Virginia Code Commission
Meeting Materials
November 5, 2026

VIRGINIA CODE COMMISSION

Tuesday, August 18, 2026 - 1:00 p.m.

House Committee Room C - General Assembly Building

DRAFT

Meeting Minutes

Members present: Nicole S. Cheuk, Travis Hill, Ryan T. McDougle, Matthew McGuire, Johnny E. Morrison, Christopher R. Nolen, Marcus Simon, Charles S. Sharp, Malfourd W. Trumbo, Amigo R. Wade.

Members participating virtually: Russet W. Perry.

Members absent: Michael P. Mullin, Katrina E. Callsen.

Staff present: Holly Trice, Meg Lamb, Erin Comerford, Division of Legislative Services.

Others present: Tom Lisk, ALAC; Andrew Clark, Home Builders Association of Virginia; Michelle Gowdy, Virginia Municipal League.

Call to order: Delegate Marcus Simon, Chair of the Code Commission, called the meeting to order at 1:00 p.m. Ms. Holly Trice, Registrar of Regulations, called role.

Pursuant to § 2.2-3708.3 of the Code of Virginia, Senator Russet Perry, Vice-Chair of the Code Commission, participated remotely.

A quorum of the commission was present in person.

Welcome and introduction of new members: Mr. Matthew McGuire, counsel to Governor Spanberger, introduced himself. Judge Johnny E. Morrison, a former attorney for the Commonwealth and circuit court judge for the City of Portsmouth, also introduced himself. Chair Simon thanked both new members for being a part of the commission.

Review and approval of June 3, 2026, minutes: A motion was made to approve the minutes, properly seconded, and passed unanimously.

Recodification of Title 30 - *Meg Lamb, DLS*

Before inviting Ms. Lamb to report, Chair Simon explained that an enactment clause of the Title 30 recodification bill required a work group meeting between the commission and the Clerks of the House of Delegates and Senate of Virginia to resolve remaining concerns. He reported that there was good consensus and that he believed these concerns were addressed.

Meg Lamb, Deputy Director, DLS, provided further update on the recodification of Title 30. Ms. Lamb clarified that the concerns regarding the accuracy of the terms "legislative assistants" and "administrative assistants" in § 30.1-111 of the Code of Virginia were due to confusion over budgeting. She reported that the work group had completed its meeting, the language had been clarified, and the commission was provided with the new language. Ms. Lamb stated that the work group would be bring a revised version of the recodification bill to the commission in the fall.

Chair Simon noted that this issue stemmed from the need to get rid of obsolete language during the recodification.

A motion was made to adopt the updated language into the recodification bill and properly seconded. The motion passed unanimously.

Ms. Trice then reminded the public how to send a comment via email.

Status Update: House Bill 2660 Work Group - *Andrew Clark, Home Builders Association of Virginia; Michelle Gowdy, Virginia Municipal League*

Ms. Michelle Gowdy of the Virginia Municipal League and Mr. Andrew Clark of the Home Builders Association of Virginia presented to the commission. Ms. Gowdy reported that the work group was getting close to a presentable draft, having negotiated most of the major points, and that there was an upcoming meeting on September 17, after which the work group would return to present a more final proposal.

Chair Simon requested a reminder of the work group's process and goals as the work group began two years ago. Mr. Clark explained that the work group is focused on §§ 15.2-2259 and 15.2-2260, relating to the review of local site plans and subdivision plats. He stated that what should be a standardized process is implemented differently across jurisdictions. The goals of the work group were to improve predictability, and standardize terminology.

Chair Simon noted a lot of stricken language and asked whether it was the case that it was easier to strip out old language and rewrite the sections. Ms. Gowdy explained that the original statute commingled commercial and single family construction whereas the proposal separates commercial, mixed-use, and residential provisions.

Chair Simon asked if the highlighted portions are what is still up for debate or non-consensus matters. Mr. Clark confirmed. Ms. Gowdy reiterated that their goal was to have something for the fall.

After no more questions were raised, Chair Simon thanked Ms. Gowdy and Mr. Clark for their report and introduced Mr. Tom Lisk.

Status Update: ALAC APA Work Group - *Tom Lisk, Chair, ALAC*

Mr. Tom Lisk, Chair, Administrative Law Advisory Committee, reported that the two ALAC work groups on the preservation of error doctrine and the harmless error doctrine hope to have reports to the commission by the end of the year.

Mr. Lisk reported that the commission also asked ALAC to review Articles 1 and 2 of the Administrative Process Act (APA) and return with recommendations. He stated that this would be addressed by the full committee looking first at Article 1, which includes exemptions and definitions, then Article 2, which would require input from many more stakeholders.

Mr. Christopher Nolen asked whether ALAC would only be looking at exemptions within the APA and not in other places of the Code of Virginia where exemptions to the APA exist. Mr. Lisk clarified that they would just be looking at those two articles, but that if the commission requested, ALAC would expand its review. Chair Simon asked if there was a desire to look beyond Articles 1 and 2. Mr. Nolen stated that for full context it would be helpful to understand where other exemptions lie.

Mr. Lisk suggested to Chair Simon that ALAC first review Articles 1 and 2 and then look into the desirability of expanding scope, explaining that it could be a very expansive review.

After some discussion about this possibility, Chair Simon thanked Mr. Lisk for the update. The commission then turned to the subject of the next recodification project.

Discussion and selection of next recodification - *Chair Simon*

Chair Simon reported that Title 24.2 (Elections) was no longer a candidate due to the political nature of the subject. Chair Simon suggested that Title 43 (Mechanics' and Certain Other Liens), which saw multiple, complicated bills during the previous session, might be worth looking into.

Senator Perry noted that there were also numerous housing bills that overlapped and suggested Title 36 (Housing) as an option. She noted that the Senate also discussed cleaning up the language in Title 49 (Oaths, Affirmations and Bonds), which appears to have overlap and different uses of phrases.

Chair Simon said that he saw the benefit of cleaning up Title 49. He asked about the criteria for deciding on the next project. Ms. Trice responded that the commission generally considers the time elapsed since the last recodification of a given title, what staff is available, and if there are outside letters requesting a specific title. Chair Simon stated that there had been no such requests. Director Amigo Wade, DLS, also discussed the identification of archaic language and pointed out that Title 36 has language from as far back as 1910.

Chair Simon noted that there were now three candidates for recodification: two smaller titles [43, 49] and Title 36, which is larger and more substantive. He asked whether there was a preference, after the two-year Title 30 recodification, for working on a shorter title first before moving onto housing. Chair Simon then pointed out that housing is addressed in Titles 15.2 and 55.1 and Ms. Gowdy returned to the podium to affirm that Title 15.2 touches so much of housing that it would naturally need to be the next title recodified after Title 36.

Chair Simon asked for opinions from the commission. After some discussion about Title 48 (Nuisances), which Senator Perry said she had received a phone call about, Mr. Travis Hill asked about staff capacity and whether staff saw an immediate need for recodifying any particular title. Director Wade said that there may not be capacity for Title 36, but that something narrower like Title 48 could work from a staffing standpoint.

Chair Simon then suggested recodifying Title 48 first and Title 36 later so that staff could prepare. After no objections were raised, Chair Simon stated that there was a clear direction for the commission and asked if there was any other business.

Other Business:

Judge Charles Sharp asked staff about the status of Justice Stephen McCullough's project. Ms. Trice replied that four members of the commission volunteered to be part of the work group and that the outstanding question was how large the work group should be, explaining that if there were four commission members, it would require a public meeting of the Code Commission. Chair Simon said he envisioned the work group as a subcommittee of the Code Commission and asked for opinions from the commission.

Judge Sharp suggested meeting as a smaller group to determine the scope of the work before deciding on meeting and member needs. Ms. Trice confirmed that would work. She noted that Justice McCullough had discussed first looking at plain language substitutes for terms and then looking at forms, while the commission suggested surveying the clerk's offices to determine which forms are most problematic. Judge Morrison suggested adding the circuit court clerk's office as a stakeholder.

Chair Simon suggested he choose two commission members for an initial work group to develop a work plan. He also clarified that since the commission voted to survey the clerks first, they should stick to that plan.

Chair Simon then asked about scheduling the next meeting of the Code Commission. Ms. Trice suggested an October meeting based on other work group schedules. This would be the final commission meeting for 2026.

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 commented virtually via the email address provided.

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

Chair Simon adjourned the meeting at 1:44 p.m.

Supreme Court Forms Work Group

Proposed Membership

Name	Role / Affiliation	Contact
JUDICIARY		
The Honorable Stephen R. McCullough	Justice, Supreme Court of Virginia	
The Honorable Anthony Nourse	Judge, Fairfax County General District Court Co-chair, Self-Help Resource Center	Anthony.Nourse@fairfaxcounty.gov
The Honorable Brice Lambert	Judge, Juvenile & Domestic Relations District Court Volunteer	bricelambert@comcast.net
COURT ADMINISTRATION		
Linda J. Moore, CCM CCE	Clerk of Court, Chesterfield General District Court	
Abby Russo	Office of the Executive Secretary	
Eileen Longenecker	Office of the Executive Secretary	
Rick Francis	Circuit Court Clerk, Southampton County	rfrancis@vacourts.gov
LEGAL AID		
John E. Whitfield	Executive Director/General Counsel, Legal Aid 204 N. High Street, P.O. Box 551 Harrisonburg, VA 22803	Phone: (540) 433-1830 Fax: (540) 433-2202
PRIVATE BAR		
Bryan Grimes Creasy	Johnson, Ayers & Matthews P.L.C. P.O. Box 2200, Roanoke, Virginia 24009	Direct: (540) 767-2039 Fax: (540) 982-1552 gcreasy@jamlaw.net
CODE COMMISSION		
The Honorable Charles Sharp (Ret.)		
Michael Mullin		

INITIAL LIST OF TERMS WITH DRAFT PLAIN LANGUAGE ALTERNATIVES

Bill of particulars: request for more detail

Demurrer: Request for judgment on the pleadings

Detinue: claim for personal property

Execution creditor: creditor who has obtained a judgment

Execution debtor: debtor against whom judgment will be enforced

Ex parte: without presence or notification of the other party

Fieri facias: order to seize goods of debtor

Garnishee: notice to pay money to satisfy a judgment

Interrogatories: questions you must answer

Motion craving oyer: motion to include essential documents

Pro se: self-represented

Return date: date by which you must take action

Rule to show cause: order to appear in court and give reasons

Subpoena duces tecum: order to produce documents, records, or evidence

Tenant's assertion: Tenant's claim against landlord

Unlawful detainer: Claim for eviction

Warrant in debt: Claim for money owed

Warrant in distress: order allowing creditor to seize property

Writ of execution: order to enforce judgment

ADDITIONAL LIST OF TERMS TO CONSIDER

Affidavit
Arrears/Arrearages
Bill of Particular
Pendente lite
Plaintiff/Respondent
Show cause
With or without prejudice

I. Substantive Differences--Title 30 Recodification

1. Changes to the language of § 30.1-111
    a. Done by workgroup; full Commission has already ok'ed at earlier Commission meeting
2. Codification of the second enactment clause of Chapter 940 of the 2026 Acts of Assembly
    a. Pertaining to Brown v. Board of Education Scholarship Program
    b. Second enactment clause provides for an annual limit on the scholarships authorized by the bill and permits that annual limit to be adjusted by the Brown v. Board of Education Scholarship Committee

II. Technical Changes

1. Various applicability dates revised to 2027
2. Changes to Title 30 made at the 2026 Regular Session have also been incorporated (examples below are a non-exhaustive list)
    a. Changing the name of the Commission on Electric Utility Regulation to *Energy Commission of Virginia*
    b. Extending the sunset date of the Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes and changing its name to *Commission on Federally Recognized Tribes*
    c. Establishing the Virginia Boys and Men Advisory Commission
    d. Changes to the membership of the Commission to End Hunger

COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION

Delegate Marcus B. Simon, Chair
Senator Russet W. Perry, Vice Chair

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Report of the
Virginia Code Commission
The Revision of Title 30 of the Code of Virginia

Richmond, Virginia
November 2026

To: The Honorable Abigail D. Spanberger, Governor of Virginia
and
The General Assembly of Virginia

In accordance with its authority granted pursuant to § 30-152 of the Code of Virginia, the Virginia Code Commission (the Commission) undertook the revision of Title 30 (General Assembly) in August 2024. Since the title has not been revised since the adoption of the Code of Virginia in 1950, the current version presents an opportunity to (i) organize the laws in a more logical manner, (ii) remove obsolete and duplicative provisions, and (iii) improve the structure and clarity of statutes pertaining to the General Assembly and legislative branch of the Commonwealth.

The Commission undertook this revision by forming two work groups. The first work group focused on the structure, organization, and content of proposed Subtitle II, relating to the legislative branch, and was composed of Delegate Marcus B. Simon, Senator Ryan T. McDougle, the Honorable Michael P. Mullin, the Honorable Richard E. Gardiner, and Christopher R. Nolen. The second work group focused on the structure, organization, and content of proposed Subtitle III, relating to legislative boards, commissions, councils, and other legislative entities, and was composed of the Honorable Malfourd W. Trumbo, the Honorable Charles S. Sharp, Nicole S. Cheuk, and Director Amigo R. Wade. Following the 2026 Session, a third work group focused on concerns raised during the 2026 Session and was composed of Delegate Marcus B. Simon, Senator Ryan T. McDougle, Nicole S. Cheuk, Christopher R. Nolen,

and members of the Office of the Clerk of the House of Delegates and Office of the Clerk of the Senate.

In addition, the Commission was assisted by the Office of the Auditor of Public Accounts, the Joint Legislative Audit and Review Commission, and the Clerks of the House of Delegates and the Senate and would like to thank all other assisting legislative entities for their insights. The contributions of these groups were invaluable, and the Commission wishes to express its sincere gratitude for the significant time and effort they devoted to the revision of Title 30. These contributors represent a cross section of stakeholders and interested groups, and their expertise proved to be a key resource for the Commission and its staff.

The Commission recommends that the General Assembly enact legislation during the 2027 Session to implement the revisions proposed in this report.

Respectfully submitted,

Delegate Marcus B. Simon, Chair
Senator Russet W. Perry, Vice-Chair
Senator Ryan T. McDougle
Delegate Katrina E. Callsen
The Honorable Malfourd W. Trumbo
The Honorable Michael P. Mullin
The Honorable Charles S. Sharp
The Honorable Johnny E. Morrison
Nicole S. Cheuk
Christopher R. Nolen
Matthew McGuire
Travis Hill
Amigo R. Wade

EXECUTIVE SUMMARY

Introduction

Title 30 (General Assembly) contains provisions of the Code of Virginia that address the legislative branch of the Commonwealth, including the General Assembly and its members, officers, and agencies, the legislative process and procedures, and legislative commissions, councils, committees, and other legislative entities.

Title 30 has not been revised since the adoption of the Code of Virginia in 1950, at which time the title consisted of three chapters: Chapter 1, General Assembly and Officers Thereof; Chapter 2, Lobbying; and Chapter 3, Virginia Advisory Legislative Council. In the ensuing 75 years, 77 chapters have been added, 11 have been repealed, including two of the original chapters, and 13 have expired. The result is existing Title 30, which comprises 56 active chapters. Since the 1950 codification and the addition of numerous legislative agencies and advisory commissions and other entities, the lack of an organizational scheme has made the title unwieldy by the insertion of new chapters within or at the end of the title and by the insertion of new sections within or at the end of existing chapters, often with cumbersome section numbers.

It has become appropriate to (i) organize the laws in a more logical manner, (ii) remove obsolete and duplicative provisions, and (iii) improve the structure and clarity of statutes pertaining to the Virginia General Assembly and its operations, the legislative branch agencies, and other legislative entities.

Organization of Proposed Title 30.1

Proposed Title 30.1 consists of 16 chapters that are drawn from existing Title 30. These 16 chapters are divided into three proposed subtitles: Subtitle I (The General Assembly and Members Thereof), Subtitle II (The Legislative Branch of Government), and Subtitle III (Legislative Commissions, Councils, Committees, and Other Legislative Entities).

Subtitle I (The General Assembly and Members Thereof) contains proposed Chapters 1 and 2, which pertain to members of the General Assembly and the General Assembly Conflict of Interests Act, respectively.

> Proposed Chapter 1 (Members of the General Assembly) logically organizes provisions relating to the operation of the General Assembly and the duties and privileges of members of the General Assembly. It contains provisions from existing Chapters 1 (General Assembly and Officers Thereof), 1.1 (General Assembly Salaries and Expenses), and 13.1 (Sexual Harassment Training Act).
>
> Proposed Chapter 2 (General Assembly Conflict of Interests Act) contains existing Chapter 13 (General Assembly Conflicts of Interests Act) and is renamed to conform to language used in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.).

Subtitle II (The Legislative Branch of Government) contains proposed Chapters 3 through 10, relating to the legislative process and legislative branch agencies.

Proposed Chapter 3 (Officers of the General Assembly) contains several provisions found in existing Chapters 1 (General Assembly and Officers Thereof), 1.1 (General Assembly Salaries and Expenses), 13.1 (Sexual Harassment Training Act), and 19 (Virginia Commission on Intergovernmental Cooperation).

Proposed Chapter 4 (Legislative Process and Procedures) contains several miscellaneous provisions found in existing Chapter 1 (General Assembly and Officers Thereof) that are related to the legislative process and related procedures, such as provisions on witnesses before the General Assembly or one of its bodies, bill and resolution prefiling, the process for amending the Constitution of Virginia, and required estimates and impact statements for proposed legislation.

Proposed Chapter 5 (Auditor of Public Accounts) contains existing Chapter 14 (Auditor of Public Accounts), pertaining to the duties and responsibilities of the Auditor of Public Accounts.

Proposed Chapter 6 (Division of Capitol Police) contains two existing sections relocated from existing Chapter 3.1 (Legislative Support Commission) relating to the Division of Capitol Police.

Proposed Chapter 7 (Division of Legislative Automated Systems) contains existing Chapter 3.2, pertaining to the duties and responsibilities of the Division of Legislative Automated Systems, as well as certain provisions of existing Chapter 3.1 (Legislative Support Commission) relating to obligations for which the Division of Legislative Automated Systems is responsible.

Proposed Chapter 8 (Division of Legislative Services and Associated Commissions) contains provisions relating to the Division of Legislative Services and its duties and responsibilities involving legislative drafting and the Code of Virginia, including provisions relating to several commissions that are staffed within the Division. It contains existing Chapters 2.2 (Division of Legislative Services), 15 (Virginia Code Commission), 8.1 (Joint Commission on Administrative Rules), and 29 (Commissioners for the Promotion of Uniformity of Legislation).

Proposed Chapter 9 (Joint Legislative Audit and Review Commission) contains provisions relating to the Joint Legislative Audit and Review Commission and its duties and responsibilities, including provisions relating to the Commission's oversight of several different subjects and entities. It contains existing Chapters 7 (Joint Legislative Audit and Review Commission), 8 (Legislative Program Review and Evaluation Act), 10 (Virginia Retirement System Oversight Act), and 51 (Commonwealth Savers Plan Oversight Act), as well as language pulled from Budget Item 25 of the 2024–2026 budget relating to the oversight of the Virginia Information Technologies Agency and certain economic development incentives.

Proposed Chapter 10 (Reapportionment and Redistricting) contains provisions relating to entities whose purpose is to implement the decennial reapportionment and redistricting provisions of Article II of the Constitution of Virginia. It contains existing Chapters 39 (Joint Reapportionment Committee) and 62 (Virginia Redistricting Commission).

Subtitle III (Legislative Commissions, Councils, Committees, and Other Legislative Entities) contains proposed Chapters 11 through 16, which pertain to various legislative entities

established in the legislative branch of government and the general and specific provisions that apply to such entities.

Proposed Chapter 11 (General Provisions) contains provisions that are currently located throughout existing Title 30 that are generally applicable to the organization and work of legislative entities, including the composition and compensation of the membership of such entities and the reporting and funding requirements of such entities.

Proposed Chapter 12 (Standing Legislative Entities) contains the provisions of existing chapters of legislative entities that have an executive director and independent staff and a long-term, permanent purpose. It contains existing Chapters 16 (Virginia Crime Commission), 36 (Chesapeake Bay Commission), 20 (Virginia Commission on Youth), 18 (Joint Commission on Health Care), 11 (Joint Commission on Technology and Science), 21 (Virginia Freedom of Information Advisory Council), 31 (Energy Commission of Virginia), 38 (Virginia Housing Commission), 56 (Virginia Conflict of Interest and Ethics Advisory Council), 42.1 (Virginia-Israel Advisory Board), and 63 (Behavioral Health Commission).

Proposed Chapter 13 (Special Advisory Legislative Entities) contains the provisions of existing chapters of legislative entities that have the purpose of providing a forum for a particular community to advise the General Assembly on topics of interest. The membership of such bodies consists of both legislative members and nonlegislative citizen members, usually with specific expertise or background relevant to the entity. It contains existing Chapters 25 (Virginia Coal and Energy Commission), 24 (State Water Commission), 22 (Small Business Commission), 35 (Virginia Disability Commission), 41 (Manufacturing Development Commission), 65 (Commission on Federally Recognized Tribes), 64 (School Health Services Committee), 50.1 (Autism Advisory Council), and 68 (Virginia Minority Business Commission).

Proposed Chapter 14 (Oversight Legislative Entities) contains the provisions of existing chapters of legislative entities that have the purpose of monitoring and reviewing the actions or responsibilities of another entity or agency of the Commonwealth. It contains existing Chapters 37 (Chesapeake Bay Restoration Fund Advisory Committee, renamed the Chesapeake Bay Restoration Fund Approval Committee), 33 (Commission on Unemployment Compensation), 42 (Public-Private Partnership Advisory Commission, renamed the Public-Private Partnership Oversight Commission), 43 (Joint Commission on Transportation Accountability), 47 (MEI Project Approval Commission), 52 (Joint Subcommittee to Evaluate Tax Preferences), 53 (Health Insurance Reform Commission), and 57 (Intercollegiate Athletics Review Commission).

Proposed Chapter 15 (Commemorative, Educational, and Memorial Entities) contains the provisions of legislative entities whose purpose is to preserve the legacy of significant events and people. It contains existing Chapters 27 (Dr. Martin Luther King, Jr. Memorial Commission), 34.1 (Brown v. Board of Education Scholarship Program and Fund), 55 (Commission on Civic Education), and 66 (American Revolution 250 Commission).

Proposed Chapter 16 (Legislative Study Entities) contains the provisions of legislative entities whose purposes are to study, review, evaluate, assess, or investigate a particular topic or issue in order to report and make recommendations to the General Assembly. It contains existing Chapters 61 (Commission on School Construction and Modernization),

67 (Virginia Commission to End Hunger), 69 (Commission on Women's Health), and 70 (Virginia Boys and Men Advisory Commission).

Statutory Provisions Proposed for Repeal

During the revision process, the Virginia Code Commission became aware of a number of existing sections and three existing chapters that are either unnecessary or obsolete and have been stricken in this report; these are recommended for repeal and thus not included in the proposed title. Chapter and section drafting notes in the body of the report describe the reasons for the recommended repeal of the following sections and chapters:

- Existing §§ 30-14.1, 30-15, 30-15.2, 30-28.17, 30-58.4, 30-67, 30-71, 30-78, and 30-137 are proposed for repeal (individual sections scattered throughout the existing title, predominantly sections that are obsolete).
- Existing § 30-19.03:2, which indicates that no legislative summary shall constitute a part of a bill or resolution, is proposed for repeal because it's duplicative of existing § 1-247 in Title 1 (General Provisions), which has a Code-wide application.
- Chapter 3.1 (Legislative Support Commission); existing §§ 30-34.1, 30-34.2, 30-34.8, and 30-34.9 are proposed for repeal; remaining sections of this chapter are moved to appropriate locations.
- Chapter 28 (Capitol Square Preservation Council); existing §§ 30-193, 30-194, and 30-195 are proposed for repeal.
- Chapter 54 (Medicaid Innovation and Reform Commission); existing § 30-347 is proposed for repeal.

An outline of the organization of proposed Title 30.1 is included at the end of the preface and as Appendix A with cross-references to existing Title 30 chapters, articles, and sections.

Technical Changes Made Throughout Title 30.1

Each section is followed by a drafting note describing any changes made in the section. If a section drafting note states "no change," the section contains no changes other than renumbering the section. If a drafting note states "technical changes," the section contains technical changes to the text ranging from the insertion of clarifying punctuation to a thorough modernization of archaic writing style. When a section contains structural or substantive changes, such as the deletion or addition of language, the drafting note describes the reason for the proposed change.

Many of the technical changes arise from the Virginia Code Commission's determination that terminology should be clear, consistent, and modern. The following list provides a representative sample of the most significant and most widely implemented technical changes made in the proposed title.

The following technical changes are made in order to maintain consistency with changes made in previous title revisions, to update antiquated language, to provide clarity, and to bring Title 30.1 into accordance with Title 1 rules of construction for the Code:

- § 1-218. Includes. "Includes" means includes, but not limited to.

