Zirkle, Phil Abraham and Sarah Thomas. The Sub-Workgroup met on October 6 at the VACO building in Richmond, VA. Joanne Maxwell, Director of Governance and Legislative Affairs at the Virginia Department of Transportation (VDOT), attended meeting to provide the Department's perspective on several relevant proposed amendments to Virginia Code §15.2-2259 and §15.2-2260.

Focus of the HB2660 Workgroup Recommendations

At its first meeting, the Workgroup agreed to focus on the two primary sections of Title 15.2 governing subdivision plat and site plan review: § 15.2-2259, applicable to final subdivision plats and site plans, and § 15.2-2260, applicable to preliminary subdivision plats and site plans.

Over its seven meetings, the Work Group and Sub-Workgroup developed and refined consensus amendments to these sections, consistent with the charge established in House Bill 2660. The recommendations are summarized below and incorporated into the draft legislation attached as Appendix C.

However, representatives from local governments and the development industry agreed that additional time is needed to consult with their constituencies to ensure the proposed amendments remain consistent with the Work Group's mandate to clarify, reorganize, and improve the readability of existing law without making material policy changes.

Therefore, the Workgroup recommends that additional time be provided to allow members to consult with their respective constituencies and submit final consensus recommendations to the Code Commission prior to the introduction of legislation.

§15.2-2259 - Summary of Proposed Languages

Below is a summary of the Proposed Languages, additions and structural reorganizations of §15.2-2259, broken down by theme:

1. Structure and Organization

Current Language: One long, complex section (A–D) with multiple subdivisions and embedded procedural rules.

Proposed Language: Rewritten in plain, organized subsections (A–F) with clear definitions, procedural separation, and consistent cross-references.

- Subsection A now defines key terms.

- Subsection B establishes general procedural rules for all plans.
- Subsection C governs commercial/residential plats and plans.
- Subsection D governs all other plats and plans.
- Subsections E–F address court petition and appeal rights, moved and clarified from old subsections C–D.

Effect: Simplifies readability and clarifies which procedures apply to which types of projects.

2. New Definitions (Subsection A)

- The revised version **adds a definitions section** for clarity:
 - “Commercial real estate” and “Residential real estate” are **defined explicitly** (excluding mixed-use).
 - “Designated agent,” “Plat or plan,” and “State agency” are **formally defined**, consolidating and clarifying references that were previously spread throughout.
- **Clarifies scope:** applies only to *proposed* plats/plans (not conceptual).

Effect: Reduces ambiguity and codifies terms used repeatedly throughout the section.

3. Submission Rules & Timing Simplification

- **Current Language:** Used different timeframes (60 days, 45 days, 40 days, 30 days) scattered across provisions with cross-references to other sections.
- **New law:** Harmonizes and simplifies:
 - **Initial review:** 40 days (commercial/residential); 60 days (other).
 - **Resubmission review:** 30 days (commercial/residential); 45 days (other).
 - **Each period may extend** if state agency review applies.
 - **Adds “whichever is later” clause** to clarify how state agency timelines interact with local deadlines.

Effect: Creates a clear, predictable timeline and eliminates confusing overlaps between subsections.

4. Clarified Rules for What Can Be Re-Reviewed

- **Current Language:** Long paragraphs describing which deficiencies could be reconsidered on resubmission (initial deficiencies, corrections, etc.).
- **Proposed Language (C2):**
 - Clearly lists what can be considered:
 - a. Deficiencies from initial submission not corrected
 - b. Deficiencies caused by corrections
 - c. Deficiencies from new applicant changes
 - d. Deficiencies from state agency review

Effect: Codifies scope of review in concise, enumerated form.

5. Streamlined “Third Resubmission” Process

- **Current Language:** Complex language requiring concurrent notice to the planning director and 14-day review with three possible outcomes.
- **Proposed Language:** Keeps same 3-step process but **condenses and clarifies:**
 - Applies only to third or later resubmissions.
 - Adds “appropriate official having supervisory authority” (broader than “director of planning”).
 - Uses consistent terms and deadlines (14 days + 7-day administrative approval).

Effect: Preserves intent but modernizes and generalizes oversight process.

6. “Deemed Approved” Clause Moved & Clarified

- **Current Language:** “Failure to act ... shall cause the plat or plan to be deemed approved.” (scattered)
- **Proposed Language:**
 - Consolidates and clarifies in **C(4)** and **D(2)**.
 - Adds explicit reference: “subject to subsection B5,” ensuring illegal or noncompliant plans are *not* automatically approved.

Effect: Makes the automatic-approval rule clearer and closes loopholes.

7. Clarified “Notwithstanding Approval” Clause (Subsection B5)

- Retains the concept that approval cannot legalize noncompliance (e.g., VDOT standards, laws).
- Rewritten in tighter, clearer syntax.