- § 1-221. Locality. "Locality" means a county, city, or town as the context may require.
- § 1-227. Number. A word used in the singular includes the plural, and a word used in the plural includes the singular.
- § 1-244. Short title citations. Short titles have been eliminated as unnecessary in light of the title-wide application of § 1-244, which states that the caption of a subtitle, chapter, or article operates as a short title citation.
- Purpose statements and legislative findings have been stricken in accordance with the Virginia Code Commission's policy that purpose statements and legislative findings do not have general and permanent application and thus are not to be included in the Code. The exception is for stating the purpose of a legislative entity in the section in which the entity is established.
- Obsolete date references are removed.

The following changes are made to remove and update antiquated terminology or clarify terms with general application, in accordance with Virginia Code Commission policies:

- To the extent feasible, several subsections within sections and sets of clauses within paragraphs are labeled for the sake of clarity.
- To the extent feasible, "shall be" is stricken in favor of "is."
- To the extent feasible, phrases in the passive voice are changed to the active voice.
- When grammatically feasible, "will" or "must" is changed to "shall" or another appropriate term.
- When grammatically feasible, prohibitory language is recast in affirmative form.
- "Virginia" is replaced with "the Commonwealth."
- "This Commonwealth" is replaced with "the Commonwealth."
- To the extent feasible, unclear references to "herein," "therefor," "thereof," and "thereon" are replaced with references that are more specific.
- Definitions are moved to the beginning of the section, article, chapter, etc., to provide the reader better clarity and context.
- "Shall have the authority to" and similar variants of this term are changed to "may."
- The terms "chairman" and vice-chairman are updated to "chair" and "vice-chair" to modernize language.

The following technical changes are made or not made, as the case may be, throughout proposed Title 30.1 and apply more specifically to the subject matter found in this title:

- Technical changes are made in proposed Chapter 1 (Members of the General Assembly) to modernize language of "secretaries and administrative assistants" by replacing the terms with "session staff and legislative assistants."
- Technical changes are made in proposed Chapter 2 (General Assembly Conflict of Interests Act) to standardize the definition of "legislators" throughout the chapter.

- Technical changes are made in proposed Chapter 4 (Legislative Process and Procedures) to standardize language of "bills and resolutions" by deleting references to "legislation."
- References to voting privileges of ex officio members of legislative entities are removed to reflect their voting privileges as defined Code-wide in § 1-215.
- "Legislative entity" is defined in proposed § 30.1-510 for use throughout Subtitle III.
- Duplicative provisions throughout existing Title 30 that are generally applicable to the organization and work of various legislative entities, including the composition and compensation of the membership of such entities and the reporting and funding requirements of such entities, are relocated and consolidated into proposed Chapter 11 (General Provisions).
- Provisions relating to the initial staggering of terms for legislative entities are proposed for deletion as obsolete.

Substantive Changes Proposed in Title 30.1

When the Virginia Code Commission has approved a substantive change to a provision of existing law, it is noted in the drafting note for the affected section. These substantive changes include the following:

- In proposed § 30.1-300 [existing §§ 30-12, 30-19.19, and 30-19.20], provisions referencing the duties of the Legislative Support Commission are revised to more accurately describe the current scope of the Clerks' authority over the General Assembly Building and other legislative spaces and the Capitol Tour Guides program, as the Legislative Support Commission is proposed for deletion as obsolete.
- In proposed § 30.1-301 [existing § 30-14], a substantive change is made to require only a "reasonable fee" be charged for certification of a copy of an act of assembly. Existing § 30-14.01 prescribes "the sum of five dollars" for the Clerk of the House of Delegates to certify a copy of an act of assembly.
- Existing § 30-14.1 is proposed for deletion as obsolete because it applies to the codification of the 1950 Code of Virginia.
- Existing § 30-15 is proposed for deletion as such provisions and Article IV, Sections 7 and 10 of the Constitution of Virginia are redundant.
- Existing § 30-15.2 that directs the Virginia Code Commission to supply members of the Senate with copies of the Code of Virginia and its supplements and replacement volumes while they serve is proposed for deletion as obsolete.
- In proposed § 30.1-401 [existing § 30-19.3], a provision requiring the mailing of prefiled bills and resolutions to members and members-elect of the General Assembly is proposed for deletion as obsolete.
- In proposed § 30.1-403 [existing § 30-14.3], a substantive change is made to allow the Keeper of the Rolls of the Commonwealth to correct misspellings and other unmistakable errors in bills and resolutions, in addition to its current authority to correct typographical errors. As part of this substantive amendment, the Keeper of the Rolls is required to

inquire of the Director of the Division of Legislative Services or his designee for a determination of whether such correction alters the substantive legal meaning or effect of the bill or resolution. In addition, the Keeper of the Rolls is required to communicate to the Virginia Code Commission any correction that is made to existing Code of Virginia language in any bill or resolution immediately following each regular session; such notice is necessary to ensure such corrections are incorporated into the Code of Virginia when the Virginia Code Commission carries out its statutory duty to codify the session laws.

- In proposed § 30.1-406 [existing §§ 30-10 and 30-11], a substantive change is made to broaden the meaning of "evidence" beyond paper documents with regard to the production of evidence before a legislative body.
- Existing § 30-19.03:2 is proposed for repeal as its provisions relating to legislative summaries are duplicative of existing § 1-247 in Title 1 (General Provisions), which has a Code-wide application.
- In proposed §§ 30.1-415 and 30.1-416 [existing § 30-19.9], two references to the "State Board of Elections" are changed to the "Department of Elections" to more accurately reflect the structure and role of the Department.
- Existing §§ 30-34.8 and 30-34.9 that allow the Legislative Support Commission to donate copies of printed legislative documents to institutions of higher education and specifically to some law schools are proposed for deletion as obsolete because these donations are no longer needed since such documents are now available online.
- In proposed § 30.1-503 [existing § 30-133], a substantive change is made to require the Auditor of Public Accounts to audit the accounts pertaining to certain funds annually rather than biennially, to reflect accepted modern accounting practices.
- In proposed § 30.1-504 [existing § 30-133], a substantive change is made to eliminate the Auditor of Public Account's required production of a paper copy of or computer file containing a searchable online database as obsolete. Instead, the Auditor of Public Accounts must distribute the website address of the searchable online database to newspapers of general circulation.
- In proposed § 30.1-507 [existing § 30-134], a substantive change is made to remove the power of the Governor to direct the Auditor of Public Accounts to audit the records of city and county officials and Commonwealth agencies handling state funds, as the Auditor of Public Accounts takes direction from the Joint Legislative Audit and Review Commission.
- Existing § 30-137 is proposed for deletion as obsolete because it requires the Auditor of Public Accounts to create a separate system of bookkeeping that is no longer needed because such system and standards are now available from the Governmental Accounting Standards Board for state and local governments.
- In proposed § 30.1-509 [existing § 30-136], a substantive change is made to broaden the meaning of "papers" to include "records" for the purposes of an examination by the Auditor of Public Accounts.

- In proposed § 30.1-600 [existing § 30-34.2:1], a substantive change is made to provide that the assignment of jurisdiction to any property by the Capitol Police is made in consultation with the Clerk of the House of Delegates, the Clerk of the Senate, and the Chairs of the House Committee on Rules and Senate Committee on Rules, rather than the Legislative Support Commission, which is proposed for repeal as obsolete and its authority delegated to other entities.
- Existing Chapter 3.1 (Legislative Support Commission) is proposed for deletion as obsolete because the Legislative Support Commission is inactive and its responsibilities currently are carried out by other more appropriate legislative branch entities.
- In proposed § 30.1-700 [existing §§ 30-34.11 and 30-34.12], substantive changes are made to reflect the Division of Legislative Automated Systems's current placement under the supervisory control of the Joint Rules Committee.
- In proposed § 30.1-701, the provisions of existing §§ 30-34.10:1, 30-34.10:2, and 30-34.10:3, which provide the authority for establishing and maintaining the electronic legislative information system, are moved from the purview of the Legislative Support Commission, which is proposed for repeal as obsolete and its authority delegated to other entities, to the Division of Legislative Automated Systems.
- Also in proposed § 30.1-701, existing §§ 30-28.16, 30-34.2, 30-34.13, and 30-34.14 are relocated from the Legislative Support Commission, which is proposed for repeal as obsolete and its authority delegated to other entities, to establish that the duties of the Division of Legislative Automated Systems include duties currently given to the Legislative Support Commission.
- In proposed § 30.1-703, the provisions of existing §§ 30-34.4, 30-34.4:1, 30-34.5, 30-34.6, and 30-34.10, relating to the printing and distribution of bills, legislative documents, and other publications, are moved from the purview of the Legislative Support Commission, which is proposed for repeal as obsolete and its authority delegated to other entities, to the Division of Legislative Automated Systems.
- In proposed § 30.1-801 [existing § 30-28.16], the following substantive changes are made: (i) the Division of Legislative Services (the Division) is no longer required to keep on file certain legislative documents because such documents are electronically maintained, (ii) the Division is no longer required to "accumulate data and statistics regarding the practical operation and effect of statutes of this and other states" because such data is available through other sources, (iii) the Division is no longer required to "furnish upon written request a copy of any charter of a city or town" because such charters are available on the Virginia Law Portal, and (iv) the Division is no longer required to "provide an annual report to the General Assembly . . . on the status of all reports, actions, or data collection that is required by legislation" because the Division of Legislative Automated Systems currently produces this report (see proposed § 30.1-701).
- Existing § 30-28.17, relating to the accessibility of books and documents, is proposed for deletion as obsolete because such materials are available through the Legislative Information System and the websites of the Division of Legislative Services and the Division of Legislative Automated Systems.

- In proposed § 30.1-802 [existing § 30-28.18], relating to the option for written requests for legislative drafts, a substantive change is made because such requests are now submitted through electronic means.
- Upon the recommendation of the Virginia Code Commission, a substantive change is made to proposed § 30.1-806 [derived from existing § 30-145] to allow the Director of the Division of Legislative Services to appoint a designee to serve on his behalf as a member of the Virginia Code Commission and to change the voting status of members serving ex officio from voting to nonvoting.
- In proposed § 30.1-814 [existing § 30-151], a substantive change is made to replace a provision requiring the Virginia Code Commission to identify obsolete chapters, articles, sections, and enactments and recommend to the General Assembly legislation amending or repealing such legislation at least every four years with the requirement to "periodically" review such legislation and make recommendations as appropriate.
- In proposed § 30.1-816 [existing § 30-154], a substantive change is made to remove obsolete references to certain Virginia State Bar standing committees.
- In proposed § 30.1-826 [existing § 30-197], a substantive change is made that adjusts the required deadline for the annual report of the Commissioners for the Promotion of Uniformity of Legislation from July 1 of each year to the first day of each regular session of the General Assembly.
- In proposed § 30.1-904 [existing § 30-57], a substantive change is made that updates language relating to the required experience and training for the Director of the Joint Legislative Audit and Review Commission and his executive staff to better describe the necessary qualifications for appointment.
- In proposed § 30.1-905 [existing § 30-58.1], a substantive change is made that updates language to reflect the current powers and duties of the Joint Legislative Audit and Review Commission and clarify how its work is directed.
- In proposed § 30.1-907 [existing § 30-58.3], a substantive change is made to update the deadline for the Joint Legislative Audit and Review Commission to provide its annual report on state spending to the General Assembly and the Governor to November 30 from November 15 at the request of the Commission.
- Existing § 30-58.4, a pilot program for the analysis of state agency budget submissions under the auspices of the Joint Legislative Audit and Review Commission, is proposed for deletion as obsolete.
- In proposed § 30.1-915 [existing § 30-66], a substantive change is made that updates language to reflect current practices relating to the Joint Legislative Audit and Review Commission's scheduling of study areas. An obsolete starting date for such scheduling is proposed for deletion.
- Existing § 30-67, a process for coordinating reviews of functional areas of government by the Joint Legislative Audit and Review Commission, is proposed for deletion as obsolete.
- In proposed § 30.1-1004 [existing § 30-392], a substantive change is made that requires the Virginia Redistricting Commission to keep House and Senate leadership apprised of

the timing of availability of United States Bureau of the Census data because such census data is now available on the internet.

- Throughout proposed Subtitle III (Legislative Commissions, Councils, Committees, and Other Legislative Entities), a substantive change is made to impose the generally applicable provisions of proposed Chapter 11 (General Provisions), other than the annual reporting requirement and the sunset requirement, to those existing legislative entities that are silent on such provisions. The current terms and compensation provisions for existing entities were not changed for those entities where such provisions do not match the general provisions in proposed Chapter 11 (General Provisions).
- In proposed § 30.1-1107 [existing § 30-19.8:1], a deadline for certain legislative entities to submit their reports is updated at the direction of the Virginia Code Commission to better align with the timing of the legislative work schedule.
- In proposed § 30.1-1231 [existing § 30-168.3], a provision allowing the Joint Commission on Health Care to appoint a special task force on issues related to behavioral health care is proposed for deletion as obsolete due to the creation of the Behavioral Health Commission in 2021.
- In proposed § 30.1-1317 [existing § 30-275], a substantive change is made to change a member of the Manufacturing Development Commission from "the president of the Virginia Manufacturers Association" to "a representative of the Virginia Manufacturers Association" for consistency with other legislative entities.
- In proposed § 30.1-1410 [existing § 30-279], a requirement for the Public-Private Partnership Oversight Commission to file copies of proceedings with the Division of Legislative Services is proposed for deletion as obsolete due to the availability of meeting livestream video archives provided by the Clerks' Offices.
- In subdivision 2 of § 30.1-1426 [existing § 30-337], a substantive change is made to require the six members of the Joint Subcommittee to Evaluate Tax Preferences who are members of the Senate to also be members of the Senate Committee on Finance and Appropriations to align with apparent legislative intent.
- Existing Chapter 54 (Medicaid Innovation and Reform Commission) is proposed for deletion as obsolete upon recommendation of the Virginia Code Commission.
- Existing Chapter 28 (Capitol Square Preservation Council) is proposed for deletion as obsolete pursuant to language contained in Budget Item 8 of Chapter 725 of the Acts of Assembly of 2025.
- In proposed § 30.1-1508 [existing § 30-231.5], a substantive change is made to designate the appointing authorities for House and Senate members of the Brown v. Board of Education Scholarship Committee as the Speaker of the House of Delegates and the Senate Committee on Rules, respectively, to conform to standard practice for appointments to legislative entities.
- In proposed § 30.1-1522 [existing § 30-426], a substantive change is made that removes the Division of Legislative Services from the staffing provisions for the American Revolution 250 Commission because its staffing is provided by an independent staff.

- Throughout proposed Title 30.1, a substantive change is made to various sections to more accurately describe how the Division of Legislative Services operates in practice by specifying that the Division provides "legal and legislative research and analysis" as requested by certain legislative entities, rather than "legal, research, policy analysis, and other services" as requested by such entities. Those proposed sections are: §§ 30.1-1303, 30.1-1307, 30.1-1311, 30.1-1315, 30.1-1319, 30.1-1324, 30.1-1329, 30.1-1334, 30.1-1403, 30.1-1407, 30.1-1412, 30.1-1417, 30.1-1428, 30.1-1435, 30.1-1503, 30.1-1510, 30.1-1517, 30.1-1522, 30.1-1603, 30.1-1607, and 30.1-1612.

MEMBERS OF TITLE 30 REVISION WORK GROUPS

The Clerk of the House of Delegates and the Clerk of the Senate of Virginia and staff persons in both Offices of the Clerk.

The Virginia Code Commission formed two work groups to focus on proposed Subtitles II and III.

Work Group 2

Subtitle II. Legislative Agencies Related to General Operation of Legislative Branch. This proposed subtitle consists of those Code sections and provisions related to the general operation of the legislative branch. Provisions related to the Clerk of the House of Delegates and Clerk of the Senate and their powers and duties are part of this subtitle, as are those legislative agencies that are led by a director who is appointed and subject to confirmation by the General Assembly. Additionally, legislative processes and procedures, such as required impact statements for certain kinds of legislation, and provisions governing the redistricting process are located in this subtitle.

Virginia Code Commission Members of Work Group 2:

Delegate Marcus B. Simon
Senator Ryan T. McDougle
Judge Richard E. Gardiner
Michael P. Mullin
Christopher R. Nolen

Work Group 3

Subtitle III. Legislative Commissions, Councils, and Other Collegial Bodies. This proposed subtitle consists of those Code sections and provisions related to legislative commissions, councils, and other collegial bodies that are statutorily created for a specific purpose or task.

Virginia Code Commission Members of Work Group 3:

Judge Charles S. Sharp
Judge Malfourd W. Trumbo
Nicole S. Cheuk
Amigo R. Wade, Director, Division of Legislative Services

PROPOSED ENACTMENT CLAUSES TO TITLE 30 REVISION BILL

2. That whenever any of the conditions, requirements, provisions, or contents of any section or chapter of Title 30, or any other title of the Code of Virginia as such title existed prior to October 1, 2027, are transferred in the same or modified form to a new section or chapter of Title 30.1 or any other title of the Code of Virginia and whenever any such former section or chapter is given a new number in Title 30.1 or any other title, all references to any such former section or chapter of Title 30, or any other title appearing in this Code shall be construed to apply to the new or renumbered section or chapter containing such conditions, requirements, provisions, contents, or portions thereof.

3. That the regulations of any department or agency affected by the revision of Title 30 or such other titles of the Code of Virginia as are in effect on the effective date of this act shall continue in effect to the extent that they are not in conflict with this act and shall be deemed to be regulations adopted under this act.

4. That the provisions of § 30-152 of the Code of Virginia shall apply to the revision of proposed Title 30.1 of the Code of Virginia so as to give effect to other laws enacted by the 2027 Session of the General Assembly, notwithstanding the delay in the effective date of this act.

5. That the repeal of Title 30 (§§ 30-1 through 30-457), effective as of October 1, 2027, shall not affect any act or offense done or committed, or any penalty incurred, or any right established, accrued, or accruing on or before such date, or any proceeding, prosecution, suit, or action pending on that day. Except as otherwise provided in this act, neither the repeal of Title 30 (§§ 30-1 through 30-457) of the Code of Virginia, nor the enactment of Title 30.1 shall apply to offenses committed prior to October 1, 2027, and prosecution for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purposes of this enactment, an offense was committed prior to October 1, 2027, if any of the essential elements of the offense occurred prior thereto.

6. That if any clause, sentence, paragraph, subdivision, or section of Title 30.1 shall be adjudged in any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or section thereof directly involved in the controversy in which the judgment shall have been rendered, and to this end the provisions of Title 30.1 are declared severable.

7. That Title 30 (§§ 30-1 through 30-457) of the Code of Virginia is repealed.

8. That the provisions of this act shall not affect the existing terms of persons currently serving as members of any agency, board, authority, commission, or other entity and that appointees currently holding positions shall maintain their terms of appointment and continue to serve until such time as the existing terms might expire or become renewed. However, any new appointments made on or after October 1, 2027, shall be made in accordance with the provisions of this act.

9. That the provisions of this act shall become effective on October 1, 2027.

ORGANIZATION OUTLINE

Proposed Title 30.1.
General Assembly.

SUBTITLE I.

THE GENERAL ASSEMBLY AND MEMBERS THEREOF.

Chapter 1		**Members of the General Assembly**
	Article 1	Privileges and Duties of Members
	Article 2	Salaries and Expenses of Members
	Article 3	Legislator Compensation Commission
Chapter 2		**General Assembly Conflict of Interests Act**
	Article 1	General Provisions
	Article 2	Generally Prohibited and Unlawful Conduct
	Article 3	Prohibited Conduct Relating to Contracts
	Article 4	Prohibited Conduct Relating to Transactions
	Article 5	Disclosure Statements Required to Be Filed
	Article 6	Penalties and Remedies
	Article 7	Ethics Orientation Sessions

SUBTITLE II.

THE LEGISLATIVE BRANCH OF GOVERNMENT.

Chapter 3		**Officers of the General Assembly**
	Article 1	The Clerks of the General Assembly
	Article 2	Officers and Employees of the Legislative Branch
	Article 3	Virginia Commission on Intergovernmental Cooperation
Chapter 4		**Legislative Process and Procedures**
	Article 1	Procedures of the Legislative Session
	Article 2	Impact Statements and Other Legislative Requirements
Chapter 5		**Auditor of Public Accounts**
Chapter 6		**Division of Capitol Police**
Chapter 7		**Division of Legislative Automated Systems**
Chapter 8		**Division of Legislative Services and Associated Commissions**
	Article 1	Division of Legislative Services
	Article 2	Virginia Code Commission
	Article 3	Joint Commission on Administrative Rules
	Article 4	Commissioners for the Promotion of Uniformity of Legislation

Chapter 9		**Joint Legislative Audit and Review Commission**
	Article 1	Joint Legislative Audit and Review Commission
	Article 2	Legislative Program Review and Evaluation Act
	Article 3	Virginia Retirement System Oversight Act
	Article 4	Commonwealth Savers Plan Oversight Act
	Article 5	Virginia Information Technologies Agency Oversight Act
	Article 6	Economic Development Incentives Oversight Act
Chapter 10		**Reapportionment and Redistricting**
	Article 1	Joint Reapportionment Committee
	Article 2	Virginia Redistricting Commission

SUBTITLE III.

LEGISLATIVE COMMISSIONS, COUNCILS, COMMITTEES, AND OTHER LEGISLATIVE ENTITIES.

Chapter 11		**General Provisions**
Chapter 12		**Standing Legislative Entities**
	Article 1	Virginia State Crime Commission
	Article 2	Chesapeake Bay Commission
	Article 3	Virginia Commission on Youth
	Article 4	Joint Commission on Health Care
	Article 5	Joint Commission on Technology and Science
	Article 6	Virginia Freedom of Information Advisory Council
	Article 7	Energy Commission of Virginia
	Article 8	Virginia Housing Commission
	Article 9	Virginia Conflict of Interest and Ethics Advisory Council
	Article 10	Virginia-Israel Advisory Board
	Article 11	Behavioral Health Commission
Chapter 13		**Special Advisory Legislative Entities**
	Article 1	Virginia Coal and Energy Commission
	Article 2	State Water Commission
	Article 3	Small Business Commission
	Article 4	Virginia Disability Commission
	Article 5	Manufacturing Development Commission
	Article 6	Commission on Federally Recognized Tribes
	Article 7	School Health Services Committee
	Article 8	Autism Advisory Council
	Article 9	Virginia Minority Business Commission
Chapter 14		**Oversight Legislative Entities**
	Article 1	Chesapeake Bay Restoration Fund Approval Committee
	Article 2	Commission on Unemployment Compensation
	Article 3	Public-Private Partnership Oversight Commission
	Article 4	Joint Commission on Transportation Accountability

	Article 5	MEI Project Approval Commission
	Article 6	Joint Subcommittee to Evaluate Tax Preferences
	Article 7	Health Insurance Reform Commission
	Article 8	Intercollegiate Athletics Review Commission
Chapter 15		**Commemorative, Educational, and Memorial Entities**
	Article 1	Dr. Martin Luther King, Jr. Memorial Commission
	Article 2	Brown v. Board of Education Scholarship Program and Fund
	Article 3	Commission on Civic Education
	Article 4	American Revolution 250 Commission
Chapter 16		**Legislative Study Entities**
	Article 1	Commission on School Construction and Modernization
	Article 2	Virginia Commission to End Hunger
	Article 3	Commission on Women's Health
	Article 4	Virginia Boys and Men Advisory Commission

TITLE 30.1: GENERAL ASSEMBLY

TITLE ~~30~~ 30.1.

GENERAL ASSEMBLY.

Drafting note: Proposed Title 30.1, General Assembly, consists of 16 chapters that are divided into three proposed subtitles: Subtitle I (The General Assembly and Members Thereof), Subtitle II (The Legislative Branch of Government), and Subtitle III (Legislative Commissions, Councils, Committees, and Other Legislative Entities).

SUBTITLE I.

THE GENERAL ASSEMBLY AND MEMBERS THEREOF.

Drafting note: Proposed Subtitle I, The General Assembly and Members Thereof, is created to logically organize provisions relating to the roles, duties, and privileges of members of the General Assembly. Subtitle I is divided into proposed Chapters 1 (Members of the General Assembly) and 2 (General Assembly Conflict of Interests Act).

CHAPTER 1.

MEMBERS OF THE GENERAL ASSEMBLY ~~AND OFFICERS THEREOF~~.

Drafting note: Proposed Chapter 1, Members of the General Assembly, is created to logically organize provisions in existing Chapters 1 (General Assembly and Officers Thereof), 1.1 (General Assembly Salaries and Expenses), and 13.1 (Sexual Harassment Training Act) relating to the roles, duties, and privileges of members of the General Assembly. The remaining provisions of existing Chapters 1 and 1.1 are relocated to chapters relating to officers and employees of the General Assembly and individual legislative entities in Subtitle II (The Legislative Branch of Government), as appropriate. This proposed chapter consists of the following three articles: Article 1 (Privileges and Duties of Members), Article 2 (Salaries and Expenses of Members), and Article 3 (Legislator Compensation Commission).

Article 1.

Privileges and Duties of Members.

Drafting note: Article 1, Privileges and Duties of Members, is logically organized by combining provisions in existing §§ 30-1 through 30-9 and 30-19.2 of existing Chapter 1 (General Assembly and Officers Thereof) and existing §§ 30-129.4 and 30-129.5 of existing Chapter 13.1 (Sexual Harassment Training Act) relating to the roles, duties, and privileges of members of the General Assembly.

§ ~~30-1~~ 30.1-100. Time and place of meeting of General Assembly; special sessions.

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

The General Assembly may, by joint resolution, direct the holding of such session ~~or sessions~~ in the ~~Restored~~ restored Capitol at Williamsburg, Virginia, as ~~to it~~ may seem proper.

~~§ 30-2. Meeting at place appointed by Governor.~~

~~If~~ B. In the event the General Assembly cannot safely meet at the Capitol or at the place ~~prescribed by law, or~~ to which it has adjourned~~,~~ because of a public enemy, ~~or any~~ a dangerous contagious disease, or ~~for~~ any other cause, ~~it~~ each house may meet at such other place as ~~the Governor shall appoint, of which he shall give notice by proclamation~~ each house so determines.

~~§ 30-3. How convened in extra session.~~

~~Whenever two-thirds of the members of both houses of the General Assembly shall, after their adjournment sine die, desire to convene the same in conformity to the Constitution, they shall make application in writing to the Governor over their own signatures, and this shall be deemed by him a proper application. He~~

C. The Governor shall ~~thereupon~~ promptly convene ~~the General Assembly,~~ a special session upon the application of two-thirds of the members elected to each house at such time and place as ~~shall be~~ designated by the application~~;~~ or, if the time and place ~~be~~ are not ~~so~~ designated, ~~then~~ at such convenient and reasonable time and place as ~~he shall appoint~~ the Governor appoints.

Drafting note: Three sections relating to the time and place of sessions of the General Assembly, including special sessions, are combined in the proposed section. Language is modernized and updated for clarity and consistency with Article IV, Section 6 and Article V, Section 5 of the Constitution of Virginia. Technical changes are made, including phrases proposed for deletion as unnecessary.

§ ~~30-6~~ 30.1-101. Privilege of members~~, clerks and clerks' assistants, and Lieutenant Governor~~ from arrest; exception for criminal offenses.

During ~~the~~ any session of the General Assembly, and for five days before and after the session, members of the General Assembly~~, the clerks thereof and the clerks' full-time assistants, and the sergeants-at-arms of the Senate and House~~ shall be privileged from being taken into custody or imprisoned ~~under any process except as provided in § 30-7; nor shall such persons for such periods of time~~ and no member of the General Assembly shall be ~~subject to process~~ compelled as a witness in any case~~, civil or criminal~~. ~~The provisions of this section shall be applicable to the Lieutenant Governor during his attendance at sessions of the General Assembly and while going to and from such sessions.~~

~~§ 30-7. Members, clerks, assistants, etc., subject to arrest for criminal offenses.~~

~~Any~~ However, any member of the General Assembly~~, any clerk thereof or his assistants, the Lieutenant Governor or the sergeant-at-arms of the Senate or the House~~ who is alleged to have committed a criminal offense ~~as defined in § 18.2-8,~~ shall be subject at any time to be charged, arrested, prosecuted, and imprisoned for such offense.

Drafting note: Two sections relating to a member's privilege from arrest and an exception to such rule are combined in this proposed section. Provisions applicable to the Clerks of the General Assembly and their assistants, the Lieutenant Governor, and the sergeants-at-arms of the House of Delegates and the Senate are relocated to proposed § 30.1-306. Technical changes are made for clarity.

§ ~~30-9~~ 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 ~~herein~~ shall ~~in any respect~~ restrict the power ~~which~~ that each house of the General Assembly has over its respective members.

Drafting note: Technical changes.

§ ~~30-8~~ 30.1-103. ~~Member must obey writ~~ Writs of habeas corpus.

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

Drafting note: Technical changes are made for clarity.

§ ~~30-4~~ 30.1-104. Civil proceedings for or against members~~, clerks or clerks' assistants, or the Lieutenant Governor~~ during session.

~~Any~~ A. During any session of the General Assembly, any civil action~~, suit or other civil proceeding, either in favor of or against~~ in which a member of the General Assembly~~, or the clerks thereof, or the clerks' full-time assistants, the sergeant-at-arms of the Senate or House, or the Lieutenant Governor,~~ is a party may be commenced~~,~~ but shall not~~, unless by their consent, be prosecuted to final judgment or decree during the session of the General Assembly~~ be tried without such member's consent.

~~In addition,~~ 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 ~~such person~~ member of the General Assembly shall be compelled in any civil ~~proceeding~~ action to appear or ~~to answer or respond, in person or in writing~~ file a responsive pleading, nor shall any such person be ~~taken into custody or imprisoned during the session of the General Assembly, or during the fifteen days next before the beginning or after the ending of any session~~ held in contempt.

Drafting note: Provisions applicable to the Clerks of the General Assembly and their assistants, the Lieutenant Governor, and the sergeants-at-arms of the House of Delegates and the Senate are relocated to proposed § 30.1-306. Technical changes are made, including the designation of subsections.

§ ~~30-5~~ 30.1-105. Continuance or time for filing pleading, etc., where party or attorney is ~~connected with~~ member of the General Assembly ~~or Division of Legislative Services~~.

~~Any~~ A. During the period beginning 30 days prior to the commencement of any session and ending 30 days after the adjournment of such session, any party to an action or proceeding in any court of the Commonwealth, including ~~the Court of Appeals and the Supreme Court of Virginia,~~ any commission or other tribunal having judicial or quasi-judicial powers or jurisdiction, who is ~~an officer, employee or~~ a member or member-elect of the General Assembly ~~or employee of the Division of Legislative Services,~~ or who has, prior to or during the session of the General Assembly, employed or retained an attorney who is or becomes a member or member-elect of the General Assembly to represent him in such action or proceeding ~~an attorney who is or becomes an officer, employee or member or member-elect of the General Assembly or employee of the Division of Legislative Services,~~ shall be entitled to a continuance as a matter of right ~~(i) during the period beginning 30 days prior to the commencement of the session and ending 30 days after the adjournment thereof, and (ii) during a~~.

B. During the period beginning one day prior to the meeting date of any reconvened ~~or veto~~ session or of any legislative commission, council, committee ~~or~~, subcommittee ~~created~~, or other entity established by the General Assembly ~~at which~~ that such ~~officer, employee or~~ member or member-elect of the General Assembly is scheduled to attend and ending one day after the adjournment of such meeting~~; however, no continuance need be granted under clause (ii) unless it shall have been requested~~, the court shall grant a continuance upon a motion of any such member or member-elect, provided that such motion is made in writing and filed with the court at least three days prior to the ~~first day for which the continuance is sought and filed with the court~~ date of the scheduled proceeding. The requesting party, when practicable, shall strive to notify all other parties to the proceeding of such request.

C. Any pleading ~~or the performance of any act relating thereto~~ required to be filed ~~or performed~~ by any statute or rule during the period beginning 30 days prior to the commencement of ~~the~~ any session and ending 30 days after the adjournment of ~~the~~ such session shall be extended until not less than 30 days after any such session.

D. The failure of any court, commission, or other tribunal to ~~allow such continuance when requested so to do or the returning of such filing or act during the period hereinabove~~

~~specified~~ comply with the provisions of this section shall constitute reversible error~~;~~, provided that this section shall not prevent the granting of temporary injunctive relief~~,~~ or the dissolution or extension of a temporary injunction~~, but the right to such relief shall remain in the sound discretion of the court or other such tribunal~~.

Drafting note: Provisions applicable to officers and employees of the Clerks of the House of Delegates and the Senate and employees of the Division of Legislative Services are relocated to proposed §§ 30.1-306 and 30.1-803, respectively. Technical changes are made, including phrases proposed for deletion as unnecessary and the designation of subsections.

§ ~~30-19.2~~ 30.1-106. Inspection of ~~certain~~ state facilities ~~by,~~ or orientation sessions for~~,~~ members ~~and future members~~ of the forthcoming General Assembly.

~~(1) Inspections may be made of the grounds, buildings, and other physical facilities appurtenant to state agencies and state-supported institutions, at the times and by the persons hereinafter set forth.~~

~~(2)~~ A. The Governor may arrange for ~~such~~ an inspection of the grounds, buildings, or other physical facilities of state agencies and state-supported institutions in each year preceding the regular session of the General Assembly for the members of the forthcoming General Assembly. Such ~~inspection trips~~ inspections shall be provided at state expense for each member of the forthcoming General Assembly.

~~(3)~~ B. Transportation, meals, lodging, and other necessary accommodations for ~~the persons making the~~ an inspection ~~for which this section provides~~ pursuant to subsection A shall be provided from funds appropriated to the General Assembly. Travel shall be arranged by motor bus or other convenient method of transportation from some central point ~~from which trips~~ to the several state agencies and state-supported institutions ~~shall be made~~ for such inspection. The Governor shall notify the ~~persons permitted to make such inspection~~ members of the forthcoming General Assembly of the place and time of origin from which such ~~trip~~ travel shall begin and when it is expected to end~~;~~ and shall make ~~such arrangements as will be~~

~~convenient to~~ necessary accommodations for the ~~persons~~ members desiring to make such ~~trip of~~ inspection.

~~(4)~~ C. The ~~persons~~ members making ~~such trip~~ an inspection pursuant to subsection A shall be allowed their reasonable expenses in going to and from their homes to the point of origin of ~~the trips~~ travel. Compensation shall be paid as provided in §§ ~~30-19.12~~ 30.1-109 and ~~30-19.15~~ 30.1-110.

~~(5)~~ D. Nothing ~~contained~~ in this section ~~is intended~~ shall be construed to restrict ~~in any way~~ the right of any member of the General Assembly to visit at his expense any state agency or state-supported institution at any time.

~~(6) Orientation sessions on the organization, programs, operations, and procedures of the Executive Department of state government may be provided in lieu of inspections of state facilities.~~

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

Drafting note: Technical changes, including the designation of subsections, are made for clarity and to modernize language.

§ ~~30-129.4~~ 30.1-107. Sexual harassment training required ~~; legislative branch~~ biennially.

A. ~~As used in~~ For purposes of this ~~chapter, unless the context requires a different meaning~~ section:

~~"Legislative branch employee" means (i) a General Assembly member; (ii) a General Assembly member's legislative assistant or other legislative staff compensated in whole, or in part, with state appropriations, working full-time for the member; and (iii) all other full-time employees of each legislative branch agency of the Commonwealth.~~

"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. ~~1. Every legislative branch employee~~ All members of the General Assembly shall complete a sexual harassment training course once every two calendar years ~~complete a sexual harassment training course provided by the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate~~. ~~The sexual harassment training course shall be (i) provided online; (ii) available 24 hours per day, seven days per week; and (iii) substantially similar to any sexual harassment training course offered through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management.~~

~~2. Legislative branch employees who are (i) members~~ Members elected to the House of Delegates ~~or legislative assistants or staff for such members or (ii) officers or employees of the Office of the Clerk 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 (a) members~~ Members elected to the Senate ~~or legislative assistants or staff for such members or (b) officers or employees of the Office of the Clerk 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. The content of the sexual harassment training course provided by the Clerk of the House of Delegates and the Clerk of the Senate shall be substantially similar.~~

C. ~~1. The Clerk of the House of Delegates and the Clerk of the Senate shall maintain records for members elected to the House of Delegates and the Senate, respectively, completing the sexual harassment training course. Each record at a minimum shall include the name of the General Assembly member completing the training, the date on which the training was successfully completed, and the name of the training course. The Clerk of the House of~~

~~Delegates and the Clerk of the Senate shall keep such records for at least five years for public inspection.~~

~~2. By no later than July 1, 2019, the Clerk of the House of Delegates and the Clerk of the Senate shall ensure that the sexual harassment training course is developed and provided in a manner such that a person successfully completing the training course will have a means to print a certificate of course completion that includes the person's name, the name of the state agency employing the person, the date on which the training was successfully completed, the name of the training course, and a unique serial number or other unique identifying information for each certificate.~~

~~§ 30-129.5. Sexual harassment training for new employees and new General Assembly members.~~

~~A (i) legislative branch employee commencing or recommencing employment or (ii) new member of the General Assembly elected after January 1, 2019,~~ All members and members-elect of the General Assembly shall complete the sexual harassment training ~~required under this chapter~~ course within 90 days of ~~commencing or recommencing employment or such~~ their election to either house of the General Assembly, ~~unless the person previously completed~~ except that no member or member-elect shall be required to complete such training course more than once in ~~the calendar year in which the person commenced or recommenced employment as a legislative branch employee or was elected to the General Assembly~~ a 12-month period. ~~Thereafter, the legislative branch employee or new~~ A member or member-elect who is elected to either house of the General Assembly ~~shall complete~~ 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.

Drafting note: This proposed section combines provisions of existing §§ 30-129.4 and 30-129.5 relating to sexual harassment training for members and members-elect of the General Assembly. Additional provisions of existing §§ 30-129.4 and 30-129.5 relating to officers and employees of the Clerks of the House of Delegates and the Senate and

officers and employees of the legislative branch are relocated to proposed §§ 30.1-305 and 30.1-307, respectively. Technical changes are made for clarity and to modernize language.

~~§ 30-18. Repealed.~~

Drafting note: Repealed by Acts 1972, c. 582.

~~§§ 30-19.01, 30-19.02. Repealed.~~

Drafting note: Repealed by Acts 1984, c. 202.

~~§§ 30-19.03:1, 30-19.03:1.1. Repealed.~~

Drafting note: Repealed by Acts 2010, c. 410, cl. 2.

~~§ 30-19.04. Repealed.~~

Drafting note: Repealed by Acts 2003, c. 1032, cl. 2, effective January 1, 2003.

~~§ 30-19.05. Repealed.~~

Drafting note: Repealed by Acts 2003, cc. 757 and 758, cl. 2, effective July 1, 2004.

~~§ 30-19.1, 30-19.1:1. Repealed.~~

Drafting note: Repealed by Acts 2010, c. 410, cl. 2.

~~§ 30-19.1:2. Repealed.~~

Drafting note: Repealed by Acts 2003, c. 1032, cl. 2, effective January 1, 2003.

~~§ 30-19.1:3. Repealed.~~

Drafting note: Repealed by Acts 2010, c. 410, cl. 2.

~~§ 30-19.1:5. Repealed.~~

Drafting note: Repealed by Acts 2000, cc. 825 and 833.

~~§ 30-19.1:6. Repealed.~~

Drafting note: Repealed by Acts 2010, c. 410, cl. 2.

~~§ 30-19.1:8. Repealed.~~

Drafting note: Repealed by Acts 1999, c. 572.

~~§ 30-19.1:10. Repealed.~~

Drafting note: Repealed by Acts 2005, cc. 860, 889, cl. 2.

~~§ 30-19.6. Repealed.~~

Drafting note: Repealed by Acts 1986, c. 156.

§ 30-19.7. Repealed.

Drafting note: Repealed by Acts 1990, c. 485.

CHAPTER 1.1.

GENERAL ASSEMBLY SALARIES AND EXPENSES.

Article 1 2.

Salaries and Expenses Generally of Members.

Drafting note: Certain provisions in existing Chapter 1.1 relating to General Assembly salaries and expenses are retained as proposed Article 2.

§ 30-19.11 30.1-108. Salaries and expenses of Speaker of House of Delegates and members of the General Assembly.

The Speaker of the House of Delegates and all other members A. Each member of the General Assembly shall each receive an annual salary as shall be set forth in the general appropriation act. Such salaries shall be payable not more often than biweekly.

§ 30-19.13. Additional provisions for expenses of members and presiding officers of General Assembly.

Each B. During any regular or special session of the General Assembly or extension of such session, each member of the General Assembly shall, during any regular session of the General Assembly or extension thereof, or during any special session of the General Assembly, receive for each day as allowances for expenses such sum as shall be 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 only for only one round trip each week between the City of Richmond and such person's member's home.

§ 30-19.14. Office expenses; taxes and withholding.

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

B. Notwithstanding any other provision of law, all such payments to members of the General Assembly made in accordance with subsection A 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 ~~Tax Regulations~~.

Drafting note: This section combines existing §§ 30-19.11, 30-19.13, and 30-19.14, all of which relate to the salaries and expenses of members of the General Assembly. Technical changes are made for clarity.

§ ~~30-19.12~~ 30.1-109. Compensation of members ~~of the General Assembly and~~ for certain ~~commissions engaged in~~ legislative services.

A. ~~Subject to the provisions of subsections~~ 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 ~~G hereof~~ F, members of all legislative ~~committees, legislative commissions, and councils~~ entities established by the General Assembly and all committees and subcommittees of any ~~of the foregoing~~ legislative entity shall receive compensation ~~at such rate~~ as provided for in § 2.2-2813. Any other member of the General Assembly whose attendance~~, in the opinion of the chairman of such a group,~~ is required by the chair of such legislative entity at a sitting of such ~~group shall~~ entity is also ~~be~~ entitled to compensation at the same rate.

~~B. A~~ C. No legislative member ~~shall not be~~ 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~~.~~

~~For purposes of this subsection, "active session" means (i) any day during any regular session of the General Assembly or the first extension thereof, (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.~~

~~C. A legislative member shall not be entitled to compensation pursuant to this section for~~ 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 ~~shall~~ are not ~~be~~ entitled to compensation pursuant to this section.

E. No person shall receive ~~pursuant to this section~~ 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 ~~herein~~ 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 ~~therefor~~ transferred from the appropriate activity.

~~G. For purposes of this section, "Capitol Square" means the grounds and all buildings in the City of Richmond bounded by Bank, Governor, Broad and Ninth Streets. "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.~~

Drafting note: The definition of "legislative entity" is added for clarity. Technical changes are made for clarity and to modernize language.

§ ~~30-19.15~~ 30.1-110. ~~Mileage of members of the General Assembly, legislative committees, etc~~ Travel reimbursement for members on official business of the Commonwealth.

A. The members, officers, and employees of the General Assembly ~~and officers and employees of each house thereof,~~ and members of legislative committees ~~which~~ 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.

~~§ 30-19.18. How distance ascertained from place other than courthouse.~~

B. For the purpose of this ~~chapter and~~ article, Chapter 1 (§ 2.2-100 et seq.) of Title 2.2, and §§ 2.2-2813 and 2.2-2814 ~~of Title 2.2~~ only, the distance of the City of Richmond from any place in any ~~county or city~~ locality other than the courthouse ~~thereof~~, 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, ~~so many~~ the number of miles as such place may be farther from or nearer to the City of Richmond than such courthouse may be.

Drafting note: Existing §§ 30-19.15 and 30-19.18 are combined in this proposed section because they address related topics. Technical changes are made for clarity.

~~§§ 30-19.16, 30-19.17. Repealed.~~

Drafting note: Repealed by Acts 1999, c. 930.

§ ~~30-19.4~~ 30.1-111. ~~Secretaries~~ Session staff and ~~administrative~~ legislative assistants for ~~officers and~~ members ~~of General Assembly; staff personnel for standing committees~~.

The General Assembly shall provide for the employment of ~~secretaries~~ session staff and ~~administrative~~ legislative 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~~ session staff and legislative assistants shall be provided as set forth in the general ~~appropriations~~ appropriation act. Such allowances shall not be utilized for political purposes and shall be further conditioned upon such limitations and restrictions as ~~shall be~~ set forth in the general ~~appropriations~~ appropriation act. The session day per diem for each ~~administrative~~ legislative assistant shall equal the amount authorized for members of the General Assembly as set forth in the general ~~appropriations~~ appropriation act.

~~The General Assembly shall provide for the employment of such clerks, counsel and other staff personnel for each of the standing committees as are approved by the Rules Committee of the appropriate house.~~

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, ~~brother~~ or ~~sister~~ sibling of the member shall be considered a member of the immediate family.

Drafting note: The language relating to staff personnel for standing committees is relocated to proposed § 30.1-300. Technical changes are made, including changes to modernize language.

Article ~~2~~ 3.

Legislator Compensation Commission.

Drafting note: Provisions of existing Article 2 relating to the establishment of the Legislator Compensation Commission are retained as proposed Article 3.

§ ~~30-19.21~~ 30.1-112. Legislator Compensation Commission; purpose~~; establishment; membership; staffing~~.

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

Drafting note: Existing § 30-19.21 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's purpose. Technical changes are made.

§ 30.1-113. Membership; terms.

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

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

2. Two former members of the ~~House of Delegates~~ Senate, with equal representation given to each of the political parties having the highest and next highest number of members in the ~~House of Delegates~~ 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.

~~C.~~ 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 § ~~30-19.22~~ 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.

Drafting note: Existing § 30-19.21 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership and terms. Technical changes are made for clarity and consistency.

§ 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.

Drafting note: Existing § 30-19.21 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section is relocated from existing subsection D and establishes compensation and expenses for members of the Commission.

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

The Commission shall elect a ~~chairman~~ chair and ~~vice-chairman~~ 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 ~~chairman~~ chair or whenever the majority of the members so request.

~~D. 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.~~

~~E. Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall provide legal, research, and policy analysis to the Commission. The staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall provide technical assistance to the Commission. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: Existing § 30-19.21 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's officers, quorum, and meetings. Existing subsections D and E are relocated to proposed §§ 30.1-114 and 30.1-117, respectively. Technical changes are made.

§ ~~30-19.22~~ 30.1-116. Powers and duties~~; report~~ of the Commission.

A. The Commission shall convene every four years in the year in which a gubernatorial election is scheduled ~~for~~ to accomplish the purpose of ~~reviewing the salaries, expense allowances, retirement benefits, and other emoluments received by members of the General Assembly. In conducting its review, the Commission shall (i) review~~ 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; ~~(ii) examine~~

2. Examine the Commonwealth's history of legislative compensation; ~~(iii) gather~~

3. Gather information regarding the compensation, expenses, and benefits for legislative service in other states; ~~(iv) assess~~

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

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.

Drafting note: Technical changes are made for clarity and consistency.

§ 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.

Drafting note: Existing § 30-19.21 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. Existing subsection E is relocated to this proposed section that establishes the Commission's staffing and cooperation and assistance. Technical changes are made.

~~CHAPTER 2.~~

~~LOBBYING.~~

~~§§ 30-20 through 30-28.~~

Drafting note: Repealed by Acts 1964, c. 511.

~~CHAPTER 2.1.~~

~~LOBBYING.~~

~~§§ 30-28.01 through 30-28.9:1.~~

Drafting note: Repealed by Acts 1994, c. 857, effective April 20, 1994, and c. 937.

~~CHAPTER 3.~~

~~VIRGINIA ADVISORY LEGISLATIVE COUNCIL.~~

~~§§ 30-29 through 30-34.~~

Drafting note: Repealed by Acts 1980, c. 237.

~~CHAPTER 4.~~

~~COMMITTEE TO INVESTIGATE RACIAL ACTIVITIES.~~

~~§§ 30-35 through 30-41.~~

Drafting note: Repealed by Acts 1958, c. 373.

~~CHAPTER 5.~~

~~COMMITTEE ON OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE.~~

~~§§ 30-42 through 30-51.~~

Drafting note: Repealed by Acts 1973, c. 267.

~~CHAPTER 6.~~

~~VIRGINIA GENERAL ACCOUNTING OFFICE.~~

~~§§ 30-52 through 30-55.~~

Drafting note: Repealed by Acts 1973, c. 452.

CHAPTER ~~13~~ 2.

GENERAL ASSEMBLY ~~CONFLICTS~~ CONFLICT OF INTERESTS ACT.

Drafting note: Existing Chapter 13, General Assembly Conflicts of Interests Act, is retained as proposed Chapter 2, General Assembly Conflict of Interests Act. The chapter is renamed to conform to language used in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). The articles in existing Chapter 13 are retained in proposed Chapter 2 with existing Article 5 divided into proposed Articles 6 and 7 as follows: Article 1 (General Provisions), Article 2 (Generally Prohibited and Unlawful Conduct), Article 3 (Prohibited Conduct Relating to Contracts), Article 4

(Prohibited Conduct Relating to Transactions), Article 5 (Disclosure Statements Required to Be Filed), Article 6 (Penalties and Remedies), and Article 7 (Ethics Orientation Sessions).

Article 1.

General Provisions.

Drafting note: Existing Article 1, relating to general provisions, is retained as proposed Article 1.

§ ~~30-100~~ 30.1-200. ~~Declaration of legislative policy~~ Policy; application; construction.

A. 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 ~~not be compromised or affected by inappropriate conflicts~~ be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests.

B. The provisions of this chapter do not preclude prosecution for any violation of any criminal law of the Commonwealth, including Articles 2 (~~Bribery and Related Offenses,~~ § 18.2-438 et seq.) and 3 (~~Bribery of Public Servants and Party Officials,~~ § 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.

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

D. This chapter shall be liberally construed to accomplish its purpose.

Drafting note: Language is updated for clarity and consistency with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Technical changes are made for clarity, including the designation of subsections.