Effect: Same substantive protection, clearer language.

8. Court Procedures Moved, Simplified, and Renumbered

- **Current Language:**
 - Subsection C: Petition to circuit court after failure to act.
 - Subsection D: Appeal after disapproval.
- **Proposed Language:**
 - **Subsection E:** Petition to circuit court for failure to act.
 - **Subsection F:** Appeal of disapproval (clarified deadline, standard of review, and jurisdiction).

Effect: No substantive change, but easier to follow and consistently formatted.

§15.2-2260 - Summary of Proposed Languages

Below is a summary of the Proposed Languages, additions and structural reorganizations of §15.2-2260, broken down by theme:

1. Definition of Preliminary Plat

Current Language:

No definition provided for “preliminary plat.”

Proposed Language:

Adds a new subsection defining a preliminary plat as that currently used in § 15.2-2201 as a *schematic representation of development or subdivision that establishes how the provisions of §§ 15.2-2241, 15.2-2242, and other applicable statutes will be achieved.*

Effect: Adds clarity and uniformity – Establishes an understanding of what constitutes a preliminary plat, reducing local interpretation differences.

2. A → B. Mandatory and Optional Submission

• **Current Language:**

- Localities *may require* preliminary plats for subdivisions involving **more than 50 lots**.
- Must allow *optional* submission for **50 or fewer lots**.
- Expressed in a long, formal sentence.

• **Proposed Language:**

- Keeps the same numerical thresholds (mandatory > 50; optional ≤ 50).
- Simplifies and restates the rule in plain, parallel language.
- Clarifies that localities may *allow* a landowner to submit a preliminary plat even where not required.

Effect: Simplifies and modernizes the rule without changing its substance. Improves readability and removes ambiguity but has no policy impact.

3. B → C. State Agency Review

• **Current Language:**

- Designated agent must forward plats needing state review within **5 business days**.
- State agencies must act within **30 days** of receipt.
- VDOT and service authorities may not unreasonably deny approval and must allow utility use of public rights-of-way when practical.

• **Proposed Language:**

- Retains the **5-day forwarding** and **30-day state review** rules.

- Explicitly adds the **Virginia Department of Health (VDH)** to the list of reviewing agencies.
- Incorporates all timing under a single **90-day total cap** (handled in the next subsection).

Effect: Streamlines coordination and deadlines.

4. C → D. Local Review & Timing

- **Current Language:**
 - Local agent acts within **30 days** after all state approvals.
 - All reviews (local + state) must conclude within **90 days** total.
 - Written disapproval must cite ordinances/policies and specify what corrections will allow approval.
- **Proposed Language:**
 - Local agent must act within **45 days** of submission if no state agency is involved.
 - If state review applies, agent acts within the later of:
 - (1) 45 days of submission, or
 - (2) 20 days after receiving all state responses.
 - Keeps a hard **90-day total limit**.
 - Softens disapproval requirement to identify corrections “**to the greatest extent practicable.**”

Effect: Clarifies sequencing and timing.

5. D → E. Failure to Act

- **Current Language:**
If no action within **90 days**, the subdivider may petition the circuit court after **10 days’ notice**; the court may order approval.
- **Proposed Language:**
Same rule retained, but:
 - Clarifies jurisdiction (“where all or most of the land is located”).
 - Updates language on court discretion.

Effect: No substantive change.

Improves clarity and consistency with modern drafting conventions.

6. E → F. Appeal of Disapproval

- **Current Language:**
Subdivider may appeal to circuit court within **60 days** if disapproval is improper, arbitrary, or capricious.
Court must hear the case “as soon as may be.”

- **Proposed Language:**
 - Keeps 60-day appeal window and same grounds.
 - Clarifies location of appeal.
 - Updates phrase to “as soon as reasonably possible.”

Effect: No change in substance or rights.
Only modernizes and clarifies language.

7. F → G. Duration and Revocation of Preliminary Approval

- **Current Language:**
 - Preliminary approval valid **5 years** if final plat is submitted within **1 year** (or longer by ordinance) and the subdivider “diligently pursues” approval.
 - Defines “diligent pursuit.”
 - Allows revocation after **3 years** with **90 days’ written notice** and specific findings.
- **Proposed Language:**
 - Retains the same duration, definitions, and standards.
 - Substitutes “applicant” for “subdivider.”
 - Clarifies wording on revocation findings.

Effect: Terminology update only.
No change in timeframes or substantive obligations.