§ ~~30-101~~ 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 ~~which~~ 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. ~~The~~ A candidate shall become subject to the provisions of this ~~section~~ 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 ~~thereof~~ 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 § ~~30-355~~ 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 ~~Advisors~~ 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. ~~It~~ "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 ~~Chapter 9.3~~ the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.) ~~of Title 24.2~~; (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 ~~filer~~ 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 ~~filer~~ 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 ~~Chairman~~ Chair or the Senate Committee on Rules or its ~~Chairman~~ 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, ~~uncle, aunt, niece, nephew~~ 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, ~~brother, sister~~ sibling, ~~step-parent~~ stepparent, step-grandparent, step-grandchild, ~~step-brother,~~ or ~~step-sister~~ stepsibling; or the donee's ~~brother's or sister's~~ sibling's spouse or the donee's ~~son-in-law or daughter-in-law~~ child-in-law. For the purpose of this definition, "personal friend" does not include any person that the ~~filer~~ 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 ~~branches~~ branch of state and local government, including each office, department, authority, post, commission, committee, and ~~each~~ institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

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

"Legislator" means a member of the General Assembly.

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

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

"Personal interest in a transaction" means a personal interest of a legislator in any matter considered by the General Assembly. ~~Such~~ A "personal interest in a transaction" exists when a legislator or a member of his immediate family has a personal interest in property or a business, or represents or provides services to any individual or business, and such property, business, or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. A "personal interest in a transaction" exists only if the legislator or member of his immediate family or an individual or business represented or served by the legislator is affected in a way that is substantially different from the general 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.

Drafting note: Technical changes.

Article 2.

Generally Prohibited and Unlawful Conduct.

Drafting note: Existing Article 2, relating to prohibited and unlawful conduct by legislators, is retained as proposed Article 2.

§ ~~30-102~~ 30.1-202. Application.

This article applies to generally prohibited conduct ~~which shall be~~ that is unlawful and to legislators.

Drafting note: Language is updated for clarity and consistency with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). A technical change is made.

§ ~~30-103~~ 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 ~~which~~ 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 ~~which~~ that he has acquired by reason of his public position and ~~which~~ 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 ~~subdivision~~ prohibition shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by ~~Chapter 9.3~~ the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.) ~~of Title 24.2~~;

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

7. During the ~~one year~~ one-year period after the termination of his service as a legislator, represent a client or act in a representative capacity on behalf of any person or group, for

compensation, on any matter before the General Assembly or any agency of the legislative branch of government. ~~The prohibitions of this subdivision~~ This prohibition shall apply only to persons engaged in activities that would require registration as a lobbyist under § 2.2-422. Any person subject to the provisions of this subdivision may apply to the Council, as provided in § ~~30-356~~ 30.1-1256, or the Attorney General, as provided in § ~~30-122~~ 30.1-227, for an advisory opinion as to the application of ~~the restriction imposed by this subdivision~~ this prohibition on any post-public employment position or opportunity;

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

9. Accept appointment to serve on a body or board of any corporation, company, or other legal entity~~,~~ that is vested with the management of the corporation, company, or legal entity, and on which two other ~~members of the General Assembly~~ legislators already serve, ~~which~~ that is operated for profit and regulated by the State Corporation Commission as (i) a financial institution, (ii) a mortgage lender or broker, (iii) any business under ~~Chapter 5~~ the Securities Act (§ 13.1-501 et seq.) ~~of Title 13.1~~, (iv) any business under Title 38.2, or (v) any business under Title 56;

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

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

Drafting note: Language is updated for modern usage, clarity, and conformity, and a reference to "members of the General Assembly" is changed to "legislators" as such term is defined in proposed § 30.1-201. Technical changes are made.

§ ~~30-103.1~~ 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 ~~at which~~ 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 ~~the event~~ and ~~the event~~ 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 § ~~30-111~~ 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 ~~in~~ 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 § ~~30-111~~ 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~~, as defined in § 2.2-3103.1~~. Such gift shall be accepted on behalf of the Commonwealth and archived in accordance with guidelines established by ~~the~~ 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 ~~30-111~~ 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 § ~~30-356.1~~ 30.1-1257. Such gifts shall be reported on the disclosure form prescribed in § ~~30-111~~ 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.

Drafting note: The definition of "foreign country of concern" and the corresponding cross-reference to § 2.2-3103.1 are relocated from subsection D to subsection A to conform to the current Code convention that definitions are provided at the beginning of a section. Language is updated for modern usage and clarity. Technical changes are made, including the correction of an apparent error in subsection C.

§ ~~30-103.2~~ 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 delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift, provided that such consideration reduces the value of the gift to an amount not in excess of $100 as provided in subsection B of § ~~30-103.1~~ 30.1-204.

Drafting note: Technical changes are made, including the addition of a clause designation to correct an apparent error.

Article 3.

Prohibited Conduct ~~Regarding~~ Relating to Contracts.

Drafting note: Existing Article 3, relating to prohibited conduct by legislators having a personal interest in a contract, is retained as proposed Article 3. A technical change is made to the article name.

§ ~~30-104~~ 30.1-206. Application.

This article proscribes certain conduct by legislators relating to contracts.

Drafting note: Language is updated for clarity and consistency.

§ ~~30-105~~ 30.1-207. Prohibited contracts by legislators.

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

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

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

D. The provisions of this section shall not apply to contracts for the sale by a governmental agency 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~~, which~~ that accrues to him solely because he has authored or otherwise created such textbooks or materials.

Drafting note: Technical changes.

§ ~~30-106~~ 30.1-208. Further exceptions.

A. The provisions of § ~~30-105~~ 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 ~~thereof~~ of such agency. The legislator shall disclose any lease with a state governmental agency in his statement of economic interests as provided in § ~~30-111~~ 30.1-214;

2. The publication of official notices;

3. A legislator whose sole personal interest in a contract with ~~an~~ 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 ~~the~~ such contract on behalf of the contracting firm and the legislator either does not have authority to participate in the procurement or letting of ~~the~~ such contract on behalf of ~~the~~ such governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of ~~the~~ such governmental agency in negotiating ~~the contract~~ or ~~in~~ approving ~~the~~ 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 ~~the~~ 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 ~~thereto~~ to it shall apply to those employment contracts or renewals ~~thereof~~ or to any other contracts entered into prior to August 1, 1987, ~~which~~ 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 ~~spouse or any other relative residing in the same household~~ 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 ~~spouse or other relative residing in his household~~ member of his immediate family, and the annual salary of such subordinate is $15,000 or more.

Drafting note: Language is updated for modern usage, and references to "agency" are changed to "governmental agency" for consistency. Technical changes are made.

Article 4.

Prohibited Conduct ~~Regarding~~ Relating to Transactions.

Drafting note: Existing Article 4, relating to prohibited conduct by legislators having a personal interest in a transaction, is retained as proposed Article 4. A technical change is made to the article name.

§ ~~30-107~~ 30.1-209. Application.

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

Drafting note: Technical change.

§ ~~30-108~~ 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.

Drafting note: Technical change.

Article 5.

Disclosure Statements Required to Be Filed.

Drafting note: Existing §§ 30-109 through 30-111.1 of existing Article 5, relating to required disclosures and filings, are retained in that order as proposed Article 5.

§ ~~30-109~~ 30.1-211. Application.

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

Drafting note: Technical change.

§ ~~30-110~~ 30.1-212. Disclosure.

A. In accordance with the requirements set forth in § ~~30-111.1~~ 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 § ~~30-111~~ 30.1-214 and thereafter shall file such a statement annually on or before February 1. Disclosure forms shall be made available by the ~~Virginia Conflict of Interest and Ethics Advisory~~ Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the ~~Virginia Conflict of Interest and Ethics Advisory~~ Council in accordance with the standards approved by it pursuant to § ~~30-356~~ 30.1-1256. ~~The~~ All disclosure forms ~~of the members of the General Assembly~~ shall be maintained as public records

for five years in the office of the ~~Virginia Conflict of Interest and Ethics Advisory~~ 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 § ~~30-108~~ 30.1-210 and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

Drafting note: References to the Virginia Conflict of Interest and Ethics Advisory Council are changed to "Council" as such term is defined for proposed Chapter 2 in § 30.1-201. Language is updated for clarity and consistency with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.).

§ ~~30-110.1~~ 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 § ~~30-356~~ 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 § ~~30-111~~ 30.1-214.

Drafting note: Technical changes.

§ ~~30-111~~ 30.1-214. Disclosure form; penalty.

A. The disclosure form to be used for filings required by subsections A and B of § ~~30-110~~ 30.1-212 shall be prescribed by the Council. All completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § ~~30-356~~ 30.1-1256.

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

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

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

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

Drafting note: A reference to "members of each house" is updated to "legislators" as such term is defined for proposed Chapter 2 in § 30.1-201, and language is updated for clarity and consistency.

§ ~~30-111.1~~ 30.1-215. Disclosure form; filing requirements.

A. A legislator or legislator-elect required to file an annual disclosure on or before February 1 pursuant to this article shall disclose his personal interests and other information as required on the form 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.

Drafting note: No change.

Article 6.

Penalties and Remedies.

Drafting note: Existing §§ 30-112 through 30-129 of existing Article 5, relating to penalties and remedies, are retained in that order and relocated as proposed Article 6.

§ ~~30-112~~ 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 §§ ~~30-112~~ 30.1-216 through ~~30-119~~ 30.1-224 shall be applicable to each panel.

B. The Senate Ethics Advisory Panel shall be composed of five ~~nonlegislative citizen~~ members as follows: three ~~of whom shall be~~ former members of the Senate~~;~~ and two ~~of whom shall be citizens of the Commonwealth at large~~ 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 ~~of the Senate~~ 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 ~~nonlegislative citizen~~ members as follows: one ~~of whom shall be a~~ retired justice or judge of a court of record~~;~~, two ~~of whom shall be~~ former members of the House of Delegates~~;~~, and two ~~of whom shall be citizens of the Commonwealth at large~~ nonlegislative citizen members, at least one of whom shall not have previously held such office. All members of the House 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 House Ethics Advisory Panel.

The members shall be nominated by the Speaker of the House of Delegates and confirmed by the House of Delegates 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 House Ethics Advisory Panel.

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

E. No member shall serve more than three successive four-year terms. Vacancies shall be filled only for the unexpired term. Vacancies shall be filled in the same manner as the original

appointments. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

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

G. The members of each panel, while ~~serving on~~ conducting the business of ~~the Panel~~ each panel, are performing legislative duties and shall be entitled to the compensation and reimbursement of expenses to which ~~members of the General Assembly~~ legislators are entitled when performing legislative duties pursuant to §§ 2.2-2813, 2.2-2825, and ~~30-19.12~~ 30.1-109. ~~Funding~~ The funding for the cost of compensation and expenses of the members of the Senate Ethics Advisory Panel shall be provided by the Office of the Clerk of the Senate, and the funding for the cost of compensation and expenses of the House Ethics Advisory Panel shall be provided by the Office of the Clerk of the House of Delegates.

Drafting note: A reference to "members of the General Assembly" is updated to "legislators" as such term is defined for proposed Chapter 2 in § 30.1-201. Technical changes are made for clarity and consistency.

§ ~~30-113~~ 30.1-217. Powers and duties of ~~Panel~~ Senate and House Ethics Advisory Panels.

The powers and duties of the Senate Ethics Advisory Panel and the House Ethics Advisory Panel shall be applied and used only in relation to members of the respective house of the General Assembly for which ~~it~~ each panel is created. ~~The Panel~~ Each panel shall establish its rules of procedure, including rules for the conduct of open meetings and hearings.

Drafting note: Technical changes are made for clarity.

§ ~~30-113.1~~ 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.).

Drafting note: Technical change.

§ ~~30-114~~ 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 ~~Panel~~ respective panel shall inquire into any alleged violation of Articles 2 ~~(§ 30-102 et seq.)~~ through 5 (§ ~~30-109~~ 30.1-202 et seq.) by any ~~member~~ legislator of the respective house of the General Assembly in his current term or his immediate prior term. Complaints shall be filed with the ~~Virginia Conflict of Interest and Ethics Advisory~~ Council, which shall promptly (i) submit the complaint to the ~~chairman~~ chair of the appropriate ~~Panel~~ panel and (ii) forward a copy of the complaint to the legislator named in the complaint. The ~~chairman~~ chair shall promptly notify the ~~Panel~~ appropriate panel of the complaint. No complaint shall be filed with ~~the Panel~~ 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 ~~the Panel~~ neither panel shall ~~not~~ accept ~~or~~ nor act on any complaint received during this period.

B. ~~The Panel~~ 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 ~~(§ 30-102 et seq.)~~ through 5 (§ ~~30-109~~ 30.1-202 et seq.). If the facts, as stated in the complaint, fail to give rise to such a violation, then the ~~Panel~~ panel shall dismiss the complaint. If the facts, as stated in the complaint, give rise to such a violation, then the ~~Panel~~ 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~~ panel shall dismiss the complaint if ~~the Panel~~ it fails to find by a preponderance of the evidence that such violation has occurred. If the ~~Panel~~ panel finds otherwise, it shall proceed with the inquiry.

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

D. Once the ~~Panel~~ panel determines to proceed with an inquiry into the conduct of any legislator, the ~~Panel~~ panel shall complete its investigations and dispose of the matter as provided in § ~~30-116~~ 30.1-221 notwithstanding the resignation of the legislator during the course of the ~~Panel's~~ panel's proceedings.

Drafting note: A reference to the Virginia Conflict of Interest and Ethics Advisory Council is changed to "Council" and a reference to "member of the respective house of the General Assembly" is changed to "legislator" as such terms are defined for proposed Chapter 2 in § 30.1-201. Technical changes are made for clarity and consistency.

§ ~~30-115~~ 30.1-220. Subpoenas of Senate and House Ethics Advisory Panels.

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

Drafting note: Technical changes are made for clarity and consistency.

§ ~~30-116~~ 30.1-221. Disposition of cases before Senate and House Ethics Advisory Panels.

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

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

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

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

3. If the ~~Panel~~ panel determines that there is a reasonable basis to conclude that the legislator knowingly violated any provision of ~~Article~~ Articles 2 ~~(§ 30-102 et seq.), 3 (§ 30-104 et seq.), 4 (§ 30-107 et seq.) or~~ through 5 (§ ~~30-109~~ 30.1-202 et seq.) ~~of this chapter~~, except § ~~30-108~~ 30.1-210 or subsection C of § ~~30-110~~ 30.1-212, it shall refer the matter by a written report setting forth its findings and the reasons therefor to the Attorney General for such action as he deems appropriate. The ~~Panel~~ panel shall also file its report with the Clerk of the appropriate house, who shall refer the report in accordance with the rules of his house. In the event the Attorney General determines not to prosecute the alleged violation, he shall notify the Clerk of the appropriate house of his determination, and the Clerk shall send the report to the appropriate Committee on Privileges and Elections. The matter shall thereafter be handled in accordance with the provisions of subdivision 2.

4. If the ~~Panel~~ panel determines that there is a reasonable basis to conclude that the legislator has violated § ~~30-108~~ 30.1-210 or subsection C of § ~~30-110~~ 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 ~~member~~ 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 ~~member~~ legislator; (iii) sustain the complaint, censure the ~~member~~ legislator, and strip the ~~member~~ legislator of his seniority; (iv) sustain the complaint and expel the ~~member~~ legislator by a two-thirds vote of the elected ~~members~~ legislators of the respective house; or (v) in the event the house finds a knowing violation, ~~it shall~~ refer the matter to the Attorney General pursuant to subdivision 3.

~~5.~~ B. The ~~Panel~~ 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.

Drafting note: References to "members" of the General Assembly are changed to "legislators" as such term is defined for proposed Chapter 2 in § 30.1-201. Technical changes are made for clarity and consistency.

§ ~~30-117~~ 30.1-222. Confidentiality of proceedings before Senate and House Ethics Advisory Panels.

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

Drafting note: A reference to the Virginia Conflict of Interest and Ethics Advisory Council is changed to "Council" as such term is defined for proposed Chapter 2 in § 30.1-201. Technical changes are made for clarity and consistency.

§ ~~30-118~~ 30.1-223. Staff for ~~Panel~~ Senate and House Ethics Advisory Panels.

~~The Panel~~ Each panel may hire staff and outside counsel to assist the ~~Panel~~ panel and to conduct examinations of witnesses, subject to the approval of the President ~~Pro Tempore~~ 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.

Drafting note: Technical changes.

§ ~~30-119~~ 30.1-224. Jurisdiction of ~~Panel~~ Senate and House Ethics Advisory Panels.

~~The Senate and House Ethics Advisory Panels~~ Each panel shall have jurisdiction over any complaint alleging a violation of Articles 2 ~~(§ 30-102 et seq.)~~ through 5 (§ ~~30-109~~ 30.1-202 et seq.) ~~of this chapter~~ 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.

Drafting note: Technical changes are made, including adding the cross-reference to a former named act.

§ ~~30-120~~ 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 ~~member~~ 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.

Drafting note: A reference to "members" of the General Assembly is changed to "legislator" as such term is defined for proposed Chapter 2 in § 30.1-201. Technical changes are made for clarity and consistency.

§ ~~30-121~~ 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 ~~members~~ legislators who have committed alleged violations of this chapter.

Drafting note: A reference to "members" of the General Assembly is changed to "legislators" as such term is defined for proposed Chapter 2 in § 30.1-201.

§ ~~30-122~~ 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 ~~which~~ 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.

Drafting note: Technical change.

§ ~~30-123~~ 30.1-228. Knowing violation of chapter a misdemeanor.

Any legislator who knowingly violates any of the provisions of Articles 2 through 5 (~~§§ 30-102 through 30-111~~ § 30.1-202 et seq.) ~~of this chapter shall be~~ is guilty of a Class 1 misdemeanor. A knowing violation under this section is one in which the ~~person~~ 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 § ~~30-108~~ 30.1-210 or subsection C of § ~~30-110~~ 30.1-212 unless the house in which the ~~member~~ legislator sits has referred the matter to the Attorney General as provided in subdivision A 4 of § ~~30-116~~ 30.1-221.

Drafting note: A reference to a "member" of the General Assembly is changed to "legislator" as such term is defined for proposed Chapter 2 in § 30.1-201. Technical changes are made for clarity and consistency.

§ ~~30-124~~ 30.1-229. Advisory opinions.

A legislator shall not be prosecuted or disciplined for a violation of this chapter if ~~his~~ the alleged violation resulted from his good faith reliance on a written opinion of ~~a committee~~ the applicable Committee on ~~standards~~ Standards of ~~conduct~~ Conduct established pursuant to § ~~30-120~~ 30.1-225, an opinion of the Attorney General as provided in § ~~30-122~~ 30.1-227, or a formal opinion or written informal advice of the Council established pursuant to § ~~30-355~~ 30.1-1254, and ~~the~~ such opinion or advice was made after ~~his~~ 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 ~~the~~ such opinion or advice.

Drafting note: Technical changes are made for clarity and consistency.

§ ~~30-125~~ 30.1-230. Invalidation of contract; recision of sales.

A. Any contract made in violation of § ~~30-103~~ 30.1-203 or ~~§~~ ~~30-105~~ 30.1-207 may be declared void and may be rescinded by the contracting or selling governmental ~~authority~~ agency within five years of the date of ~~the~~ 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 recision 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 § ~~30-103~~ 30.1-203 or ~~§ 30-105~~ 30.1-207 may be rescinded by the contracting or selling governmental agency within five years of the date of ~~the~~ such purchase.

Drafting note: Technical changes are made for clarity and consistency.

§ ~~30-126~~ 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 §§ ~~30-103~~ 30.1-203 through ~~30-108~~ 30.1-210 shall be forfeited, and ~~, in the event of a knowing violation, there may also be imposed~~ 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 ~~should enhance~~ 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 ~~who fails~~ required to file the disclosure form ~~required~~ prescribed by § ~~30-111~~ 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.

Drafting note: Language is updated for consistency with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.), and other technical changes are made.

§ ~~30-127~~ 30.1-232. Criminal prosecutions.

A. Violations of this chapter may be prosecuted notwithstanding the jurisdiction of, or any pending proceeding before, the ~~House~~ Senate Ethics Advisory Panel or ~~Senate~~ 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 ~~but not limited to~~ bribery, embezzlement, perjury, conspiracy, fraud, and violations of the Campaign Finance Disclosure Act ~~Chapter 9.3~~ of 2006 (§ 24.2-945 et seq.) ~~of Title 24.2~~.

Drafting note: Technical changes are made for clarity and consistency.

§ ~~30-128~~ 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 ~~first~~ occurs first.

Drafting note: Technical change.

§ ~~30-129~~ 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.

Drafting note: Technical change.

Article ~~6~~ 7.

Ethics Orientation Sessions.

Drafting note: Existing Article 6, relating to ethics orientation sessions, is retained as proposed Article 7.

§ ~~30-129.1~~ 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 ~~General Assembly members~~ legislators preceding each even-numbered year regular session and (ii) for any new ~~General Assembly member~~ 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 ~~members~~ legislators. Attendance at a refresher session shall be mandatory for returning ~~members~~ legislators and may be accomplished by online participation. There shall be no penalty for the failure of a ~~member~~ legislator to attend the full or refresher orientation session, but ~~the member~~ each legislator must disclose his attendance pursuant to § ~~30-111~~ 30.1-214.

Drafting note: References to "General Assembly members" are changed to "legislators" as such term is defined for proposed Chapter 2 in § 30.1-201. Technical changes are made for clarity and consistency.

§ ~~30-129.2~~ 30.1-236. Content of orientation sessions.

The orientation session shall provide information and training for ~~the members~~ legislators on ethics and conflicts of interests, ~~on~~ the provisions of ~~the General Assembly Conflicts of Interests Act (§ 30-100 et seq.)~~ this chapter, ~~on~~ the provisions of relevant federal law ~~provisions~~, and ~~on~~ related issues involving lobbying. Refresher orientation sessions may be offered online.

Drafting note: A reference to "members" of the General Assembly is changed to "legislators" as such term is defined for proposed Chapter 2 in § 30.1-201. Technical changes are made for clarity and consistency.

§ ~~30-129.3~~ 30.1-237. Orientation session preparations.

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

Drafting note: A reference to a "member" of the General Assembly" is changed to "legislator" as such term is defined for proposed Chapter 2 in § 30.1-201. Technical changes are made for clarity and consistency.

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SUBTITLE II.

THE LEGISLATIVE BRANCH OF GOVERNMENT.

Drafting note: Proposed Subtitle II is created to logically organize provisions relating to the legislative process and legislative agencies headed by a director who is subject to confirmation by the General Assembly. Proposed Subtitle II is divided into proposed Chapters 3 (Officers of the General Assembly), 4 (Legislative Process and Procedures), 5 (Auditor of Public Accounts), 6 (Division of Capitol Police), 7 (Division of Legislative Automated Systems), 8 (Division of Legislative Services and Associated Commissions), 9 (Joint Legislative Audit and Review Commission), and 10 (Reapportionment and Redistricting).

CHAPTER 3.

OFFICERS OF THE GENERAL ASSEMBLY.

Drafting note: Proposed Chapter 3, Officers of the General Assembly, is created to logically organize provisions in existing Chapters 1 (General Assembly and Officers Thereof), 1.1 (General Assembly Salaries and Expenses), 13.1 (Sexual Harassment Training Act), and 19 (Virginia Commission on Intergovernmental Cooperation) relating to the roles, duties, and privileges of officers of the General Assembly. Proposed Chapter 3 contains the following three articles: Article 1 (The Clerks of the General Assembly), Article 2 (Officers and Employees of the Legislative Branch), and Article 3 (Virginia Commission on Intergovernmental Cooperation).

Article 1.

The Clerks of the General Assembly.

Drafting note: Existing provisions relating to the Clerks of the General Assembly and the roles, duties, and privileges of their staff are logically organized and consolidated in proposed Article 1.

§ ~~30-12~~ 30.1-300. Duties of ~~officers~~ the Clerks of each house; operation of the General Assembly.

A. The ~~several officers~~ Clerks of each house of the General Assembly shall perform such duties as shall be required of them by their respective houses~~.~~

~~§ 30-19.19. Salaries of Clerks of House of Delegates and Senate.~~

~~The Clerk of the House of Delegates and the Senate~~ and shall each receive such salaries as shall be fixed from time to time by the general appropriation act.

~~§ 30-19.20. Employment and compensation of personnel.~~

B. The ~~House of Delegates and the Senate and the clerks thereof~~ 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 ~~House of Delegates and the Senate~~ compensation of such personnel shall be set by resolution ~~or resolutions set the compensation of the personnel employed by each house~~, and ~~the~~ such personnel shall be paid from the contingent fund of each house~~, respectively~~.

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

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

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

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

Drafting note: Existing §§ 30-12, 30-19.19, and 30-19.20 and portions of existing § 30-34.2 are combined in this proposed section because they address related topics. Technical changes are made for clarity and consistency.

Subdivision 2 of existing § 30-34.2 relating to the maintenance and operation of the General Assembly Building by the Legislative Support Commission, which is proposed for deletion because it has become obsolete, is relocated to this proposed section and revised to more accurately describe the current scope of the Clerks' authority over the General Assembly Building and other legislative spaces. Subdivision 3 of existing § 30-34.2, relating to the Capitol Tour Guides, is relocated to this proposed section and revised to reflect the operational name of the Tour Guides program and the placement of the program under the Clerks' authority rather than under the obsolete Legislative Support Commission.

Proposed subsections E and F restate the principle of separation of powers as it relates to executive orders and directives and the applicability of such to the legislature and codify the general authority of the Clerks of each house to make decisions related to the operation of the legislature.

~~§ 30-13. Repealed.~~

Drafting note: Repealed by Acts 2025, c. 725, cl. 15, as amended by Acts 2026, c. 6, cl. 1, and 2026 Acts, c. 972, cl. 8, effective July 1, 1971.

§ ~~30-14~~ 30.1-301. Clerk of the House of Delegates to be Keeper of the Rolls of the Commonwealth; ~~other duties~~ certification of acts and other records.

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

B. The Clerk of the House of Delegates shall have ~~the~~ custody of the acts and joint resolutions of the General Assembly~~,~~ and the records of the House of Delegates~~; and, when required, shall furnish a copy of any or any part of any of them, or of any section or sections of the Code in the form published pursuant to § 30-148; which copy, being certified by him shall be evidence for any purpose for which the original would be received, and with as much effect~~. He shall, upon request, provide a copy of an act of assembly or a record made in the performance of his official duties, and such copy shall be as admissible into evidence as the original, provided that such copy is certified by him as a true copy of such act or record.

~~§ 30-14.01. Certifying copy of act; fee.~~

The Clerk ~~of the House of Delegates~~ shall charge a reasonable fee for certifying a copy of an ~~Act of Assembly the sum of five dollars~~ act of assembly.

If an act or part of an act of the General Assembly has been codified and assigned a section number ~~as a part of~~ within the Code of Virginia~~,~~ by the Virginia Code Commission pursuant to § ~~30-148~~ 30.1-812, ~~he~~ the Clerk may also certify that fact.

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

~~§ 30-14.4. Deputy clerks of the House of Delegates; certification of acts and resolutions of the General Assembly and other records.~~

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

Drafting note: Existing §§ 30-14, 30-14.01, 30-14.2, and 30-14.4 are combined in this proposed section because they address related topics. In proposed subsection B, a substantive change is made from existing § 30-14.01 to require only that a "reasonable fee" be charged for certification of a copy of an act of assembly, rather than a "sum of five dollars." An unnecessary restatement of a constitutional requirement in existing § 30-14.2 is proposed for deletion. Technical changes are made for clarity and consistency.

~~§ 30-14.2. Reenrollment of bills amended in accordance with recommendations of Governor.~~

~~The Clerk of the House of Delegates in his capacity as Keeper of the Rolls of the Commonwealth shall reenroll all bills which have been amended in accordance with the recommendation of the Governor, and such reenrolled bills shall be treated in the same manner as provided in Article IV, Section 11 of the Constitution of Virginia for every bill that has passed both houses, before being presented to the Governor for his final action.~~

Drafting note: This section is proposed for deletion; provisions of this section are relocated to proposed subsection A of § 30.1-301 and an unnecessary restatement of a constitutional requirement is proposed for deletion.

~~§ 30-14.1. Enrollment of act to codify the laws; printing and distribution.~~

~~The provisions of § 30-14, concerning the manner and method of enrollment of the acts of the General Assembly shall not apply to an act to codify the laws of the Commonwealth. In the case of such legislation the bill itself or a copy thereof, with all amendments to such bill, if any there be, incorporated therein, or with such amendments or copies thereof attached to or accompanying such bill or copy of such bill, shall be taken and preserved as the enrolled bill. If any such amendments are actually incorporated in the bill, or copy of the bill, they may be so incorporated in such manner and by such method as the Clerk of the House of Delegates deems most practicable, except that the Clerk shall not, in order to accomplish such incorporation, require the entire bill to be reprinted, or require any portion of the bill to be reprinted which is not affected by any amendment. Such bill or copy, with the amendments or copies of the amendments as a part of the bill or copy thereof, as made up by the Clerk in accordance with this section, shall be signed by the presiding officers of the Senate and House of Delegates and sent in such form to the Governor for his approval.~~

~~The Clerk of the House of Delegates, as Keeper of the Rolls of the Commonwealth, shall not be required to furnish to anyone a copy of an act to codify the laws of the Commonwealth, nor to prepare such an act for publication, nor to furnish to the Comptroller the manuscript of such an act, or any copy thereof. Nor shall the Clerk of the House of Delegates or the Comptroller be required to print, publish or distribute an act to codify the laws of the Commonwealth, as other acts and the joint resolutions of the General Assembly are printed, published or distributed; unless it should be provided in the act to codify the laws, as adopted, that some titles, chapters, articles or sections thereof shall take effect in advance of the remainder of the act, in which event such titles, chapters, articles, and sections of the act, with all amendments which affect them actually incorporated therein, shall be printed and distributed as are other acts of Assembly, but may be separately printed and bound. The Comptroller shall,~~

~~however, cause to be done any printing that the Clerk of the House of Delegates requires to be done as a part of the process of incorporation of amendments to any bill to codify the laws of the Commonwealth.~~

Drafting note: This section is proposed for deletion as obsolete. Existing § 30-14.1 was added to the Code of Virginia in 1948 after the codification of an act of assembly that carved out an exemption to the usual rules regarding the enrollment of acts of the General Assembly for "an act to codify the laws of the Commonwealth." Such act refers to the codification of the Acts of Assembly of 1948 and other statutes enacted prior to 1948 in order to create the 1950 Code of Virginia.

~~§ 30-15. Index to Senate journal.~~

~~The Clerk of the Senate shall, at the end of each session, prepare an index to the journal of the Senate and the documents printed by its order and deliver the same to the Comptroller.~~

Drafting note: This section is proposed for deletion as unnecessary. Such provisions and Article IV, Sections 7 and 10 of the Constitution of Virginia are redundant.

§ ~~30-15.1~~ 30.1-302. ~~Deputy clerks~~ Clerk of the Senate of Virginia; certification of records.

The Clerk of the Senate of Virginia may appoint deputy clerks~~, for performing~~ who shall, during the absence of such Clerk or after his death, resignation, or retirement, perform the duties of such Clerk ~~and for~~, including signing originals~~, or furnishing copies,~~ of records and papers of the Senate~~, during the absence of such Clerk or after his death, resignation or retirement~~ or furnishing copies of such records and papers, which ~~copies, being~~ when certified by any such deputy clerk, shall be evidence for any purpose for which the original would be received, and with as much effect. The Clerk of the Senate ~~making such appointments,~~ shall certify the ~~same~~ appointment of any such deputy clerk to the Secretary of the Commonwealth. Any ~~such~~ deputy clerk so appointed shall, before entering upon the duties of such office, ~~shall~~ take and subscribe the oath of office and file the same with the Secretary of the Commonwealth. Any ~~such~~ deputy clerk may be removed from office by the Clerk of the Senate ~~by~~, who shall provide written notice of such removal to the Secretary of the Commonwealth.

Drafting note: Technical changes are made for clarity.

§ ~~30-16~~ 30.1-303. ~~Books and maps of committees;~~ Clerks as custodians of original bills and committee reference materials.

It shall be the duty of the ~~Clerk of the Senate and of the Clerk of the House of Delegates, respectively,~~ 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 ~~chairmen~~ chairs of such committees, who shall return them to the ~~Clerks of the two houses~~ respective Clerk at the end of the session. ~~They shall keep all~~ All original bills and resolutions that are offered in ~~their respective houses~~ 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.

Drafting note: Technical changes are made for clarity.

§ ~~30-15.1:1~~ 30.1-304. Use of Senate armorial bearings; ~~penalty~~ penalties.

~~The armorial bearings adopted by the Senate of Virginia as their official armorial bearings shall carry the following protections on their use:~~

~~1.~~ A. Only current and former members of the Senate of Virginia and the Clerk of the Senate shall have the authority to utilize ~~such~~ 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.

~~2.~~ 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.

~~3. Such use shall not be~~ 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.

~~4. Any person violating the provisions of subdivision 1 shall be guilty of a Class 3 misdemeanor. Any person violating the provisions of subdivisions 2 and 3 shall be guilty of a Class 4 misdemeanor.~~

Drafting note: Technical changes are made for clarity and consistency.

~~§ 30-15.2. Distribution of Code, supplements and replacement volumes to members of Senate.~~

~~The Virginia Code Commission shall, with moneys from the contingent fund of the Senate, acquire and distribute to each member of the Senate, to become his own property, a set of the Code of Virginia, and distribute the supplements and replacement volumes thereto for the period such member serves in the Senate. The Code, supplements and replacement volumes shall be distributed only to those members who request the same. The Code shall not be distributed to members of the Senate who previously have been furnished a set of the Code by the Commonwealth; however, such members shall, upon request, receive from the Virginia Code Commission supplements and replacement volumes to the Code for the period such members serve in the Senate.~~

Drafting note: This section is proposed for deletion as obsolete.

§ 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.

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

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

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

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

Drafting note: This proposed section is derived from existing § 30-129.4 and contains the provisions of that section as they apply to the role of the Clerks of each house. Provisions of existing § 30-129.4 that are applicable to members and members-elect of the General Assembly are retained in proposed Article 1 of Chapter 1. Technical changes are made for clarity.

Article 2.

Officers and Employees of the Legislative Branch.

Drafting note: Existing provisions relating to officers and employees of the legislative branch are reorganized and consolidated in proposed Article 2.

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

The officers and employees of the General Assembly, including the Clerks of each house and their deputy clerks and full-time assistant clerks, the sergeant-at-arms of each house, and the Lieutenant Governor, 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.

Drafting note: Portions of existing §§ 30-4, 30-5, 30-6, and 30-7 set out certain privileges enjoyed by members of the General Assembly that relate to criminal and civil court proceedings and extend such privileges to other officers and employees of the legislative branch. Such provisions are retained and reorganized in proposed §§ 30.1-101, 30.1-104, and 30.1-105 as they apply to members of the General Assembly. This proposed section makes reference to such privileges and extends them to other officers and employees of the General Assembly as an affirmative statement of law.

§ 30.1-307. Sexual harassment training required biennially.

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.

~~§ 30-129.6. Responsibility of agency heads for sexual harassment training.~~

D. The director or head of each agency in the legislative branch shall be responsible for ensuring that ~~the agency's legislative branch employees comply~~ each employee of such agency complies with the ~~training~~ requirements ~~established under this chapter~~ of this section.

Drafting note: Provisions in existing §§ 30-129.4, 30-129.5, and 30-129.6 are combined in this proposed section because they address related topics. Provisions of existing §§ 30-129.4 and 30-129.5 applicable to members and members-elect of the General Assembly are retained in proposed Article 1 of Chapter 1 and are repeated in this proposed section as they apply to legislative branch employees. Technical changes are made for clarity.

~~CHAPTER 19.~~

~~VIRGINIA COMMISSION ON INTERGOVERNMENTAL COOPERATION.~~

Article 3.

Virginia Commission on Intergovernmental Cooperation.

Drafting note: Existing Chapter 19, relating to the Virginia Commission on Intergovernmental Cooperation, is retained as proposed Article 3.

§ ~~30-171~~ 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 ~~consist~~ have a

total membership of ~~the following~~ 14 members that shall include 12 legislative members and two ex officio officers. Members shall be appointed as follows: ~~(i) the six~~

1. Six members of the Commission on Interstate Cooperation of the Senate to be appointed by the Senate Committee on Rules; and~~, (ii) the six~~

2. Six members of the Commission on Interstate Cooperation of the House of Delegates~~, and (iii) the~~ to be appointed by the Speaker of the House of Delegates.

The Clerk of the Senate and the Clerk of the House of Delegates ~~who~~ shall serve ~~as~~ ex officio~~,~~ with nonvoting ~~members of the Commission~~ privileges.

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

C. The Commission ~~on Intergovernmental Cooperation~~ shall select such officials of state government as it deems proper to serve ~~as~~ ex officio~~,~~ with nonvoting ~~members of the Commission~~ 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 ~~to carry forth the charge of~~ by the Commission.

E. Members of the Commission shall receive such compensation as provided in § ~~30-19.12~~ 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. ~~The Commission shall elect a chairman and vice-chairman from among its membership.~~ Meetings of the Commission shall be held at the call of the ~~chairman~~ chair or whenever the majority of the members so request.

Drafting note: A statement in subsection F providing for the election of a chair and vice-chair is proposed for deletion; subsection B provides that the chairs of the House and Senate Commissions on Interstate Cooperation shall serve in such roles. Technical changes are made for clarity.

§ ~~30-172~~ 30.1-309. Powers and duties of Commission.

The Commission shall have the ~~power~~ following powers and ~~duty to~~ duties:

1. Encourage and arrange conferences with officials of other states and other units of government;

2. Carry forward the participation of ~~Virginia~~ the Commonwealth as a member of the Council of State Governments, both regionally and nationally;

3. Formulate proposals for cooperation between ~~Virginia~~ the Commonwealth and other states;

4. Establish such committees as it deems advisable to conduct conferences and formulate proposals concerning subjects of interstate cooperation;

5. Monitor and evaluate the Commonwealth's participation in interstate compacts;

6. Review, evaluate, and recommend suggested uniform state legislation;

7. Require, at its discretion, from any appointee representing ~~Virginia~~ the Commonwealth on any interstate compact, commission, committee, or board, a report on that organization's work and accomplishments;

8. Review, evaluate, and make recommendations concerning federal policies that are of concern to the Commonwealth;

9. Establish such committees as deemed advisable and designate the members of every such committee. State officials who are not members of the Commission may be appointed as members of any such committee, but at least one member of the Commission shall be a member of every such committee; and

10. Appoint persons drawn from the membership of the Senate, the membership of the House of Delegates, and officials of state and local government to serve on those intergovernmental boards, committees, and commissions ~~as~~ to which the Commonwealth is

entitled to such appointment, or is invited to make such appointment, provided that members of the General Assembly shall be appointed as follows:

a. If an appointment ~~be~~ is made from the membership of the Senate, such an appointment shall be made by the Commission on Interstate Cooperation of the Senate and shall be approved by the Chair of the Senate Committee on Rules; and

b. If an appointment ~~be~~ is made from the membership of the House of Delegates, such appointment shall be made 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.

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

Drafting note: Technical changes.

§ ~~30-173~~ 30.1-310. ~~Commission of~~ Senate and ~~Commission of~~ House ~~of Delegates~~ 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 ~~of the Senate~~, who shall serve as ~~Chairman~~ 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, ~~also~~ to consist of six members~~; and the~~. The members shall be appointed and the ~~chairman~~ 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. ~~Such bodies of the~~ The Senate and ~~of the~~ House ~~of Delegates~~ 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 ~~commissions~~ Senate and House Commissions shall receive such compensation as provided in § ~~30-19.12~~ 30.1-109 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties pursuant to § ~~30-171~~ 30.1-308 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 ~~chairman~~ chair or whenever a majority of the members so request.

Drafting note: Technical changes.

~~CHAPTER 4.~~

~~COMMITTEE TO INVESTIGATE RACIAL ACTIVITIES.~~

~~§§ 30-35 through 30-41. Repealed.~~

Drafting note: Repealed by Acts 1958, c. 373.

CHAPTER 4.

LEGISLATIVE PROCESS AND PROCEDURES.

Drafting note: Proposed Chapter 4, Legislative Process and Procedures, consolidates §§ 30-10, 30-11, 30-14.3, 30-16.1, 30-17, 30-19, 30-19.03, 30-19.03:1.2, 30-19.03:1.3, 30-19.1:4, 30-19.1:7, 30-19.1:11, 30-19.3, 30-19.9, and 30-19.10 of existing Chapter 1. These sections are related to the legislative process and procedures and required estimates and statements. Proposed Chapter 4 contains the following two articles: Article 1 (Procedures of the Legislative Session) and Article 2 (Impact Statements and Other Legislative Requirements).

Article 1.

Procedures of the Legislative Session.

Drafting note: Existing §§ 30-10, 30-11, 30-19.3, 30-14.3, 30-16.1, 30-17, and 30-19 of existing Chapter 1 and part of existing § 30-28.18 are retained as proposed Article 1.

§ 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.

Drafting note: Existing subdivision A 3 of § 30-19.3 and existing subsection C of § 30-28.18 are relocated to this proposed section because they address related topics. The statement that in no event may a member of the General Assembly who was not re-elected to the next regular session prefile a bill is proposed for deletion because subsection A of existing § 30-19.3 states this in the affirmative, i.e., any member or member-elect of the next regular session may prefile bills and resolutions. Technical changes are made for clarity.

§ ~~30-19.3~~ 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.

~~3. Any bill or resolution prefiled shall be endorsed by the handwritten signature of at least one member or member-elect as a patron. An electronic signature may be substituted for a handwritten signature on prefiled legislation as may be approved by each house in accordance with its rules and procedures. In no event shall a bill or resolution be prefiled by a member of the General Assembly who was not re-elected to the next regular session of the General Assembly. The deadline for submitting drafting requests for legislation to be prefiled to the Division of Legislative Services and the deadline for prefiling legislation 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. 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 ~~of this section beginning~~. 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 ~~Clerks~~ 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 the case of Senate bills,~~ in accordance with the Rules of the Senate, in the case of Senate bills, and have a sufficient number of ~~them~~ such bills and resolutions printed for circulation ~~as provided in this section~~.

~~D. Printed prefiled bills and resolutions shall be periodically mailed to each member and member-elect of the General Assembly and shall be made available to the press and public in the same manner as bills and resolutions introduced after the General Assembly convenes.~~

Drafting note: A portion of existing subdivision A 3 is relocated to proposed § 30.1-400. Existing subsection D is proposed for deletion as obsolete because prefiled bills and

resolutions are available on the electronic Legislative Information System. Technical changes are made for clarity and consistency and to modernize language.

§ 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.

Drafting note: Existing subdivision A 3 of § 30-28.18 is relocated here as a separate section. Technical changes are made for clarity.

§ ~~30-14.3~~ 30.1-403. Keeper of the Rolls ~~authorized to~~ may correct typographical errors, ~~etc.,~~ misspellings, and other unmistakable errors in ~~legislation~~ 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 ~~legislation~~ bills and resolutions in the form that they are offered, printed, engrossed, enrolled, or printed after passage~~; and for the sake of uniformity to change from upper to lower case or vice versa, take out or put in hyphens, change from one word form to two word form or vice versa, to the end that it will not be necessary to encumber the journal with amendments for such purposes.~~

~~§ 30-16.1. Correction of misspellings in bills and resolutions already introduced.~~

~~The Clerk of the Senate and the Clerk of the House of Delegates are hereby empowered to correct misspellings contained in bills and resolutions introduced in their respective houses;~~, provided that the corrections do not in any way alter the ~~bill's or resolution's~~ 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.

Drafting note: Existing §§ 30-14.3 and 30-16.1 are consolidated into this proposed section and revised. The authority of the Clerk of the House of Delegates and the Clerk of the Senate to correct misspellings in bills and resolutions is vested in the Keeper of the Rolls of the Commonwealth, in addition to the Keeper's authority to correct typographical errors. A substantive change is made to allow the Keeper of the Rolls to also correct unmistakable errors, which is a power under current law given to the Virginia Code Commission for the text of the Code of Virginia and the Virginia Administrative Code. The existing requirement that any corrections of misspellings do not alter the meaning or effect of the bill or resolution is retained and applied to corrections of typographical and other unmistakable errors. A substantive change is made to involve the Director of the Division of Legislative Services or his designee in the process of determining whether any such correction alters the substantive legal meaning or effect of the bill or resolution. A substantive change is made to require corrections that are made to existing Code of Virginia language in any bill or resolution be communicated to the Virginia Code Commission immediately following each regular session; such notice is necessary to ensure such corrections are incorporated into the Code of Virginia when the Code Commission carries out its statutory duty to codify the session laws. Technical changes are made for clarity and consistency and to modernize language.

§ ~~30-17~~ 30.1-404. Alteration, secretion, or destruction of ~~pending~~ bills or resolutions; penalty.

~~If any~~ Any person ~~shall~~ who fraudulently ~~erase~~ erases, ~~alter~~ alters, ~~secrete~~ secretes, or ~~destroy~~ destroys any bill, resolution, or amendment ~~to any bill pending before the General Assembly, or either branch thereof, or before any committee of either or of both branches, or~~

~~any enrolled bill of the General Assembly, or either branch thereof,~~ after its introduction or ~~shall fraudulently, or with improper intent, endeavor~~ endeavors to influence any officer or employee of the General Assembly~~, or of either branch thereof, to erase, alter, secrete or destroy any such bill, amendment or enrolled bill, he~~ to do the same shall be ~~confined in the penitentiary~~ punished by a term of imprisonment of not less than one year nor more than five years.

Drafting note: Technical changes are made for clarity, including replacing the obsolete term "penitentiary."

§ ~~30-19~~ 30.1-405. ~~How~~ Amendments to the Constitution ~~amended~~.

Any amendment ~~or amendments~~ to the Constitution may be proposed in the ~~Senate or~~ House of Delegates or the Senate by resolution, which shall contain such proposed amendment ~~or amendments~~ prepared in ~~such~~ the form ~~as is in accordance with that~~ prescribed by the rules of the House of Delegates and the Senate for deletions and additions of language and shall be ~~spread at length on~~ presented in full in the journal of the house in which it is offered~~, and if~~. If it is agreed to by a majority of the members elected ~~thereto~~ to such house with ayes and noes taken ~~thereon~~, it shall be communicated to the other house where it shall be dealt with in like manner~~, and when~~. When so agreed to by both houses, it shall be enrolled as provided by law and signed by the ~~President of the Senate and~~ Speaker of the House of Delegates and the President of the Senate. Such amendment ~~or amendments~~ shall ~~thereupon~~ then stand referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates. If at such regular session the proposed amendment ~~or amendments shall be~~ is agreed to by a majority vote of all the members elected to each house, the same shall be submitted to ~~the people~~ voters, not sooner than ~~ninety~~ 90 days after final passage, by a bill or resolution introduced for such purpose~~, and if the people shall approve and ratify such amendment or amendments by the majority of the electors qualified to vote for the members of the General Assembly voting thereon, such~~. Such amendment ~~or amendments~~ shall become a part of the Constitution if approved and ratified by a majority of qualified voters.

Drafting note: Technical changes are made for clarity and consistency and to modernize language.

§ ~~30-10~~ 30.1-406. Attendance of witnesses; production of evidence; administration of oaths to witnesses.

A. When the ~~Senate or~~ House of Delegates, the Senate, or a joint committee or commission thereof, or any committee of either house authorized to send for ~~persons~~ witnesses and ~~papers~~ evidence, ~~shall order~~ orders the attendance of ~~any~~ a witness~~,~~ or the production of ~~any paper as~~ evidence, a summons shall be issued accordingly by the ~~clerk~~ Clerk of ~~such~~ the appropriate house~~, directed~~ to the sheriff or other officer of any county or city, or the chief officer of the ~~Virginia~~ Division of Capitol Police, or his designee~~, and, when served, obedience thereto~~. Such summons may be enforced by attachment, fine, and imprisonment in jail~~,~~ at the discretion of the house ~~which,~~ or the committee ~~of which,~~ that caused the summons to issue, or in the case of a joint committee or commission, at the discretion of such joint committee or commission or as the two houses may determine by joint resolution.

~~§ 30-11. Who to administer oaths to witnesses.~~

B. The oaths to be taken by any witness examined ~~before such house or committee~~ pursuant to this section may be administered by the ~~speaker~~ Clerk or presiding officer of the appropriate house~~, chairman of the committee, or the clerk of the house or of the committee~~.

Drafting note: Existing §§ 30-10 and 30-11 are combined in this proposed section because they address related topics. A substantive change is made in proposed subsection A to broaden the meaning of "evidence" beyond paper documents. Technical changes are made for clarity and consistency and to modernize language.

Article 2.

Impact Statements and Other Legislative Requirements.

Drafting note: Sections 30-19.03, 30-19.03:1.2, 30-19.03:1.3, 30-19.1:4, 30-19.1:7, 30-19.1:9, 30-19.1:11, 30-19.1:13, 30-19.9, and 30-19.10 of existing Chapter 1 are retained as proposed Article 2.

§ ~~30-19.1:9~~ 30.1-407. ~~Duration of state boards and commissions~~ Expiration provisions for bills creating collegial bodies.

~~After January 1, 2003, all~~ All bills creating (i) an executive branch advisory board, council, commission, or other collegial body ~~in the executive branch of state government~~ and (ii) any legislative branch board, council, commission, or other collegial body shall contain a provision requiring the expiration of such body three years after its creation.

Drafting note: A provision requiring bills that create a legislative collegial body to contain an expiration provision is proposed for codification. This provision is based on a suggestion made in the "Legislative Guidelines Applicable to Studies, Legislative Commissions, Nonlegislative Collegial Bodies, and Resolutions" published by the Joint Rules Committee in 2004. Technical changes are made.