Topics Outside the Scope of HB2660 For Future Discussion

In addition to the recommendations presented by the work group, members also identified several issues within §§ 15.2-2259 and 15.2-2260 that they believe extend beyond the scope of the group’s charge under HB2660. While the work group offers no formal recommendations on these matters in this report, members wish to highlight them as potential areas for further study by the relevant stakeholders. Some of these issues reflect differing perspectives between local government and development industry representatives, while others have been identified as matters arising from the passage of HB2660.

1. **Review Timeline:** The reduction of the review window from 60 days to 40 days presents challenges, particularly for larger localities managing high volumes of plats and plans, and for small localities with limited staff not dedicated to reviews. This compressed timeframe often forces localities to expedite reviews and may conflict with timelines required by external agencies beyond the reviewing office’s control. In addition, the review timeframes under the Virginia Erosion and Stormwater Management Act are 60 days and 45 days compared to the 40 days and 30 days, respectively, of this section of the code. These differing timelines along with VDOT differing timelines create local and state conflicting and bureaucratic review timeframes that unintentionally drag the plan approval process out longer, rather than simplify and shorten development plan approval.

2. **Designated Agent Provision:** The removal of the Planning Commission as a “Designated Agent” creates difficulties for some localities that rely on that body regardless of population size. The 5,000-population threshold does not align with the governance structure of all localities.
3. **Disapproval Process:** There remains ambiguity regarding the process by which a plat or plan may be formally “disapproved.” Current provisions under §§ 15.2-2259.E and 15.2-2260.F provide remedies for delayed reviews, both of which could ultimately lead to the directive “approving” of a plan or plat.
4. **Resetting the Review Clock:** Consideration could be given to allowing the review timeline to “reset” to the original 40 (or 60) days when a developer voluntarily makes significant changes late in the review process. As it stands, a substantial modification may only trigger a 14-day turnaround, even when the revisions approach the scale of a new project.

Conclusion

The *HB2660 Workgroup*, convened by the Virginia Code Commission, has made substantive progress in refining key provisions of the Code of Virginia governing subdivision plat and site plan review, developing proposed amendments to §§ 15.2-2259 and 15.2-2260 that clarify procedures, standardize terminology, and improve organization to enhance consistency and usability without altering existing law.

Recognizing the importance of these provisions to the administration of land development and construction approvals, the Work Group determined that additional time for stakeholder review and collaboration is warranted to ensure the proposed amendments remain consistent with the Code Commission’s directive under House Bill 2660.

Appendices

Appendix A

Virginia Association of Counties

Joe Lerch
Director of Local Government Policy
jlerch@vaco.org

Virginia Municipal League

Michelle Gowdy
Executive Director
mgowdy@vml.org

Home Builders Association of Virginia

Andrew Clark
Vice President of Government Affairs
aclark@hbav.com

Virginia Municipal Stormwater Association

Scott Smedley, P.E.
Director of Environmental Engineering
Chesterfield County
smedleys@chesterfield.gov

Jerry Stonefield
Site Code Research and Development
Land Development Services
Fairfax County
jerry.stonefield@fairfaxcounty.gov

Virginia Chapter of the American Planning Association

Mary A. Zirkle
Director of Planning and Community Development
Town of Bedford
mzirkle@bedfordva.gov

Local Government Attorneys of Virginia, Inc.

Courtney Sydnor
Hampton City Attorney
Courtney.sydnor@hampton.gov

Virginia Association of Commercial Real Estate

Phil Abraham, Director and General Counsel
Sarah Thomas, Manager, State & Federal
Government Relations
Vectre Corporation
pabraham@vectrecorp.com

Alternate: Sarah Thomas

Virginia REALTORS

Erin Kormann
Legislative Counsel
ekormann@virginiarealtors.org

Appendix B
**Virginia Code Commission
HB 2660 Work Group**

Overview of Proposed Work Plan

House Bill 2660 provides for the Code Commission ("the Commission") to convene a work group to review existing provisions of the Code of Virginia related to the submission, review, and approval of subdivision plats and site plans, including any amendments adopted during the 2025 Session of the General Assembly. The legislation lists six entities to serve on the work group, but also provides for the participation of other relevant stakeholders.

The legislation further provides for the Commission to submit a report to the Chairs of the House Committee on Counties, Cities and Towns and the Senate Committee on Local Government detailing any recommendations of the work group by November 1, 2025.

I. Scope of Work Group Review and Recommendations

The legislation provides a scope of review for the Work Group consisting of four lines of inquiry.

- 1) Organization of procedural steps in a clear, logical, and sequential order to enhance ease of reference;
- 2) Clarification of the processes, requirements, and timelines applicable to each type of plat or plan;
- 3) Standardization of terminology to ensure consistency, reduce ambiguity, and minimize misinterpretation; and
- 4) Identification and elimination of redundant or duplicative provisions to streamline the Code and improve its usability.