§ ~~30-19.1:11~~ 30.1-408. ~~Legislation~~ Expiration date for bills that ~~creates~~ add or ~~renews~~ renew a state tax ~~credits~~ credit.

~~No~~ Any bill proposing to add a new state tax credit or renew an existing state tax credit shall ~~be reported from any committee of the General Assembly unless such bill contains~~ contain an expiration date of not longer than five years from the effective date of the new or renewed state tax credit.

Drafting note: Technical changes.

§ ~~30-19.03:1.2~~ 30.1-409. ~~Unemployment compensation bills~~ 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.

~~B. No~~ C. Any bill enhancing the benefits payable to an individual pursuant to Title 60.2 shall ~~be considered by the General Assembly at a regular session unless the bill contains~~ contain a statement prepared in accordance with subsection ~~A~~ B as ~~a second or final~~ an enactment clause in the bill.

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

Drafting note: The definition in existing subsection C is relocated to proposed subsection A to conform to the Code convention of placing definitions at the beginning of a section. Technical changes are made for clarity and consistency.

§ ~~30-19.03:1.3~~ 30.1-410. Evaluations ~~to be prepared~~ for ~~legislation~~ bills increasing or beginning regulation of an occupation.

A. For ~~the~~ purposes of this section, "regulation" means any statement of general application~~, having~~ that has the force of law ~~and affecting~~, 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 ~~legislative~~ 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 ~~chairman~~ chair of the committee having jurisdiction over the ~~proposal~~ proposed bill shall request that the Board for Professional and Occupational Regulation ~~(the Board)~~ prepare an evaluation of the ~~legislation~~ 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 ~~shall~~ 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 ~~legislation~~ bill and to the ~~chairman~~ chair of each committee of the General Assembly ~~to~~ that will consider ~~the same~~ the bill.

D. All departments, all agencies of government, and the Division of Legislative Services ~~are directed to~~ 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.

Drafting note: Technical changes are made for clarity and consistency.

~~§ 30-19.03:2. Legislative summaries.~~

~~Any legislative summary associated with a bill, joint resolution or resolution, including any summary appearing on the face of such legislation, shall not constitute a part of the legislation considered, agreed to, or enacted and shall not be used to indicate or infer legislative intent.~~

Drafting note: This section is proposed for repeal because it's duplicative of existing § 1-247 in Title 1 (General Provisions), which has a Code-wide application.

§ ~~30-19.1:7~~ 30.1-411. ~~Bills~~ Impact statements for bills related to the Virginia Retirement System~~; impact statements~~.

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 ~~the~~ 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. ~~Such~~ The Board of Trustees of the Virginia Retirement System shall note in such statement ~~shall also note~~ the potential impact any introduced bill will have on local government independent retirement systems.

Drafting note: Technical changes.

§ ~~30-19.03~~ 30.1-412. Estimates ~~to be prepared~~ for ~~legislation~~ 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 ~~legislative~~ bill requiring a net additional expenditure by any county, city, or town, or whenever any ~~legislative~~ 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 ~~legislation~~ 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.

~~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 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.~~

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.

~~For the purposes of this section, "net reduction of revenues" means the reduction anticipated in local revenues, including, but not limited to, 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.~~

~~The provisions of this~~ 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 ~~legislative~~ bills to the Commission on Local Government to prepare local fiscal estimates.

As soon ~~thereafter~~ as ~~may be~~ 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 ~~legislation~~ bill and to the ~~chairman~~ chair of each committee of the General Assembly ~~to~~ that will consider ~~the same~~ the bill.

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

Drafting note: The definitions of "net additional expenditure" and "net reduction of revenues" are relocated to proposed subsection A to conform to conform to the Code convention of placing definitions at the beginning of a section. Technical changes are made for clarity, including the designation of subsections and subdivisions.

§ ~~30-19.1:4~~ 30.1-413. ~~Increase in terms of~~ Fiscal impact statements for bills increasing imprisonment or commitment~~; fiscal impact statements~~; 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 ~~which~~ 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.

~~B.~~ 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.

~~C.~~ D. The requirement for a fiscal impact statement includes~~, but is not limited to,~~ those bills ~~which~~ 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.

~~D.~~ E. The fiscal impact statement of any bill ~~introduced on or after July 1, 2002,~~ 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.

~~E.~~ 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~~ cannot be determined" shall be printed on the face of each such bill.

~~F.~~ G. The fiscal impact statement shall include~~, but not be limited to,~~ 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 ~~or crimes~~ 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.

~~G.~~ 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 ~~legislation~~ bill and to the ~~chairman~~ chair of each committee of the General Assembly ~~to~~ that will consider the ~~legislation~~ bill.

~~H.~~ I. For each law enacted ~~which~~ 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. ~~"Operating costs" means all costs other than capital outlay costs.~~

~~I.~~ 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.

Drafting note: The definition of "operating costs" is relocated to proposed subsection A to conform to the Code convention of placing definitions at the beginning of a section. Technical changes are made for clarity and consistency.

§ ~~30-19.1:13~~ 30.1-414. Racial and ethnic impact statements for criminal justice ~~legislation~~ 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 ~~subsection B~~ 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. ~~No more than three racial and ethnic impact statements may be requested by the~~ The Chair of the House Committee for Courts of Justice ~~and no more than three racial~~ and ~~ethnic impact statements may be requested by~~ 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 ~~expeditiously~~ provide necessary data and assistance for the preparation of racial and ethnic impact statements.

Drafting note: Technical changes.

§ ~~30-19.9~~ 30.1-415. Distribution of information on proposed constitutional amendments to be submitted to voters.

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

B. When a proposed amendment is to be submitted to voters qualified to vote in elections by the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § ~~30-19~~ 30.1-405, the ~~State Board~~ Department of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than ~~ninety~~ 90 days prior to the election, copies of an explanation of such amendment 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 ~~State Board~~ Department of Elections shall post the explanation on its ~~site on the Internet. It also~~ website and shall cause such explanation 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 ~~Virginia~~ the Commonwealth~~, and published in Virginia or in a contiguous state or district,~~ once during the week preceding the final day for registration and once during the week preceding the election at which the proposed amendment is to be presented to ~~the people~~ voters.

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

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 an explanation for any such ~~proposal which~~ proposed constitutional amendment that is approved by the General Assembly on ~~first~~ second reference ~~and referred to the next regular session of the General Assembly following the general election of members of the House of Delegates~~. The explanation shall be approved for distribution as to form and content by the Committee on Privileges and Elections of the first house of introduction of the resolution proposing the amendment as soon as 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.

Drafting note: Substantive changes are made in proposed subsection B to more accurately reflect the structure of the Department of Elections as it has been operating in practice. The definition of "plain English" is relocated to proposed subsection A to conform to conform to the Code convention of placing definitions at the beginning of a

section. Technical changes are made for clarity and consistency, including the designation of subsections.

§ ~~30-19.10~~ 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 ~~the~~ qualified voters by the General Assembly, the ~~State Board~~ Department of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than ~~ninety~~ 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 ~~State Board~~ 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 ~~Virginia, and published in Virginia or in a contiguous state or district,~~ 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 ~~the proposed~~ 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~~, shall be limited to a neutral explanation,~~ 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 ~~legislation~~ 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 ~~legislation~~ bill or resolution authorizing the referendum.

~~For purposes of this section and § 30-19.9, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.~~

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

Drafting note: The definition of "plain English" is relocated to proposed subsection A, with reference to that section as it appears in proposed § 30.1-415, to conform to the Code convention of placing definitions at the beginning of a section. Substantive changes are made in proposed subsection B to more accurately reflect the structure of the Department of Elections as it has been operating in practice. Technical changes are made for clarity and consistency, including the designation of subsections.

CHAPTER ~~14~~ 5.

AUDITOR OF PUBLIC ACCOUNTS.

Drafting note: Existing Chapter 14, relating to the Auditor of Public Accounts, is retained as proposed Chapter 5.

§ ~~30-130~~ 30.1-500. ~~Election~~ Auditor of Public Accounts; election, term, and compensation; vacancy.

The ~~Auditor of Public Accounts shall be elected by the joint vote of 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 ~~receive such compensation as may be appropriated by law for the purpose~~ be compensated as provided in the general appropriation act. In the event that the ~~office~~ 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 ~~thirty~~ 30 days after the commencement of the next regular session of the General Assembly.

Drafting note: Technical changes are made to modernize language.

§ ~~30-131~~ 30.1-501. Official bonds.

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

Drafting note: Technical changes.

§ ~~30-132~~ 30.1-502. Employment of ~~assistants~~ 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 ~~assistants~~ staff to enable him to carry out the provisions of this chapter.

B. The ~~office~~ Office of the Auditor of Public Accounts shall be located in the City of Richmond~~,~~ and ~~he~~ shall be provided with suitable offices ~~for the conduct of the business of his department~~ as are necessary to carry out the provisions of this chapter.

Drafting note: Technical changes are made for clarity and consistency.

§ ~~30-133~~ 30.1-503. ~~Duties~~ Powers and ~~powers~~ 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 ~~thereof~~ of such employment shall not exceed such sums as may be available ~~out of~~ from the general appropriation ~~provided by law~~ act for the conduct of his office.

B. If, at any time, the Auditor of Public Accounts discovers any unauthorized, illegal, irregular, or unsafe handling or expenditure of state funds, or if it comes to his attention that any such handling or expenditure of state funds is contemplated but not consummated, he shall promptly report such finding to the Governor, the Joint Legislative Audit and Review

Commission, and the Comptroller. In the event that there is any irregularity in the accounts of the Comptroller, the Auditor of Public Accounts shall report such finding to the Governor and the General Assembly.

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

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

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

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

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

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

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

Drafting note: Existing § 30-133 is divided into two proposed sections. This proposed section establishes the general duties and powers of the Auditor of Public Accounts. Proposed subsection B is relocated from existing § 30-139 as the topics are related. A reporting requirement in proposed subsection E is extended to include not only the Chair of the Senate Committee on Finance and Appropriations but also the Chair of the House Committee on Appropriations. In proposed subsection H, a substantive change is made to change a biennial audit to an annual audit to reflect accepted modern accounting practices. Proposed subsection I is relocated from existing subsection I of § 30-133 as it relates to general duties and powers. Technical changes are made for clarity and consistency.

§ 30.1-504. Online database required.

~~H. 1.~~ A. The Office of the Auditor of Public Accounts shall compile and maintain on its ~~Internet~~ website a ~~searchable~~ database providing certain state expenditure, revenue, and demographic information as described in this ~~subsection~~ section. In maintaining the database, the Auditor of Public Accounts shall work with and coordinate his efforts with the Joint Legislative Audit and Review Commission in obtaining, summarizing, and compiling the information to avoid duplication of efforts. ~~The database shall be updated each year by~~ By October 15 of each year, the Auditor of Public Accounts shall (i) update the database to provide the information required in this ~~subsection~~ section for the 10 most recently ended fiscal years of the Commonwealth and (ii) distribute the website address of the database to newspapers of general circulation in the Commonwealth.

B. The ~~online~~ database shall be made available to citizens of the Commonwealth to allow public access 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 ~~subsection~~ 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.

~~2.~~ D. The database shall contain the following for each of the 10 most recently ended fiscal years of the Commonwealth:

~~a.~~ 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;

~~b.~~ 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;

~~c.~~ 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;

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

~~e.~~ 5. Population estimates for the Commonwealth by locality;

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

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

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

~~i.~~ 9. The annual prison population;

~~j.~~ 10. Virginia adjusted gross income and Virginia taxable income by locality;

~~k.~~ 11. The number of citizens in the Commonwealth receiving benefits from the Supplemental Nutrition Assistance Program;

~~l.~~ 12. The number of driver's licenses issued;

~~m.~~ 13. The number of registered motor vehicles;

~~n.~~ 14. The number of full-time private sector employees;

~~o.~~ 15. The number of prepaid tuition contracts outstanding pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 and the estimated total liability under such contracts;

~~p.~~ 16. Any state audit or report relating to the programs or activities of an agency;

~~q.~~ 17. Information on capital outlay payments, including project title, funding date, completion date, appropriations, year-to-date expenditures, and unexpended appropriations;

r. 18. Annual bonded indebtedness that shall include the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, and any refinancing of the obligation; and

s. 19. Other data as the Auditor of Public Accounts deems appropriate relating to the Commonwealth of Virginia.

3. E. The Auditor of Public Accounts shall incorporate into the database the following additional elements as they become available through improved enterprise applications or other systems:

a. 1. Commodities, including line item expenditures;

b. Virginia Performs data as it directly relates to funding actions or expenditures;

c. Descriptive 2. The descriptive purpose for a funding action or expenditure;

d. Statute 3. The statute or act of the General Assembly authorizing the issuance of bonds; and

e. 4. Copies of actual grants and contracts.

4. F. The Auditor of Public Accounts shall incorporate in into the database the following enhancements:

a. 1. Graphs, charts, or other visual displays of aggregated data showing (i) current state spending by expense category, (ii) year-to-year state spending, and (iii) other data deemed appropriate by the Auditor of Public Accounts, including the display of available line item expenditures; and

b. 2. Frequently asked questions and their responses.

5. By October 15 of each year, the Auditor shall also produce a paper copy or a computer file containing the information described in this subsection and shall distribute the copy or file to newspapers of general circulation in the Commonwealth. The distribution shall include the address of the Internet website for the searchable database.

~~I. As a part of audits conducted pursuant to subsection A, the Auditor of Public Accounts shall review compliance with requirements established pursuant to the provisions of § 2.2-519 and the requirements of the Virginia Debt Collection Act (§ 2.2-4800 et seq.).~~

Drafting note: Existing § 30-133 is divided into two proposed sections. This proposed section requires the Auditor of Public Accounts to maintain an online database. A substantive change is made to eliminate the requirement of a paper copy or computer file as obsolete. Instead, the Auditor of Public Accounts must distribute the website address of the database to newspapers of general circulation. Existing subsection I is relocated to proposed subsection I of § 30.1-503 as it relates to general duties and powers. Technical changes are made.

§ ~~30-133.1~~ 30.1-505. Additional certifications for public institutions of higher education.

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

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

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

Drafting note: The definition of "public institution of higher education" is relocated to proposed subsection A to conform to the Code convention of placing definitions at the beginning of a section. Technical changes are made.

§ ~~30-133.2~~ 30.1-506. Annual review of the collection and distribution of retail sales and use taxes.

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

Drafting note: Technical changes.

§ ~~30-134~~ 30.1-507. Audit of accounts of city and county officers handling state funds; audit report; reimbursement of expenses.

A. At least once ~~in~~ every two years, ~~and at other times as the Governor directs,~~ the Auditor of Public Accounts, either in person or through his ~~assistants~~ 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 ~~thereof~~ of any such audit to the Governor, the Joint Legislative Audit and Review Commission, and appropriate local officials within ~~thirty~~ 30 days after each audit. ~~Reports so made~~ 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 ~~so repaid~~ 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.

Drafting note: A substantive change is made to remove the phrase "and at other times as the Governor directs," as the Auditor of Public Accounts takes direction from the Joint Legislative Audit and Review Commission and the General Assembly. Technical changes are made to modernize language.

§ ~~30-135~~ 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 of Public Accounts 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~~, and it~~. It shall be the duty of the official whose books and accounts and vouchers are being inspected to produce such ~~books, vouchers and accounts~~ records and give the Auditor of Public Accounts or his deputy all necessary ~~help and~~ aid in making the inspection. If any official fails to comply with the requirements of this subsection, he ~~shall be~~ is guilty of a Class 1 misdemeanor.

Drafting note: Technical changes are made to modernize language.

§ ~~30-136~~ 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, ~~and~~ (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 ~~papers~~ records necessary ~~to~~ for such examination. If any person willfully swears falsely in such examination, he ~~shall be~~ is guilty of perjury.

Drafting note: A substantive change is made to broaden "papers" to "records" to encompass records beyond paper documents. Technical changes are made to modernize language.

~~§ 30-137. Devising system of bookkeeping and accounting for local offices; costs.~~

~~A. The Auditor of Public Accounts, under the direction of the Joint Legislative Audit and Review Commission shall devise a modern, effective and uniform system of bookkeeping and accounting for the use of all county, city and town officials and agencies handling the revenues of the Commonwealth or of any political subdivision thereof. The Auditor of Public Accounts may approve any existing system.~~

~~B. The Auditor of Public Accounts, when requested by the governing body of any unit of local government, may make and establish a system of bookkeeping and accounting for such unit which shall conform to generally accepted accounting principles. He shall make and establish a uniform system of fiscal reporting for the treasurers or other chief financial officers, clerks of the courts and school divisions of all counties and cities, and all towns having a population of 3,500 or more and all towns constituting a separate school division regardless of population.~~

~~C. The cost of such service shall be borne by the county or city receiving the service of the Auditor of Public Accounts and shall not exceed an amount sufficient to reimburse the Commonwealth for the actual cost to the Commonwealth of the service. The fees so charged, upon an account rendered by the Auditor of Public Accounts, shall be remitted by the treasurer of the county or city out of any funds within his control, within thirty days to the State Treasurer, together with the account rendered by the Auditor of Public Accounts. The Auditor of Public Accounts shall pay into the state treasury the amount so received to the credit of the funds of the Auditor of Public Accounts so that it may be available for carrying out the provisions of subsection B.~~

Drafting note: Existing § 30-137 is proposed for deletion as obsolete. This section predates modern accounting systems and the Governmental Accounting Standards Board, which currently sets accounting and financial reporting standards for state and

local governments in the United States, otherwise known as Generally Accepted Accounting Principles. A requirement for the Auditor of Public Accounts to create a separate system of bookkeeping is redundant and not enforced in practice.

§ ~~30-138~~ 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 ~~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~~ government entity, as to which one or more officers or employees of state or local government may be a party ~~thereto~~, 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 ~~(Auditor)~~, the State Inspector General, and the Superintendent of State Police (the Superintendent).

~~B.~~ C. The Auditor of Public Accounts, the State Inspector General, or the Superintendent shall review the information reported pursuant to subsection ~~A~~ 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.

~~C.~~ D. No 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,~~ 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 ~~A~~ B without obtaining ~~the~~ prior written approval from the Auditor of Public Accounts and the Superintendent. Pending acknowledgement of the report and receipt of ~~the~~ such written approval ~~from the Auditor and the Superintendent~~, the 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,~~ government entity may use ~~their~~ its employees to audit the circumstances reported in subsection ~~A~~ B to prevent the loss of assets.

~~D.~~ E. All state ~~departments, courts, officers, boards, commissions, institutions or other agencies of the Commonwealth, including local constitutional officers and appointed officials exercising the powers of elected constitutional officers and their employees,~~ government entities shall cooperate to the fullest extent in any investigation or audit ~~which~~ 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 ~~A~~ B.

~~E. The willful failure~~ F. If any person willfully fails to make ~~the~~ a report as required by this section ~~shall constitute~~, he is guilty of a Class 3 misdemeanor.

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

Drafting note: A definition for "state government entity" is added for clarity and technical changes are made.

~~§ 30-139. To whom Auditor to report defaults or irregularities.~~

~~If, at any time, the Auditor of Public Accounts discovers any unauthorized, illegal, irregular, or unsafe handling or expenditure of state funds, or if comes to his attention that any unauthorized, illegal, or unsafe handling or expenditure of state funds is contemplated but not consummated, he shall promptly report the facts to the Governor, the Joint Legislative Audit and Review Commission and the Comptroller.~~

~~In case there is any irregularity in the accounts of the Comptroller, the Auditor shall report it to the Governor and the General Assembly.~~

Drafting note: This section is proposed for deletion as its provisions are relocated to proposed subsection B of § 30.1-503.

§ ~~30-140~~ 30.1-511. Certain political subdivisions to file report of audit~~; period in which report kept as public record; when audit not required; sworn statement of exempted entities; publication of summary of financial condition; repeal of conflicting provisions~~.

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 ~~B~~ D.

C. Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote and ~~which~~ that is reported in the Commonwealth's ~~Comprehensive Annual~~ Annual Comprehensive Financial Report as determined by the ~~State~~ 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 ~~B~~ D.

The Auditor of Public Accounts shall ~~receive such reports required by this subsection and~~ keep ~~the same~~ such records as public ~~records~~ for a period of 10 years from their receipt.

~~B.~~ D. No audit~~, however,~~ 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.

~~As used in this section, "financial transactions" shall not include financial transactions involving notes, bonds, or other evidences of indebtedness of such 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.~~

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. ~~Notwithstanding the foregoing, the~~ 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 ~~wherein the authority, commission, district, or other political subdivision~~ where such entity is located~~,~~ a reference to where a detailed statement reflecting the financial condition of ~~the authority, commission, district, or other political subdivision~~ such entity may be found.

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

Drafting note: The definition of "financial transaction" is relocated to proposed subsection A to conform to the Code convention of placing definitions at the beginning of a section. Technical changes are made for clarity and consistency, including the designation of subsections.

§ ~~30-141~~ 30.1-512. Annual report required.

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

Drafting note: Technical changes.

§ ~~30-142~~ 30.1-513. ~~Assumption~~ Performance of duties by Joint Legislative Audit and Review Commission upon failure of Auditor of Public Accounts 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 of Public Accounts 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 ~~Commission~~ members ~~and shall~~ 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 of Public Accounts 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.

Drafting note: Technical changes are made, including the designation of subsections.

CHAPTER 6.

DIVISION OF CAPITOL POLICE.

Drafting note: Existing §§ 30-34.2:1 and 30-34.2:2, relating to the Division of Capitol Police, are retained as proposed Chapter 6 (Division of Capitol Police). The sections are relocated from existing Chapter 3.1 (Legislative Support Commission). The

relocation into a new chapter reflects the significance of the Division of Capitol Police as an agency in the legislative branch.

§ ~~30-34.2:1~~ 30.1-600. ~~Powers, duties and functions of~~ Division of Capitol Police~~;~~ powers, duties, and functions.

A. The Division of Capitol Police (the Division) may exercise within the limits of ~~the~~ 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 ~~police of the city or the police or sheriff~~ law-enforcement officers of the ~~county within~~ locality in which such property is located.

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

C. The ~~Capitol Police~~ 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 ~~city or county~~ locality that has requested the assistance of the ~~Capitol Police~~ Division in the detection of firearms, ammunition, explosives, propellants, or incendiaries.

D. In any case involving the theft or misappropriation of ~~the~~ personal property of any member or employee of the General Assembly, the ~~Capitol Police~~ Division shall have concurrent jurisdiction with the law-enforcement officers of any county contiguous to the City of Richmond. ~~Members of the Capitol Police when~~ 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 ~~thereof~~ 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 ~~city or county~~ locality in which ~~they are~~ the Capitol Police officer is required to be. All members of the ~~Capitol Police~~ 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 ~~approved by the Legislative Support Commission~~ made in consultation with the Clerk of the House of Delegates and the Clerk of the Senate and the Chairs of the House Committee on Rules and the Senate Committee on Rules.

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

Drafting note: A substantive change is made in subsection E to provide that the assignment of jurisdiction to any property by the Capitol Police is 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, rather than the obsolete Legislative Support Commission as the Legislative Support Commission. Technical changes are made for clarity and consistency and to modernize language.

§ ~~30-34.2:2~~ 30.1-601. Disposal of unclaimed firearms, other weapons, ~~or other~~ and unclaimed personal property in possession of the Division ~~of Capitol Police~~.

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

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

~~At~~ C. Destruction or disposal of items pursuant to subsection B shall be at the discretion of the chief of police or his designee~~, the~~. The Division ~~of Capitol Police~~ may destroy unclaimed firearms ~~or~~ and other weapons by any means that renders ~~the~~ such firearms or ~~other~~ weapons permanently inoperable ~~and may lawfully dispose of other unclaimed personal property~~. Prior to the destruction of ~~such~~ unclaimed firearms ~~or~~ and other weapons or disposal of ~~such other~~ unclaimed personal property, the chief of police or his designee shall (i) make reasonable attempts to notify by mail the rightful owner of ~~the property~~ 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 ~~of Capitol Police in writing a statement~~ 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 ~~any such~~ 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~~, upon agreement of the Department~~.

Drafting note: Technical changes are made for clarity and consistency, including the designation of subsections.

~~CHAPTER 3.1.~~

~~LEGISLATIVE SUPPORT COMMISSION.~~

Drafting note: Existing Chapter 3.1, relating to the Legislative Support Commission (the Commission), is proposed for deletion because the Commission no longer meets and thus its operations are obsolete. Operational responsibilities related to the oversight and maintenance of the General Assembly Building that currently fall to the Clerk of the House of Delegates and the Clerk of the Senate are incorporated into proposed Chapter 3 (Officers of the General Assembly), while sections regarding the Division of Capitol Police are incorporated into proposed Chapter 6 (Division of Capitol Police) and sections regarding responsibilities that currently fall to the Division of Legislative Automated Systems are incorporated into proposed Chapter 7 (Division of Legislative Automated Systems). Remaining sections relating to the organization and membership of the Commission are proposed for deletion.