The core code sections for review shall consist of §§ 15.2-2259 and 15.2-2260. Additional sections may be included for purposes of clarity of process, consistency of terms, and amending cross references, as needed.

II. Composition of Work Group

Virginia Association of Counties	Virginia Chapter of the American Planning Association
Virginia Municipal League	Local Government Attorneys of Virginia, Inc.
Home Builders Association of Virginia	Virginia Association of Commercial Real Estate
Virginia Municipal Stormwater Association	Virginia REALTORS

III. Schedule of Work Group Meetings/Submission of Recommendation

It is anticipated that four to five meetings of the work group will be necessary. These meetings will be virtual. The overall objective will be to have any recommendations finalized to allow review and approval by the Commission by October 2025 meeting for review and submittal to the two legislative committees. Here is a broad outline of the anticipated schedule:

First Meeting- May 12, 2025

- Introduction of members; determine additional members
- Affirm scope of work; core code provisions
- Approval of proposed work plan
- Determine methodology of review

Second Meeting- June 16, 2025

- Review outline of procedural steps and timelines
- Overview of processes and requirements for types of plats and plan
- Begin review of terms and definitions used in the process
- Establish points of consensus

Third Meeting- June/July 2025

- Begin to discuss structure of draft legislation
- Continue stakeholder discussions; areas of disagreement

Fourth Meeting- July/August 2025

- Initial review of discussion draft

Fifth meeting- August/September 2025

- Review of final draft to be recommended
- Approve final report to Commission

Code Commission Meeting - October 2025

Report submitted to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before November 1, 2025.

Appendix C

SENATE BILL NO. _____ HOUSE BILL NO. _____

A BILL to amend and reenact §§ 15.2-2259 and 15.2-2260 of the Code of Virginia, relating to final and preliminary plat approval by localities.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2259 and 15.2-2260 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2259. Designated agent to review and act on proposed plat or plan.

~~A. 1. Except as otherwise provided in subdivisions 2 and 3, the designated agent shall act on any proposed plat within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The designated agent shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, the designated agent shall forward the plat to the appropriate state agency or authority for review within five business days of receipt of such plat. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the designated agent, as set forth in subsection B. Specific reasons for disapproval shall be provided to the applicant either in a separate document or on the plat itself and shall (i) identify all deficiencies in the plat that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and (ii) identify all modifications or corrections as will permit approval of the plat. The designated agent shall act on any proposed plat that it has previously disapproved within 45 days after the plat has been resubmitted for approval.~~

~~2. The approval of plats, site plans, and plans of development solely involving parcels of commercial or residential real estate by a designated agent shall be governed by subdivision 3 and~~

subsections B, C, and D. For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses, and the term "residential" means all real property used for single family or multifamily use.

~~3. The designated agent shall act on any proposed plat, site plan or plan of development within 40 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The designated agent shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The designated agent shall thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, the designated agent shall forward the plat or plan to the appropriate state agency or agencies for review within five business days of receipt of such plat or plan. The state agency shall respond in accord with the requirements set forth in § 15.2 2222.1, which shall extend the time for action by the designated agent, as set forth in subsection B. Specific reasons for disapproval shall be provided to the applicant either in a separate document or on the plat or plan itself and shall (i) identify all deficiencies in the plat or plan that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and (ii) identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plat or plan.~~

~~In the review of a resubmitted proposed plat, site plan or plan of development that has been previously disapproved, the designated agent shall consider only deficiencies identified in its review of the initial submission of the plat or plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. In the review of the resubmission of a plat or plan, the designated agent shall (i) identify all deficiencies with the proposed plat or plan that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and (ii)~~

~~identify all modifications or corrections that will permit approval of the plat or plan. Upon the second resubmission of such disapproved plat or plan, the designated agent's review shall be limited solely to the previously identified deficiencies that caused its disapproval.~~

~~All deficiencies identified during a third or subsequent resubmission of any plat, site plan, or plan of development shall be provided concurrently to the applicant and the director of planning or the equivalent official having supervisory authority over the agent. Within 14 days of receipt, such director or equivalent official shall either:~~

- ~~1. Approve the plat, site plan, or plan of development as submitted;~~
- ~~2. Permit the applicant to address any deficiencies deemed minor by the director or equivalent official, and resubmit the plat, site plan, or plan of development for administrative approval. The director or equivalent official shall complete the administrative approval within seven days of receipt of the resubmission; or~~

~~3. Disapprove the resubmission, and identify all deficiencies that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and identify all modifications or corrections that will permit approval of the plat, site plan, or plan of development.~~

~~The designated agent shall act on any proposed plat, site plan or plan of development that it has previously disapproved within 30 days after the plat or plan has been modified, corrected and resubmitted for approval. The failure of a designated agent to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or plan to be deemed approved. Notwithstanding any other provision of this section, the locality's designated agent, with the concurrence of all applicable local reviewing agencies, may administratively approve any resubmitted site plan or subdivision plat that the designated agent deems to be in compliance with local ordinances and state law.~~

~~Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development, any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and~~

~~safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved by the designated agent. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the designated agent's review shall not be limited to only the previously identified deficiencies identified in the prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.~~

As used in this section:

"Commercial real estate" means all real property proposed for commercial or industrial use. "Commercial real estate" does not include mixed use.

"Designated agent" means the same as that term is defined in § 15.2-2201.

"Plat or plan" means a proposed subdivision plat, site plan, or plan of development, but not a conceptual plan.

"Residential real estate" means all real property proposed for single-family or multifamily use but does not include mixed use.

"State agency" means a state agency or public authority authorized by state law. "State agency" includes the Department of Transportation, the Department of Health, and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.).

~~B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 30 days of receipt of the plat upon first submission and within 30 days for any proposed plat that has previously been disapproved, provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall~~

~~allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A, with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies and other agencies, the designated agent shall act upon a plat within 20 days.~~

For any plat or plan submitted or resubmitted for review:

1. The designated agent shall not delay the official submission or resubmission of any plat or plan by requiring a presubmission conference, meeting, or review. A plat or plan is officially submitted or resubmitted when it is deemed to meet all minimum submission requirements established by local ordinance or regulation and when any applicable fee is paid.

2. If approval of any feature of a plat or plan by a state agency is necessary, the designated agent, within five business days of official submission or resubmission, shall forward the plat or plan to the appropriate state agency for review. The state agency shall complete its review within 30 days, unless otherwise provided by general law, of receipt of the submitted or resubmitted plat or plan. If a state agency does not approve a plat or plan, it shall comply with the requirements, and be subject to the restrictions, applicable to the local designated agent except as to time periods for review.

3. A state agency shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat or plan approval.

4. The designated agent shall thoroughly review the plan and make a good faith effort to identify all deficiencies. If the plat or plan is not approved upon first submission, the designated agent shall, on the plat or plan itself or in a separate document, (i) identify all deficiencies in the submission that caused the disapproval by referencing specific duly adopted ordinances,

regulations, or policies and (ii) to the greatest extent practicable, identify modifications or corrections, if any, that will permit approval of the plat or plan upon resubmission.

5. Notwithstanding the approval or deemed approval of any proposed plat or plan, the approval shall not be considered, treated, or deemed to include any deficiency in any proposed plat or plan, that, if left uncorrected, would violate local, state, or federal law, regulations, or mandatory Department of Transportation engineering and safety requirements.

6. Notwithstanding any other provision of this section, the locality's designated agent, with the concurrence of all applicable local reviewing agencies, may administratively approve any resubmitted plan that the designated agent deems to be in compliance with all applicable local ordinances and state law.

C. In addition to the provisions of subsection B, for any proposed plat or plan involving one or more parcels of commercial real estate or residential real estate:

1. The designated agent shall act on the initial submission by approving or disapproving the plat or plan within the later of (i) 40 days after its official submission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies.

2. The designated agent shall act on any resubmitted plat or plan within the later of (i) 30 days after its official resubmission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies. The designated agent shall consider only (a) deficiencies identified in the initial submission that have not been corrected in such resubmission, (b) deficiencies that arise as a result of the corrections made to address deficiencies identified in a prior submission, (c) deficiencies that arise from other changes made by the applicant in the resubmitted plat or plan, and (d) deficiencies identified as a result of a state agency review.

3. If the designated agent disapproves a third or subsequent resubmission of any plat or plan, the agent shall identify all the deficiencies concurrently to the applicant and the appropriate official having supervisory authority over the plat or plan reviewer. Within 14 days of receipt of the identified deficiencies, the supervisory official shall either:

a. Approve the plat or plan as submitted;

b. Permit the applicant to address any deficiencies deemed minor by the supervisory official and resubmit the plat or plan for administrative approval. The supervisory official shall complete the administrative approval within seven days of receipt of the resubmission; or

c. Disapprove the resubmission and identify all deficiencies that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and identify all modifications or corrections that will permit approval of the plat or plan.

4. If the designated agent fails to approve or disapprove any resubmission within the time periods required by this section, the plat or plan shall be deemed approved, subject to subdivision B 5.

D. For a designated agent's review of and action on any proposed plat or plan not governed by subsection C:

1. The designated agent shall act on the initial submission by approving or disapproving the plat or plan within the later of (i) 60 days after its official submission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies.