~~§ 30-34.1. Legislative Support Commission; membership; officers; compensation and expenses.~~

~~There is hereby created the Legislative Support Commission in the legislative branch of state government, hereafter referred to as "Commission." The Commission shall consist of seven members: two members of the Committee on Rules of the House of Delegates who shall be appointed by and serve at the pleasure of the chairman of such Committee; one member of the Committee on Rules of the Senate who shall be appointed by and serve at the pleasure of~~

~~the chairman of such Committee; the Clerk of the House of Delegates; the Clerk of the Senate; the Director of the Division of Legislative Services; and the Director of the Division of Legislative Automated Systems. The Commission shall name from its members a chairman and such other officers as are deemed necessary.~~

~~Legislative members shall receive such compensation for the performance of their duties as provided in § 30-19.12 and all members shall be reimbursed for all reasonable and necessary expenses as provided in §§ 2.2-2813 and 2.2-2825. The Office of the Clerk of the House of Delegates and the Office of the Clerk of the Senate shall provide funding for the costs of compensation and expenses of their respective members.~~

Drafting note: This section is proposed for deletion as obsolete because the Legislative Support Commission is inactive and has transferred its responsibilities to other more appropriate legislative branch entities.

~~§ 30-34.2. Powers and duties generally.~~

~~The Commission shall have the following powers and duties:~~

~~1. To supervise the printing and distribution of bills, resolutions, joint resolutions, House documents, Senate documents or other matters directed to be printed for use of the Senate or the House of Delegates and intended for temporary use, as well as the printing and distribution of House Journals, Senate Journals and the Acts of Assembly;~~

~~2. To supervise the maintenance and operation of the General Assembly Building;~~

~~3. To supervise and assist the Capitol Tour Guides;~~

~~4. To employ such personnel as may be necessary to carry out the purposes of this chapter;~~

~~4a. To supervise the Capitol Police Force;~~

~~5. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter;~~

~~6. To do all acts necessary or convenient to carry out the purposes of this chapter; and~~

~~7. To perform other duties as directed by the Committees on Rules of the House of Delegates and the Senate of Virginia.~~

Drafting note: This section is proposed for deletion as obsolete because the Legislative Support Commission is inactive and its responsibilities currently are carried out by other more appropriate legislative branch entities. The printing and distribution of bills, etc., is supervised by the Division of Legislative Automated Systems, the maintenance and operation of the General Assembly Building is jointly overseen by the Clerk of the House of Delegates and the Clerk of the Senate, the Capitol Guides program is jointly administered by the Clerk of the House of Delegates and the Clerk of the Senate, and the Division of Capitol Police is supervised by the Joint Rules Committee.

~~§ 30-34.5. Printing and distribution of Acts of Assembly.~~

~~A. The Commission shall, within 45 days following the adjournment of the General Assembly sine die, send to each requesting member of the General Assembly a copy of each Act of Assembly signed by the Governor or if otherwise enacted into law, in the form in which it is signed by the Governor or otherwise enacted into law. Each act so sent shall be clearly denominated with the House of Delegates or the Senate bill number assigned to it by the respective houses of the General Assembly.~~

~~B. The Commission shall also requisition, through the Division of Legislative Automated Systems, as soon as approved by the Governor, not in excess of 5,000 copies of the acts and joint resolutions of the General Assembly. These it shall have bound in ordinary half binding, with the index and tables required by law to be printed with the acts and joint resolutions of the General Assembly, and as soon as practicable after the close of each session of the General Assembly, shall deliver by mail, express or otherwise, if requested pursuant to § 30-34.4:1:~~

~~1. One copy to the Governor; and such additional copies as may be requested for use in the Governor's office;~~

~~2. One copy to each of the Governor's secretaries;~~

~~3. One copy to each head of department; each division of the Governor's office, the Commissioner of the Virginia Workers' Compensation Commission, the Employment Commission and the Department of Motor Vehicles, the Director of the Department of Wildlife~~

~~Resources and the Executive Secretary of the Compensation Board and the Director of the Virginia Retirement System;~~

~~4. As many copies to the Division of Legislative Services as may be required by the Division for its use or for exchange with other states;~~

~~5. One copy to each member of the General Assembly; however, up to four additional copies may be obtained upon application to the Division of Legislative Automated Systems;~~

~~6. One copy to the Lieutenant Governor;~~

~~7. One copy to each judge;~~

~~8. Five copies to the State Corporation Commission;~~

~~9. Twenty-five copies to the Attorney General;~~

~~10. One copy to the reporter of the Supreme Court, the Executive Secretary of the Supreme Court, and each clerk of any court, attorney for the Commonwealth, Commissioner of the Revenue, Treasurer, public library, school board, judge and clerk of any court held in this Commonwealth under the laws of the United States and each attorney and marshal in this Commonwealth holding office under the United States;~~

~~11. One copy to the city manager of a city, the mayor of a town and the county administrator, manager or executive depending on the county's form of government; however, an additional copy for use within the city, town or county may be obtained upon application to the Division of Legislative Automated Systems;~~

~~12. Five copies to The Library of Virginia;~~

~~13. Five copies to the State Law Library;~~

~~14. One copy to the head of each institution of higher education in the Commonwealth;~~

~~15. One copy to the library of each institution of higher education in the Commonwealth;~~

~~16. One copy to the Virginia School for the Deaf and the Blind;~~

~~17. Five copies to the Clerk of the Senate for the use of the Senate;~~

~~18. Ten copies to the Clerk of the House of Delegates for the use of the House;~~

~~19. Three copies to the Auditor of Public Accounts;~~

~~20. Three additional copies to the Comptroller;~~

~~21. One copy to the county attorney in those counties which have created the office of the county attorney;~~

~~22. One copy to the Joint Legislative Audit and Review Commission;~~

~~23. One copy to the Committee on Appropriations of the House of Delegates;~~

~~24. One copy to the Senate Committee on Finance and Appropriations; and~~

~~25. One copy to the Division of Legislative Automated Systems.~~

Drafting note: The provisions of existing subsection A are relocated to proposed subsection B of § 30.1-703, and the provisions of existing subsection B are proposed for deletion as obsolete due to the advent of the internet and the availability of numerous legislative resources through the electronic Legislative Information System and the Division of Legislative Services' website.

~~§ 30-34.6. Printing and distribution of Journals of Senate and House.~~

~~A. The Commission, through the Division of Legislative Automated Systems, shall order all printing done by direction of the Senate or the House of Delegates, or their respective clerks. Within a reasonable time after the close of each session of the General Assembly the Commission shall cause to be printed and bound the Journals of the Senate and the House of Delegates, with an index thereto, in sufficient quantity to make the following distribution, if requested pursuant to § 30-34.4:1:~~

~~1. One copy to the Governor;~~

~~2. Fifteen copies each to the Clerk of the Senate and the Clerk of the House;~~

~~3. A sufficient number of copies to The Library of Virginia to meet collection requirements pursuant to § 2.2-609;~~

~~4. One copy to the library of each educational institution in this Commonwealth;~~

~~5. One copy to each public library which makes written application therefor to the Commission;~~

~~6. One copy to the President of the Senate and one copy to the Speaker of the House;~~

~~7. One copy to the Division of Legislative Services;~~

~~8. One copy to each requesting member of the Senate and the House of Delegates;~~

~~9. One copy to the Joint Legislative Audit and Review Commission;~~

~~10. One copy to the Committee on Appropriations of the House of Delegates; and~~

~~11. One copy to the Senate Committee on Finance and Appropriations.~~

~~B. The number of copies to be printed and the quality of binding shall be designated by the Commission.~~

Drafting note: The introductory portion of existing subsection A is relocated to proposed subsection C of § 30.1-703, and the remaining portion of existing subsection A and existing subsection B are proposed for deletion as obsolete due to the advent of the internet and the availability of numerous legislative resources through the electronic Legislative Information System and the Division of Legislative Services' website.

~~§ 30-34.7. Repealed.~~

Drafting note: Repealed by Acts 2003, c. 264.

~~§ 30-34.8. Donation of surplus copies to law schools of institutions of higher education.~~

~~The Commission shall furnish institutions of higher education in the Commonwealth in which a law school is established, and which has not previously been furnished, out of any surplus copies on hand, with one copy of the Journal of the Senate, the Journal of the House of Delegates, the Journal of the Constitutional Conventions, the Acts of Assembly, and the Codes.~~

Drafting note: This section relating to the accessibility of books and documents is proposed for deletion as obsolete due to the advent of the internet and the availability of numerous legislative resources through the electronic Legislative Information System and the Division of Legislative Services' website.

~~§ 30-34.9. Furnishing certain law school libraries publications for exchange.~~

~~The Commission is authorized and directed to furnish to the Law Library of the University of Virginia, the Law Library of the George Mason University School of Law, and the Law Library of the Marshall-Wythe School of Law of the College of William and Mary in Virginia 50 copies each of such publications printed under its authority as may be designated in writing by the Law Librarian of the University of Virginia, the Law Librarian of the George~~

~~Mason University School of Law, and the Law Librarian of the Marshall-Wythe School of Law of the College of William and Mary in Virginia prior to the time that any such publication so designated goes to press, to be used for exchanges for like publications with law libraries and institutions of other states, the national government, and other governments, societies, and others as they may see fit.~~

Drafting note: This section relating to the accessibility of books and documents is proposed for deletion as obsolete due to the advent of the internet and the availability of numerous legislative resources through the electronic Legislative Information System and the Division of Legislative Services' website.

CHAPTER ~~3.2~~ 7.

DIVISION OF LEGISLATIVE AUTOMATED SYSTEMS.

Drafting note: Existing Chapter 3.2, relating to the Division of Legislative Automated Systems, is logically reorganized and retained as proposed Chapter 7. Provisions of existing Chapter 3.1 (Legislative Support Commission) are relocated to this proposed chapter as applicable due to the obsolescence of the Legislative Support Commission.

§ ~~30-34.11~~ 30.1-700. Division ~~created~~ of Legislative Automated Systems; supervisory control of Division; appointment ~~and tenure~~ 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 ~~Division shall be in the charge of~~ Joint Rules Committee shall appoint a Director, ~~who shall be appointed by,~~ subject to confirmation by the General Assembly, ~~and~~ who shall serve at the pleasure of the ~~Committees on Rules of the House of Delegates and the Senate acting jointly~~ Joint Rules Committee.

~~§ 30-34.12. Powers and duties of Director.~~

~~The Director of the Division of Legislative Automated Systems shall, under the direction and control of the Committees on Rules of the House of Delegates and the Senate acting jointly, exercise such powers and perform such duties as are conferred or imposed by~~

~~law upon him; and~~ 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 ~~Committees on Rules of the House of Delegates and the Senate acting jointly~~ 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.

Drafting note: This section combines existing §§ 30-34.11 and 30-34.12 to consolidate provisions relating to the establishment of the Division of Legislative Automated Systems (the Division) and provisions for its Director and employees. Substantive changes are also made to reflect the Division's current placement under the supervisory control of the Joint Rules Committee. Technical changes are made to modernize language and to logically organize related provisions.

~~§ 30-34.13. General powers of Division.~~

~~The Division shall have the following general powers:~~

~~1. To employ such personnel as may be required to carry out the purposes of this chapter.~~

~~2. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of Virginia.~~

~~3. To do all acts necessary or convenient to carry out the purposes of this chapter.~~

Drafting note: This section is proposed for deletion as its provisions are relocated to two other proposed sections. Existing subdivision 1 is relocated to proposed § 30.1-700, relating to the establishment and operation of the Division of Legislative Automated Systems (the Division), and existing subdivision 2 is relocated to proposed § 30.1-701, relating to the powers and duties of the Division. Existing subdivision 3 is proposed for deletion as an unnecessary catch-all provision that is sufficiently addressed by the authority of the Joint Rules Committee to direct the duties of the Division and Director of the Division.

§ ~~30-34.14~~ 30.1-701. ~~Duties~~ 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.

~~§ 30-34.10:1. Establishment and maintenance of electronic information system.~~

~~The Commission, through the Division of Legislative Automated Systems, shall establish~~ 2. Establish and maintain ~~a legislative~~ an electronic legislative information system that includes the status of bills and resolutions active within the legislative process and related information. Electronic access to this information shall be made available to all agencies of the Commonwealth and its political subdivisions~~,~~ and conditionally available to the public as resources permit.

~~2. To provide~~ 3. Supervise the printing and distribution of bills, resolutions, joint resolutions, House documents, Senate documents, and other matters directed to be printed for use of the House of Delegates or the Senate of Virginia and intended for temporary use, as well as the printing and distribution of House Journals, Senate Journals, and the Acts of Assembly.

4. Provide technical assistance to the General Assembly of Virginia~~,~~ and to the agencies ~~which~~ that directly serve the General Assembly of Virginia.

~~3. To represent the interests of the General Assembly in activities involving, obtaining and maintaining data processing services, electronic components, and other related items.~~

~~4.~~ 5. Prepare and publish annually, as soon as practicable after January 1, a listing of designated spokespersons or information officers for each department, agency, board, or commission of state government, as shall be designated by the head ~~thereof~~ of each such entity. Such spokespersons or information officers ~~or designated alternates~~ shall (i) serve as a legislative liaison between any such department, agency, board, or commission and the General Assembly~~,~~; (ii) act as the official spokesperson representing such department, agency, board, or commission~~,~~; and (iii) be at all times available to assist members of the General Assembly in seeking solutions to problems of citizens of the Commonwealth.

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

7. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including contracts with the United States, 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 Committees on Rules of the House of Delegates and the Senate of Virginia acting jointly 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.

Drafting note: This proposed section logically reorganizes provisions from existing §§ 30-28.16, 30-34.2, 30-34.10:1, 30-34.13, and 30-34.14 relating to the general duties and responsibilities of the Division of Legislative Automated Systems (the Division). Proposed subdivision A 2 consolidates and relocates provisions from existing § 30-34.10:1, which directs the obsolete Legislative Support Commission to, through the Division, establish and maintain the legislative electronic information system, renamed as the electronic legislative information system. Proposed subdivision A 3 is relocated from existing subdivision 1 of § 30-34.2, which directs the obsolete Legislative Support Commission to

supervise the printing and distribution of bills and other legislative materials, to reflect the current duties of the Division. Proposed subdivision A 6 is relocated from existing subdivision A 7 of § 30-28.16, which directs the Division of Legislative Services to prepare and publish an annual report regarding actions of standing committees during the most recent General Assembly session, thus reassigning this duty to the Division. This is a substantive change that reassigns publication of this annual report to a more appropriate agency. Proposed subdivision A 7 consolidates and relocates existing subdivision 2 of § 30-34.13 and existing subdivision 3 of § 30-34.14 relating to the Division's authority and duty regarding contracting for services on behalf of the General Assembly. Technical changes are made to modernize language and to logically organize related provisions.

§ ~~30-34.10:2~~ 30.1-702. ~~Access to Code of Virginia, Virginia Administrative Code, and Virginia Register of Regulations~~ 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 ~~shall be a part of the legislative electronic information system and the Internet~~ 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 § ~~30-146~~ 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.

~~§ 30-34.10:3. Fees.~~

B. For the services rendered in providing access to the electronic legislative ~~electronic~~ information system, the ~~Commission~~ Division may charge and collect a fee for each inquiry as determined by the Director of the Division ~~of Legislative Automated Systems~~ 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~~, firm, corporation or other entity~~ shall receive access from the electronic legislative ~~electronic~~ information system for resale without first applying to the Director of the Division ~~of Legislative Automated Systems~~. Such application shall be approved only on the condition that a fee equal to ~~twenty-five~~ 25 percent of the resale charge is paid, which shall be in addition to the other fees provided for in this section.

Drafting note: This proposed section consolidates the provisions of §§ 30-34.10:2 and 30-34.10:3 relating to the information to be maintained on the electronic legislative information system and the system's ongoing operation by the Division of Legislative Automated Systems. Technical changes are made to modernize language and to logically organize related provisions.

§ ~~30-34.3~~ 30.1-703. Printing and distribution of bills and resolutions, ~~joint resolutions, etc~~ legislative documents, and other state publications; fees.

~~To satisfy the requirements of this chapter, there shall be requisitioned by the Commission through the Division of Legislative Automated Systems~~ A. The Division shall be responsible for printing sufficient copies of every bill, resolution, House document, Senate document, calendar of each house, or other matter directed to be printed for use of ~~the Senate or~~ the House of Delegates~~.~~

~~§ 30-34.4. Copies of bills, calendars, etc., to be furnished on application.~~

~~The Commission shall furnish to such persons, firms, or corporations~~ or the Senate of Virginia and may furnish copies of such to any person, firm, or corporation as may apply therefor~~, copies of each bill, resolution and document printed for the House of Delegates and the Senate, as well as the calendar of each house~~. The ~~Commission may limit the~~ number of such copies furnished to any person, firm, or corporation may be limited by the Division.

B. Within 45 days following the adjournment sine die of any session of the General Assembly, the Division shall distribute to each member of the General Assembly who so requests a copy of each Act of Assembly in the form in which it was signed by the Governor or

otherwise enacted into law. Each act so sent shall be clearly denominated with the House of Delegates or Senate bill number assigned to it by the respective house of the General Assembly.

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

~~§ 30-34.4:1. Request and distribution of state publications.~~

~~A.~~ D. The ~~Commission, through the~~ Division ~~of Legislative Automated Systems,~~ shall distribute annually to each member of the General Assembly a request form containing a checklist for selection of the Acts of Assembly, the Journals of the House of Delegates and the Senate ~~and House of Delegates~~ of Virginia, and reports submitted to the General Assembly or any committee, subcommittee, commission, agency, or other body within the legislative branch. ~~All requested materials shall be delivered electronically as read-only and text-searchable Portable Document Format (.pdf) files or as another widely used and accessible read-only and text-searchable electronic document format unless expressly requested otherwise. B. The~~ It is the responsibility of the Division ~~of Legislative Automated Systems shall~~ to notify each ~~individual entitled to receive state publications listed in subsection A~~ member of the General Assembly of the availability of the publications and that each will be forwarded to them by the appropriate entity upon written request. The Division shall forward requested reports of legislative entities and shall notify each agency, institution, collegial body, or other governmental entity outside of the legislative branch of the names of the members of the General Assembly requesting such entity's report.

~~§ 30-34.10. Fees and mailing costs.~~

~~For the services rendered under §§ 30-34.3 through 30-34.6, the Commission~~ E. The Division may charge and collect in advance a fee ~~as~~ determined by the Director of the Division ~~of Legislative Automated Systems~~ to be reasonable and sufficient to cover the cost of printing, binding, and handling; in addition to each such fee ~~it~~, the Division shall also charge and collect an amount necessary to cover the cost of mailing~~,~~ if such ~~bills, calendars and resolutions are~~ bill, resolution, House document, Senate document, calendar of each house, or other matter

directed to be printed is to be sent by mail. ~~All fees collected pursuant to this section and § 30-34.10:3 shall be deposited into a special fund to be known as the "Legislative Automated Service Fund" which is hereby created. This fund shall be administered by the Division of Legislative Automated Systems and disbursements made therefrom for services related to §§ 30-34.3 through 30-34.6 and 30-34.10:1.~~

Drafting note: This proposed section relocates from existing Chapter 3.1 (Legislative Support Commission) and consolidates the provisions of existing §§ 30-34.3, 30-34.4, 30-34.4:1, 30-34.5, 30-34.6, and 30-34.10 relating to the printing and distribution of bills and resolutions, legislative documents, and other publications by the obsolete Legislative Support Commission through the Division of Legislative Automated Systems (the Division). Currently, the printing and distribution of such materials is overseen by the Division. The description of the required document format for the delivery of requested materials from existing subsection A of § 30-34.4:1 is proposed for deletion in order to provide the Division the authority to use whatever format is determined appropriate by the Division under the authority of the Joint Rules Committee. The reference to the Legislative Automated Service Fund established in existing § 30-34.10 for fees collected for printing, binding, handling, and mailing legislative materials is proposed for deletion because such fund has not been operational since at least 2008. The collection of such fees currently is accounted for by the Division's staff without the use of such fund. Technical changes are made to modernize language and to logically organize related provisions.

§ ~~30-34.15~~ 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 ~~of Legislative Automated Systems~~ 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. ~~Any report required or requested by law or resolution to be submitted to any committee, subcommittee, commission, agency, or other body within the legislative branch or to the chairman or agency head of such entity shall also be submitted to the Division of Legislative Automated Systems in a written or electronic format as provided in the procedures for the processing of legislative documents and reports.~~

~~C.~~ The reports submitted to the Division ~~of Legislative Automated Systems~~ shall include an executive summary. The Division shall post the executive summary and the report on the ~~website of the General Assembly~~ 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.

~~D.~~ C. The Director of the Division ~~of Legislative Automated Systems~~ 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.

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

Drafting note: Technical changes are made to logically organize related provisions.

CHAPTER ~~2.2~~ 8.

DIVISION OF LEGISLATIVE SERVICES AND ASSOCIATED COMMISSIONS.

Drafting note: Proposed Chapter 8, Division of Legislative Services and Associated Commissions, includes those provisions relating to the Division of Legislative Services and its duties and responsibilities involving legislative drafting and the Code of Virginia, including provisions relating to several commissions that are staffed within the Division. Existing Chapters 2.2 (Division of Legislative Services), 15 (Virginia Code Commission), 8.1 (Joint Commission on Administrative Rules), and 29 (Commissioners for the

Promotion of Uniformity of Legislation) are retained as proposed Articles 1 through 4, respectively.

Article 1.

Division of Legislative Services.

Drafting note: Existing Chapter 2.2, relating to the Division of Legislative Services, is retained as proposed Article 1.

§ ~~30-28.12~~ 30.1-800. ~~Creation of Division~~ 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~~, hereinafter in this chapter sometimes called the Division~~ (the Division). ~~The Division shall be in the charge of~~ Supervisory control of the Division shall be vested in the Joint Rules Committee.

B. The Joint Rules Committee shall appoint a Director, ~~who shall be appointed by,~~ subject to confirmation of the General Assembly, ~~and~~ who shall serve at the pleasure of the ~~Committees on Rules of the House of Delegates and the Senate~~ 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 ~~graduate of the school of law of an approved institution of higher education~~ member of the bar of the Commonwealth.

~~§ 30-19.5. Supervisory control of Division of Legislative Services.~~

~~Supervisory control of the Division of Legislative Services shall be vested jointly in the Committees on Rules of the House of Delegates and the Senate, meeting jointly.~~

~~§ 30-28.13. Assistants, draftsmen and clerks.~~

~~The Director may~~ He shall employ and fix the duties and compensation of ~~necessary assistants, draftsmen and clerks, who~~ 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.

Drafting note: Existing §§ 30-19.5, 30-28.12, and 30-28.13 are combined in this proposed section because they address related topics. Technical changes are made for clarity and consistency and to modernize language.

~~§ 30-28.14. Repealed.~~

Drafting note: Repealed by Acts 1978, c. 128.

§ ~~30-28.16~~ 30.1-801. Duties of Division ~~and of Director~~.

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

1. ~~Establish~~ Maintain a reference library ~~which develops and maintains~~ with a ~~library~~ collection to support the work of the Division and the General Assembly and ~~which provides~~ to provide general and specific reference services to members of the General Assembly;

2. ~~Keep on file~~ Maintain physical or electronic copies of all bills, resolutions, amendments ~~thereto~~, 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 electronic legislative information system;

3. ~~Accumulate data and statistics regarding the practical operation and effect of statutes of this and other states;~~

~~4. Carry out such research projects as shall be assigned to it by the Committees on Rules of the House of Delegates and the Senate;~~

~~5. Furnish upon written request of any person a copy of any charter of a city or town of the Commonwealth at the charge prevailing from time to time for reproducing same;~~

~~6.~~ Carry out legal and legislative research and ~~obtain and analyze information~~ analysis for members of the General Assembly and its committees; ~~and~~

~~7. Provide an annual report to the General Assembly, indexed according to standing committee jurisdiction, on the status of all reports, actions, or data collection that is required by legislation enacted by the General Assembly or otherwise requested by the General Assembly of agencies and collegial bodies of state government. The report for the most recently completed calendar year shall be submitted to the General Assembly and the Governor as soon as~~

~~practicable after the first day of the next regular session and may be provided through the legislative electronic information system.~~

~~B. Upon~~ 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 member of the General Assembly~~, any Governor's Secretary, or the head of any legislative, judicial, or independent agency~~, the Division shall:~~; and

~~1. Draft or aid in drafting legislative bills or resolutions and amendments thereto;~~

~~2.~~ 5. Advise as to the constitutionality or probable legal effect of proposed legislation;

~~3. Prepare~~ prepare summaries of existing laws affected by proposed legislation, compilations of laws in other states ~~or countries~~ relating to the subject matter of such legislation, and statements of the operation and effect of such laws; ~~or~~

~~4. Make researches and examinations~~ and conduct research as to any subject of proposed legislation.