2. The designated agent shall act on any resubmitted plat or plan within the later of (i) 45 days after its official resubmission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies.

~~C.~~E. If the designated agent fails to approve or disapprove the plat or plan within the timeframes prescribed in this section, the subdivider, after 10 days' written notice to the designated agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat or plan should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat or plan.

~~D. F.~~ If the designated agent disapproves a plat ~~and the applicant contends~~ or plan, the applicant may appeal to the circuit court for the locality in which all or most of the land subject to the plat or plan is located. The appeal shall be filed within 60 days of the written disapproval and shall be based on a contention that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, ~~he may appeal to the~~. The circuit court having jurisdiction of such land and the court shall hear and determine the case such an appeal as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the designated agent reasonably possible.

§ 15.2-2260. Localities may provide for submission of preliminary plats; how long valid.

A. ~~Nothing in~~ As used in this section "preliminary plat" means a schematic representation of a development or subdivision that establishes how the provisions of §§ 15.2-2241 and 15.2-2242 and other applicable statutes will be achieved.

B. Notwithstanding any other provision of this article shall be deemed to prohibit the, any local governing body from providing in its may by ordinance for the mandatory submission of allow a landowner to submit a preliminary subdivision plats plat for tentative approval for plats. Any governing body may by ordinance require the submission of a preliminary plat for any subdivision involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary subdivision plat for tentative approval at the option of the landowner for plats. Any such ordinance shall allow a landowner the option to submit a preliminary plat for any subdivision involving 50 or fewer lots.

~~The designated agent shall complete action on the preliminary subdivision plats within 45 days of submission. However, if~~ C. If approval of a any feature or features of the a preliminary subdivision plat by a state agency or public authority authorized by state law, as defined in § 15.2-2259, is necessary, the designated agent, within five business days of official submission or

resubmission, shall forward the preliminary-subdivision plat to the appropriate state agency-or authority for review-within five business days of receipt of such preliminary subdivision plat.

~~B. Any~~ The state agency or public authority authorized by state law making a review of a preliminary subdivision plat forwarded to it under this section, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 30 days of receipt of the submitted or resubmitted preliminary subdivision plat upon first submission and within 30 days for any proposed plat that has previously been disapproved, provided, however, that the time period set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section unless otherwise provided. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the a preliminary plat, it shall comply with the requirements, and be subject to the restrictions, ~~set forth in subsection A of § 15.2-2259 with the exception of the time period therein specified.~~ Upon receipt of the approvals from all state agencies, the designated agent shall act upon a preliminary subdivision plat within 20 days applicable to the designated agent except as to time periods for review.

D. For any preliminary plat that is not forwarded to a state agency under subsection C, the designated agent shall review and complete action on a preliminary plat within 45 days of official submission. For any preliminary plat forwarded to a state agency pursuant to subsection C, the designated agent shall complete action within the later of (i) 45 days after official submission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies. Notwithstanding the deadlines established in clauses (i) and (ii), action on a preliminary plat shall be completed by the agent and all state agencies within no more than 90 days of official submission or resubmission to the agent.

~~C. The designated agent shall act on the plat within 30 days after receiving approval from all state agencies.~~ E. If the designated agent does not approve ~~the~~ a preliminary ~~subdivision~~ plat, the designated agent shall (i) set forth in writing all deficiencies in the preliminary plat that caused the disapproval by referencing ~~to~~ specific duly adopted ordinances, regulations, or policies and (ii) to the greatest extent practicable, identify modifications or corrections that will permit approval of the preliminary plat. ~~With regard to plats~~ For any preliminary plat involving one or more parcels of commercial real estate or residential property real estate, as those terms are defined in subdivision subsection A-2 of § 15.2-2259, the review process for such plats shall be the same as provided in subdivisions A-2 and A-3, subsections B and C of § 15.2-2259. ~~All actions on preliminary subdivision plats shall be completed by the designated agent and, if necessary, state agencies, within a total of 90 days of submission to the designated agent.~~

~~D.~~ F. If the designated agent fails to approve or disapprove ~~the~~ a preliminary ~~subdivision~~ plat within 90 days after it has been officially submitted for approval, the ~~subdivider~~ applicant, after 10 days' written notice to the designated agent, may petition the circuit court for the locality in which ~~the land involved, or the major part thereof,~~ all or most of the land subject to the preliminary plat is located to enter an order ~~with respect thereto~~ as it deems proper, which may include directing approval of the preliminary plat.

~~E.~~ G. If ~~a~~ the designated agent disapproves a preliminary ~~subdivision~~ plat ~~and, the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he~~ and, the applicant may appeal to the circuit court having jurisdiction of such land and the for the locality in which all or most of the land subject to the preliminary plat is located. The appeal shall be filed within 60 days of the written disapproval and shall be based on a contention that the disapproval was not properly based on the applicable ordinance or was arbitrary or capricious. The court shall hear and determine the case appeal as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the designated agent reasonably possible.

~~F.-H.~~ Once a preliminary ~~subdivision~~ plat is approved, it ~~shall be~~ is valid for a period of five years, ~~provided if~~ the ~~subdivider~~ applicant (i) submits a final ~~subdivision~~ plat for all or a portion of the property within one year of such approval or ~~such any~~ longer period ~~as may be~~ prescribed by local ordinance; and (ii) ~~thereafter~~ after submission of a final plat, diligently pursues approval of ~~the final subdivision~~ such plat. "Diligent As used in this subsection, "diligent pursuit of approval" means that the ~~subdivider~~ applicant has incurred extensive obligations or substantial expenses relating to the submitted final ~~subdivision~~ plat or modifications thereto. However, no sooner than three years following such preliminary ~~subdivision~~ plat approval, and upon 90 days' written notice by certified mail to the ~~subdivider~~ applicant, the designated agent may revoke ~~such the preliminary~~ approval upon a specific finding of facts that the ~~subdivider~~ applicant has not diligently pursued approval of the final ~~subdivision~~ plat.

~~G.-I.~~ Once an approved final ~~subdivision~~ plat for all or a portion of the property is recorded ~~pursuant to~~ in accordance with § 15.2-2261, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the last recorded plat.

#



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Jason S. Miyares

202 North Ninth Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

MEMORANDUM

To: Jim Chapman, Director
Office of Board Relations
Virginia Department of Education

From: J.C. LaRiviere
Assistant Attorney General

Date: October 8, 2025

Re: Review of Regulatory Action- Repeal of *Virginia Child Care Provider Scholarship Program* [8 VAC20-840] (Action 6902)

Consistent with the provisions of § 2.2-4017 of the *Code of Virginia* and Executive Order 19 (2022) and the procedures for the Office of Regulatory Management required by Executive Order 19, I have reviewed the above-referenced regulatory action to ensure general statutory authority for the proposed regulatory action.

As the function of the program regulated through 8VAC20-840 is a grant of state funds, it is exempt from the Virginia Administrative Process Act (VAPA) pursuant to Virginia Code § 2.2-4002(B)(4). Therefore, program requirements need not be promulgated as regulations in accordance with the VAPA and can instead be implemented through other compliance mechanisms. Thus, it is my view that the Board has the authority to repeal this regulation.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 371-0667 or by electronic mail at JLaRiviere@oag.state.va.us.



COMMONWEALTH of VIRGINIA

**Office of the Attorney General
Richmond 23219**

Jason S. Miyares

202 North Ninth Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

MEMORANDUM

To: Jim Chapman, Director
Office of Board Relations
Virginia Department of Education

From: Deborah A. Love
Senior Assistant Attorney General/Chief

Date: November 7, 2025

Re: Review of Regulatory Action- Repeal of *Virginia Child Care Provider Scholarship Program* [8 VAC20-840] (Action 6902)

Consistent with the provisions of § 2.2-4017 of the *Code of Virginia* and Executive Order 19 (2022) and the procedures for the Office of Regulatory Management required by Executive Order 19, I have reviewed the above-referenced regulatory action to ensure general statutory authority for the proposed regulatory action.

Pursuant to § 22.1-16 of the Code of Virginia, the Board of Education has authority to promulgate regulations to carry out its statutory powers and duties. This regulation is not required by law, and thus it is my view that the Board has the authority to repeal this regulation.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 786-3807 or by electronic mail at dlove@oag.state.va.us.

§ 2.2-4002. Exemptions from chapter generally

A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

1. The General Assembly.
2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.
3. The Department of Wildlife Resources in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.
4. The Virginia Housing Development Authority.
5. Municipal corporations, counties, and all local, regional, or multijurisdictional authorities created under this Code, including those with federal authorities.
6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such educational institutions shall be exempt from the publication requirements only with respect to regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion, and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.
7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii) classification and allocation of milk, computation of sales, and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing, and differential.
8. The Virginia Resources Authority.
9. Agencies expressly exempted by any other provision of this Code.
10. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.2-1164.
11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23.1-207.
12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.
13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601,

subsection B of § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of § 3.2-5406.

14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.

15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to § 2.2-2001.3.

16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-203.2.

17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission.

18. The Virginia Small Business Financing Authority.

19. The Virginia Economic Development Partnership Authority.

20. The Board of Agriculture and Consumer Services in adopting, amending, or repealing regulations pursuant to subsection A (ii) of § 59.1-156.

21. The Insurance Continuing Education Board pursuant to § 38.2-1867.

22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35 and in adopting, amending, or repealing regulations pursuant to subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food service.

23. The Board of Pharmacy when specifying special subject requirements for continuing education for pharmacists pursuant to § 54.1-3314.1.

24. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to § 58.1-3219.7 or 58.1-3219.11.

25. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions are authorized by the Governor in the interest of public safety.

B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:

1. Money or damage claims against the Commonwealth or agencies thereof.
2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
3. The location, design, specifications, or construction of public buildings or other facilities.
4. Grants of state or federal funds or property.
5. The chartering of corporations.

6. Customary military, militia, naval, or police functions.
7. The selection, tenure, dismissal, direction, or control of any officer or employee of an agency of the Commonwealth.
8. The conduct of elections or eligibility to vote.
9. Inmates of prisons or other such facilities or parolees therefrom.
10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state institutions as well as the treatment, supervision, or discharge of such persons.
11. Traffic signs, markers, or control devices.
12. Instructions for application or renewal of a license, certificate, or registration required by law.
13. Content of, or rules for the conduct of, any examination required by law.
14. The administration of pools authorized by Chapter 47 (§ [2.2-4700](#) et seq.).
15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are published and posted.
16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish, or crustacea located thereon pursuant to Article 2 (§ [28.2-803](#) et seq.) of Chapter 8 of Title 28.2.
17. Any operating procedures for review of child deaths developed by the State Child Fatality Review Team pursuant to § [32.1-283.1](#), any operating procedures for review of adult deaths developed by the Adult Fatality Review Team pursuant to § [32.1-283.5](#), any operating procedures for review of adult deaths developed by the Maternal Mortality Review Team pursuant to § [32.1-283.8](#), and any operating procedures for review of the deaths of persons with a developmental disability developed by the Developmental Disabilities Mortality Review Committee pursuant to § [37.2-314.1](#).
18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ [54.1-2515](#) et seq.) of Title 54.1.
19. The process of reviewing and ranking grant applications submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ [51.5-178](#) et seq.) of Chapter 14 of Title 51.5.
20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4 (§ [10.1-1197.1](#) et seq.) of Chapter 11.1 of Title 10.1.
21. The Virginia Breeders Fund created pursuant to § [59.1-372](#).
22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.
23. The administration of medication or other substances foreign to the natural horse.
24. Any rules adopted by the Department of Agriculture and Consumer Services for the approval and conduct of game variations for the conduct of raffles, bingo, network bingo, and instant

bingo games, provided that such rules are (i) consistent with Article 1.1:1 (§ [18.2-340.15](#) et seq.) of Chapter 8 of Title 18.2 and (ii) published and posted.

C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia Register Act (§ [2.2-4100](#) et seq.), made by the Virginia Code Commission pursuant to § [30-150](#), shall be exempt from the provisions of this chapter.

1985, c. 602, § 9-6.14:4.1; 1986, c. 615; 1987, cc. 375, 652; 1988, cc. 364, 424, 498, 723, 765, 820; 1989, cc. 54, 299, 478; 1990, cc. 721, 968; 1991, cc. 80, 294, 344; 1992, cc. 200, 409, 488, 592, 793; 1993, cc. 537, 669, 898; 1994, cc. [237](#), [577](#), [649](#), [740](#), [743](#), [801](#); 1995, cc. [103](#), [499](#), [516](#); 1996, cc. [51](#), [152](#), [158](#), [189](#), [205](#), [279](#), [320](#), [345](#), [573](#), [590](#), [598](#), [638](#), [705](#), [735](#), [818](#), [1012](#); 1997, cc. [87](#), [88](#), [109](#), [212](#), [390](#), [439](#), [567](#), [624](#), [785](#), [806](#), [845](#), [850](#), [861](#), [868](#); 1998, cc. [39](#), [619](#), [784](#); 1999, cc. [412](#), [421](#), [433](#), [603](#); 2000, cc. [382](#), [400](#), [924](#), [1011](#); 2001, cc. [465](#), [523](#), [688](#), [820](#), [844](#); 2003, cc. [639](#), [695](#); 2004, c. [802](#); 2006, c. [442](#); 2007, cc. [41](#), [870](#), [932](#); 2008, c. [672](#); 2009, c. [472](#); 2010, cc. [65](#), [178](#), [480](#), [728](#); 2012, cc. [476](#), [507](#), [594](#), [803](#), [835](#); 2013, cc. [59](#), [234](#), [760](#), [780](#); 2014, c. [225](#); 2015, c. [108](#); 2017, cc. [266](#), [584](#); 2018, c. [646](#); 2019, c. [834](#); 2020, cc. [201](#), [356](#), [851](#), [958](#); 2022, cc. [554](#), [609](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.