~~C. The Director shall perform such other duties as may be required of him by the Committees on Rules of the House of Delegates and the Senate.~~

Drafting note: Provisions of this section are revised and reorganized to better reflect the current duties of the Division of Legislative Services (the Division). A provision requiring the Division to keep on file certain legislative documents is amended to reflect the ability to electronically maintain such documents. Substantive changes are made in existing subdivisions A 3 and 4 to more accurately reflect the requirements of the Division as the Division has been operating in practice. A provision in existing subdivision A 5 requiring the Division to furnish copies of charters upon request is proposed for deletion as obsolete because city and town charters are publicly accessible online. The reporting requirement in existing subdivision A 7 is relocated to proposed § 30.1-701 to reflect the current duties of the Division of Legislative Automated Systems. The provisions of existing subsection B are reorganized to reflect that certain listed duties are performed by the

Division whether or not they are requested. Technical changes are made for consistency and to modernize language.

~~§ 30-28.17. Books and documents to be accessible to officers and general public.~~

~~All the books, documents and other materials, and the guides to materials shall be at all times accessible to the Governor and members of the General Assembly, state and municipal officers, boards and commissions, and the general public, for reference purposes.~~

Drafting note: This section relating to the accessibility of books and documents is proposed for deletion as obsolete due to the advent of the internet and the availability of numerous legislative resources through the electronic Legislative Information System and the Division of Legislative Services' website.

§ ~~30-28.18~~ 30.1-802. Requests for drafting bills or resolutions; bills to conform to request; ~~public access~~ confidentiality.

A. All requests for the drafting of bills or resolutions by the Division shall be submitted to the Division in person, ~~in writing, or~~ by voice transmission, or by electronic means. Each request shall contain ~~a general statement~~ sufficient information respecting the policies and purposes that the requester desires incorporated ~~in~~ into and accomplished by the bill. ~~All written requests shall be signed by the person submitting them~~ Bills drafted by the Division shall conform to such request or any supplementary instructions submitted by the requester.

~~Neither the Director nor any employee of the Division shall reveal to any person outside of the Division, except to the Division of Legislative Automated Systems in fulfilling its duties as provided in § 30-34.14, the~~ B. The contents or nature of any request or ~~statements except with the consent of the person signing such request~~ 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. ~~Exceptions to this general rule are as follows:~~

~~1. When~~ 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 ~~an~~ a Division employee receives a request that is substantially the same as one previously received, he may~~, unless specifically directed not to do so by the person first submitting such request,~~ so inform the person submitting the similar request~~;~~

~~2. Unless specifically directed otherwise, the Director or employee may reveal the nature of a request when seeking information from anyone to assist in drafting the bill; and~~

~~3. 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 the legislation and may be accessed by either the Clerk of the House of Delegates or the Clerk of the Senate or their employee designees after such legislation is offered for introduction in either house.~~

~~Bills drafted by the Division shall conform to the statements submitted with the request or any supplementary instructions submitted by the person who originally made the request~~.

~~B.~~ 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 ~~members~~ employees of the Division ~~staff~~ shall have access to any such file without the specific approval of the requester.

~~C. All legislative 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 on or before the same deadline applicable to members of the General Assembly for submitting legislative drafting requests for legislation to be prefiled to the Division, as established by the procedural resolution adopted by the General Assembly, or in default thereof, as adopted by the Joint Rules Committee. Requests from the Governor may also be submitted in accordance with the procedures established by the Rules Committees of the House of Delegates and the Senate for the conduct of business during a legislative session.~~

Drafting note: A provision in proposed subsection A relating to written requests for bill drafts is proposed for deletion as obsolete; such written requests are now

submitted through electronic means. Existing subdivision A 3 and subsection C are relocated to proposed §§ 30.1-402 and 30.1-400, respectively. Technical changes are made for clarity and consistency and to modernize language.

~~§ 30-28.19. Repealed.~~

Drafting note: Repealed by Acts 1983, c. 62.

~~§ 30-28.20. Repealed.~~

Drafting note: Repealed by Acts 1976, c. 746.

§ 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.

Drafting note: Portions of existing §§ 30-4, 30-5, 30-6, and 30-7 set out certain privileges enjoyed by members of the General Assembly that relate to criminal and civil court proceedings and extend such privileges to employees of the legislative branch. Such provisions are retained and reorganized in proposed §§ 30.1-101, 30.1-104, and 30.1-105 as they apply to members of the General Assembly. This proposed section makes reference to such privileges and extends them to employees of the Division and as an affirmative statement of law.

§ ~~30-28.15~~ 30.1-804. Use of state libraries; withdrawal of books; charges.

A. The ~~Division, through its~~ 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~~, in the performance of their duties,~~ 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.

Drafting note: Technical changes are made to modernize language.

~~CHAPTER 15.~~

~~VIRGINIA CODE COMMISSION.~~

Article 2.

Virginia Code Commission.

Drafting note: Existing Chapter 15, relating to the Virginia Code Commission, is retained as proposed Article 2. Provisions of this proposed article are reorganized to standardize the organization of articles establishing legislative entities by setting out separate sections for the entity's purpose, membership, compensation, meetings, and staffing.

§ ~~30-145~~ 30.1-805. Virginia Code Commission; ~~membership, terms; compensation; staff; quorum~~ purpose.

~~A.~~ 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.

Drafting note: Existing § 30-145 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission and states its purpose; the purpose statement is relocated from existing § 30-146. Technical changes are made.

§ 30.1-806. Membership; terms.

A. The Commission shall ~~consist~~ have a total membership of ~~not less than 11 members nor more than~~ 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 ~~Senate appointed by the Senate Committee on Rules for terms coincident with their terms as members of the Senate, and 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;

~~3.~~ 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~~, both for four-year terms,~~ for terms of four years each who shall be entitled to all the rights granted under § ~~30-5~~ 30.1-105;

~~4. Three ex officio members with voting privileges as follows: (i) The Governor, or his designee, (ii) the Attorney General, or an assistant Attorney General designated by the Attorney General, and (iii) the Director of the Division of Legislative Services;~~ and

5. One ~~or two~~ nonlegislative citizen ~~members, as may be recommended by the Commission,~~ 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 ~~a four-year term who has~~ 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. ~~Upon recommendation of the Commission, the Speaker of the House of Delegates shall make the first appointment to the Commission and the Senate Committee on Rules the second.~~ 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 § ~~30-5~~ 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. ~~Subsequent appointments shall be made for similar terms, and vacancies~~ Vacancies shall be filled for the unexpired terms in the manner of the original appointments.

Drafting note: Existing § 30-145 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership and terms. At the direction of the Code Commission, substantive changes are made to add a designee for the Director of the Division of Legislative Services and to ensure that members serving ex officio serve without voting privileges. Technical changes are made for clarity and consistency, including the designation of subdivisions.

§ 30.1-807. Compensation; expenses.

~~C.~~ Current legislative members of the Commission shall receive compensation as provided in ~~§ 30-19.12~~ § 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.

Drafting note: Existing § 30-145 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes compensation and expenses for members of the Commission. Technical changes are made.

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

~~E.~~ A majority of the members of the Commission shall constitute a quorum. The Commission shall elect a ~~chairman~~ chair and ~~vice-chairman~~ 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 ~~chairman~~ chair or whenever the majority of the members so request.

Drafting note: Existing § 30-145 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's quorum and meetings. Technical changes are made,

including the addition of a requirement that the chair and vice-chair be members of the General Assembly, which is consistent with general requirements for legislative entities.

§ 30.1-809. Staffing.

~~D.~~ 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 ~~needs occur~~ necessary, including experts who have special knowledge of specific titles of the Code being revised.

Drafting note: Existing § 30-145 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's staffing. Technical changes are made.

§ ~~30-146~~ 30.1-810. Publication of Code of Virginia, Virginia Administrative Code, and Virginia Register of Regulations; authority regarding type and form.

~~The Commission is charged with the responsibility of publishing and maintaining a Code of the general and permanent statutes of the Commonwealth. The Commission shall also have the responsibility of publishing and maintaining the Virginia Administrative Code, and publishing the Virginia Register of Regulations as provided for in § 2.2-4031.~~

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.

Drafting note: A provision relating to the Commission's purpose is relocated to proposed § 30.1-805. Technical changes are made.

§ ~~30-147~~ 30.1-811. Contracting with publishers; property rights regarding Code of Virginia and Virginia Administrative Code material.

A. The Commission may enter into contracts ~~with any reputable person~~ 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~~, inter alia,~~ 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 ~~or firm~~ 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 ~~which~~ 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.

Drafting note: Technical changes are made to modernize language.

§ ~~30-148~~ 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 ~~sessions~~ 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 volumes~~, 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.

Drafting note: Technical changes.

§ ~~30-149~~ 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~~, and other purely consequential changes~~ or when otherwise made necessary by the use ~~in the statutes~~ 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 ~~Code of~~

~~Virginia~~ such sections ~~which~~ that have become outdated or incorrect due to subsequent amendment to, revision of, or repeal of the sections to which reference is made.

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

Drafting note: Provisions relating to the Commission's editorial powers for the Virginia Administrative Code as set out in existing § 30-150 are consolidated with the Commission's identical editorial powers for the Code of Virginia in this proposed section. Technical changes are made for clarity and consistency, including the designation of subsections.

~~§ 30-150. Authority for minor changes to the Virginia Administrative Code.~~

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

~~The Commission may renumber, rename and rearrange any Virginia Administrative Code titles, sections or other divisions within the regulations which have been proposed, 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.~~

~~The Commission may correct unmistakable errors in the cross-references to Code of Virginia or Virginia Administrative Code sections and may change cross-references to such sections which have become outdated or incorrect due to subsequent amendment to, revision or repeal of the sections to which reference is made.~~

~~The Commission may omit from the regulations incorporated into the Virginia Administrative Code provisions which, in the judgment of the Commission, are inappropriate in a code, including, but not limited to, (i) effective date clauses and (ii) severability clauses, which are provided for under § 2.2-4004.~~

Drafting note: This section is proposed for deletion because its contents are combined with existing § 30-149 in proposed § 30.1-813.

§ ~~30-151~~ 30.1-814. Ongoing responsibility for repeal of obsolete statutes and Acts of Assembly.

The Commission shall periodically review the Code of Virginia and uncodified provisions in the ~~Virginia~~ Acts of Assembly to identify obsolete chapters, articles, sections, or enactments~~. The Commission shall from time to time, but not less than every four years, make such recommendation~~ and recommend to the General Assembly ~~through~~ legislation amending or repealing such statutes or acts as the Commission deems appropriate.

Drafting note: A substantive change is made to replace a provision requiring the Virginia Code Commission to recommend certain legislation to the General Assembly at least every four years with the requirement to "periodically" recommend such legislation. Technical changes are made for clarity and consistency.

§ ~~30-152~~ 30.1-815. Revision of the Code of Virginia; construction of statutes relating to titles amended.

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

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

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

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

Drafting note: Technical changes are made for clarity, including the designation of subsections.

~~§ 30-153. Repealed.~~

Drafting note: Repealed by Acts 2012, cc. 688 and 708, cl. 2.

§ ~~30-154~~ 30.1-816. Publication of Virginia State Bar advisory opinions.

The Commission, in conjunction with the Virginia State Bar, shall arrange for the incorporation of all advisory opinions issued by the Virginia State Bar's Standing ~~Committees~~ Committee on Legal Ethics~~, Lawyer Advertising and Solicitation, and Unauthorized Practice of Law~~ into the Code of Virginia. Such opinions, including appropriate indices, may be incorporated into the Code of Virginia by the addition of a volume to the Code and kept current by means of pocket parts or supplements and by replacement volumes.

Drafting note: Technical changes are made to remove obsolete references to certain Virginia State Bar Standing Committees.

§ ~~30-154.1~~ 30.1-817. Publication of Virginia compacts.

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

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

Drafting note: Technical changes.

§ ~~30-155~~ 30.1-818. Responsibilities as to administrative law; appointment of Administrative Law Advisory Committee; staff.

A. In conjunction with the responsibility granted to the Commission for publishing and maintaining the Virginia Administrative Code ~~as set forth in~~ pursuant to § ~~30-146~~ 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 ~~to administrative agencies of the Commonwealth~~ for the promulgation, amendment, and repeal of administrative law within the powers granted to such agencies by the General Assembly, and to recommend ~~from time to time~~ 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 ~~shall be~~ 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 ~~Code~~ Commission, and that report shall be forwarded to the ~~Governor and the~~ General Assembly and the Governor.

3. ~~Staff assistance shall be provided to the Advisory Committee by the~~ The Division of Legislative Services shall provide administrative staff support to the Advisory Committee.

Drafting note: Technical changes are made for clarity and consistency.

~~CHAPTER 8.1.~~

~~JOINT COMMISSION ON ADMINISTRATIVE RULES.~~

Article 3.

Joint Commission on Administrative Rules.

Drafting note: Existing Chapter 8.1, relating to the Joint Commission on Administrative Rules, is retained as proposed Article 3. Provisions of this proposed article are reorganized to standardize the organization of articles establishing legislative entities by setting out separate sections for the entity's membership and compensation.

§ 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.

"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.

Drafting note: The definitions for "agency" and "rule or regulation" are relocated from existing § 30-73.1 to conform to the standard convention of placing definitions at the beginning of an article. Technical changes are made, including establishing a separate term for "Commission" for clarity and consistency.

§ ~~30-73.1~~ 30.1-820. Joint Commission on Administrative Rules; purpose.

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

~~As used in this chapter, 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.~~

~~"Rule" or "regulation" means any statement of general application, having the force of law, affecting the rights or conduct of any person, adopted by an agency in accordance with the authority conferred on it by applicable basic laws.~~

Drafting note: The definitions for "agency" and "rule or regulation" are relocated to proposed § 30.1-820 to conform to the standard convention of placing definitions at the beginning of an article. Technical changes are made.

§ ~~30-73.2~~ 30.1-821. Membership; terms~~; compensation~~.

A. The Commission shall ~~be composed~~ have a total membership of 12 legislative members. Members shall be appointed as follows: ~~five members of the Senate to be appointed by the Senate Committee on Rules, and seven~~

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.

~~Six members shall constitute a quorum.~~

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.

~~C. The members of the Commission shall elect a chairman and vice-chairman from among its members.~~

Drafting note: Existing § 30-73.2 is divided into three proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership and terms. Technical changes are made.

§ 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.

Drafting note: Existing § 30-73.2 is divided into three proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's quorum and chair and vice-chair.

§ 30.1-823. Compensation; expenses.

~~D.~~ Members of the Commission shall receive compensation as provided in § ~~30-19.12~~ 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.

Drafting note: Existing § 30-73.2 is divided into three proposed sections to standardize the organization of articles establishing legislative entities. This proposed

section establishes compensation and expenses for members of the Commission. Technical changes are made.

§ ~~30-73.3~~ 30.1-824. Powers and duties of the Commission.

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

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 ~~no~~ 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 ~~Governor and~~ 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 ~~Governor and the~~ General Assembly and the Governor that a rule be modified, repealed, or adopted~~.~~; and

7. ~~Beginning November 1, 2017, the Joint Commission on Administrative Rules shall conduct~~ 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 shall report quarterly to the ~~Governor and the~~ General Assembly and the Governor on any such regulation. The report shall contain a statement of any position taken by the Commission on any such regulation.

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

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

Drafting note: Technical changes are made for clarity and consistency.

§ ~~30-73.4~~ 30.1-825. ~~Staff~~ Staffing; cooperation and assistance.

~~Staff assistance shall be provided to the Commission by the~~ The Division of Legislative Services shall provide administrative staff support to the Commission. All agencies, authorities, and institutions of the Commonwealth shall cooperate and provide such assistance to the Commission as the Commission may request.

Drafting note: Technical changes are made for consistency.

~~CHAPTER 29~~.

~~COMMISSIONERS FOR PROMOTION OF UNIFORMITY OF LEGISLATION.~~

Article 4.

Commissioners for the Promotion of Uniformity of Legislation.

Drafting note: Existing Chapter 29, relating to the Commissioners for the Promotion of Uniformity of Legislation, is retained as proposed Article 4.

§ ~~30-196~~ 30.1-826. ~~Appointment of~~ Commissioners for the Promotion of Uniformity of Legislation; terms; ~~compensation~~ expenses.

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

B. ~~Each~~ Except for life members and the Director of the Division of Legislative Services, each of the appointed Commissioners shall hold office at the pleasure of the Governor~~,~~ and ~~excepting life members and the Director of the Division of Legislative Services,~~ shall serve for a term of 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 ~~Chairman~~ Chair of the Senate Committee on Rules, and shall be paid out of any funds that may be appropriated for such purposes.

Drafting note: Technical changes.

§ ~~30-197~~ 30.1-827. Duties; staff.

A. It ~~shall be~~ is the duty of ~~such~~ the Commissioners to examine subjects on which uniformity is desirable, to ascertain the best means to effect uniformity in the laws of the states, ~~and~~ 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 ~~chapter~~ article.

B. The Commissioners shall, on or before ~~July~~ December 1 of each year, make a detailed report to the General Assembly on their work and activities. ~~Staff support shall be provided by the~~ The Division of Legislative Services shall provide administrative staff support.

Drafting note: The reporting date for the Commissioners is changed from July 1 to December 1 for conformance with other such commission reporting deadlines. Technical changes are made for clarity and consistency.

CHAPTER ~~7~~ 9.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION.

Drafting note: Proposed Chapter 9, Joint Legislative Audit and Review Commission, is created to logically organize provisions relating to the Joint Legislative Audit and Review Commission (JLARC) and certain Acts within existing Title 30 that are under JLARC oversight. Existing Chapters 7 (Joint Legislative Audit and Review Commission), 8 (Legislative Program Review and Evaluation Act), 10 (Virginia Retirement System Oversight Act), and 51 (Commonwealth Savers Plan Oversight Act) are retained as Articles 1 through 4, respectively. Budget language relating to JLARC oversight of the Virginia Information Technologies Agency and certain economic development incentives is proposed for codification as Articles 5 and 6, respectively.

Article 1.

Joint Legislative Audit and Review Commission.

Drafting note: Existing Chapter 7, relating to the Joint Legislative Audit and Review Commission, is retained as proposed Article 1 of Chapter 9. Provisions of this proposed article are reorganized to standardize the organization of articles establishing legislative entities by setting out separate sections for each entity's purpose, membership, powers and duties, staffing, and other provisions.

§ ~~30-56~~ 30.1-900. Joint Legislative Audit and Review Commission; ~~composition; terms; compensation and expenses; office space; quorum; voting on recommendations~~ purpose.

~~There is hereby created the~~ 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 programs and (ii) study and report on such topics as requested by the General Assembly.

Drafting note: Existing § 30-56 is divided into four proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes JLARC and states its purpose. The purpose statement is summarized from the powers and duties of JLARC as set out in proposed § 30.1-905. Technical changes are made to modernize and standardize language.

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

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

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

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

The Auditor of Public Accounts~~, who~~ shall serve ~~as a nonvoting~~ ex officio ~~member~~ with nonvoting privileges.

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

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

Drafting note: Existing § 30-56 is divided into four proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes JLARC's membership and terms and includes a voting equalization

provision, which is relocated from the end of the existing section. Technical changes are made, including the designation of subsections and subdivisions for clarity.

§ 30.1-902. Compensation; expenses.

Members of the Commission shall receive such compensation as provided in § ~~30-19.12~~ 30.1-109 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties on the Commission. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Commission. Adequate office space shall be provided by the Commonwealth.

Drafting note: Existing § 30-56 is divided into four proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes compensation and reimbursement for expenses for members of JLARC. A technical change is made.

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

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

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

Drafting note: Existing § 30-56 is divided into four proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes JLARC's requirements for officers, quorums, and meetings. A provision relating to voting recommendations is relocated from this proposed section to proposed § 30.1-901. Technical changes are made.

§ ~~30-57~~ 30.1-904. Director, executive staff, and personnel.

The Commission shall appoint, subject to confirmation by a majority of the members of the General Assembly, a Director and fix his duties and compensation. The Director may, with prior approval of the Commission, employ and fix the duties and compensation of an adequate executive staff as may be ~~requisite~~ required to ~~make~~ perform the studies ~~and~~, research, and budget analyses required by this ~~chapter~~ article. The Director and the executive staff shall be appointed for a term of six years and shall consist of professional persons having experience and training in ~~legislative budgetary procedures,~~ program and policy evaluation and management and cost analyses ~~and cost accounting~~. The 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 ~~secretarial and clerical~~ administrative employees ~~may be engaged upon~~ may be hired or contracted by the Commission on such terms and conditions as set forth by the Commission.

Drafting note: Language relating to the required experience and training for the Director and executive staff is updated to better describe the necessary qualifications for appointment. This substantive change is consistent with current needs and practice. Language is updated for modern usage and clarity, and technical changes are made.

~~§ 30-58. Repealed.~~

Drafting note: Repealed by Acts 1975, c. 324.

§ ~~30-58.1~~ 30.1-905. Powers and duties of the Commission.

A. For purposes of this section, "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. ~~Study on a continuing basis the operations, practices and duties of state agencies, as they relate to efficiency in the utilization of space, personnel, equipment and facilities~~ 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. Make such reports on its findings and recommendations at such time and in such manner as the Commission deems proper ~~submitting same~~ and submit such reports to the concerned state agencies ~~concerned~~, ~~to the Governor and to~~ the General Assembly, and the Governor. Such reports ~~as are submitted~~ shall relate to the following matters:

a. Ways in which ~~the~~ 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

5. At the request of the chair of a House or Senate standing committee where a bill resides, review the fiscal impact statements associated with introduced bills after such statements are issued.

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

Drafting note: A definition contained in existing § 30-59.1 is relocated to proposed subsection A with technical changes to conform to current Code conventions. Language is updated to reflect the current powers and duties of JLARC and clarify how its work is directed. Technical changes are made.

§ ~~30-58.2~~ 30.1-906. Supplementary ~~studies and~~ reports.

The Commission shall prepare supplementary ~~studies and~~ reports of the program reviews and evaluations called for in ~~§§ 30-58.1 and 30-67~~ § 30.1-905 in the following manner:

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

2. ~~From time to time,~~ State agencies involved in matters ~~which~~ that have been studied under the provisions of § ~~30-58.1 or § 30-67~~ 30.1-905 may be required to communicate to the Commission at a hearing called for such purpose or in writing~~,~~ the status of actions completed or being taken in response to reports and recommendations previously issued.

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

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

Drafting note: Technical changes are made for clarity and consistency.

§ ~~30-58.3~~ 30.1-907. Annual report on state spending.

A. No later than November ~~15~~ 30 of each year, the Commission shall provide to ~~the Governor and~~ the General Assembly and the Governor an annual report on state spending to be published as a state document that shall include~~, among other things,~~ (i) an identification and analysis of spending functions and programs that could be consolidated with other 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 ~~which~~ 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~~ 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.

Drafting note: A substantive change is made to update the deadline for JLARC to provide its annual report on state spending to the General Assembly and the Governor to November 30 from November 15 at the request of the Commission. Technical changes are made for clarity and consistency.

~~§ 30-58.4. Pilot program for analysis of state agency budget submissions.~~

~~The Commission shall develop a pilot program to analyze and evaluate estimates submitted by state agencies and provided to the chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations pursuant to § 2.2-1504 to ascertain that sums requested are appropriated based on the missions, operations, practices, and duties of such agencies. Such pilot program shall include, but not be limited to, (i) an assessment of the procedures for executive budget submission oversight in other states, (ii) development of procedures that could be adopted in Virginia for state agency budget submission analysis, and (iii) preliminary analysis and evaluation of the budget submission of one state agency, to be selected jointly by the Chairmen of the House Committee on~~

~~Appropriations, the Senate Committee on Finance and Appropriations and the Joint Legislative Audit and Review Commission, in accordance with such procedures. Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Planning and Budget. All agencies of the Commonwealth shall provide assistance to the Commission in conducting the pilot program, upon request.~~

~~The Commission shall submit to the Division of Legislative Automated Systems an executive summary and report of its progress in meeting the directives of this statute no later than the first day of the 2009 Regular Session of the General Assembly. The executive summary and report shall be submitted for publication as a report document 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.~~

Drafting note: This section is proposed for deletion as obsolete.

§ ~~30-59~~ 30.1-908. State agencies to furnish information and assistance.

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

B. All ~~agencies of the Commonwealth~~, 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.

Drafting note: Existing § 30-59 is combined with related provisions in subsection H of Budget Item 25 of Chapter 2 of the Acts of Assembly of 2024, Special Session I, which mandates the clerk of each circuit court provide JLARC with certain case data for research, evaluation, or statistical purposes and is proposed for codification. A definition contained in existing § 30-59.1 is relocated to proposed subsection A with technical changes to conform to current Code conventions. Other technical changes are made.

~~§ 30-59.1. State agency defined.~~

~~For the purposes of §§ 30-58.1 and 30-59, the terms "state agency," "state agencies," "agency," and "agencies" shall mean all executive, judicial, and legislative entities of the Commonwealth as well as all constitutionally or statutorily created state entities.~~

Drafting note: The definition contained in this section is relocated to §§ 30.1-905 and 30.1-908, and this section is proposed for deletion.

§ ~~30-60~~ 30.1-909. Auditor of Public Accounts to render assistance upon request; ~~his~~ 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.

Drafting note: Technical change.

§ ~~30-61~~ 30.1-910. Advisory committees.

The Commission may associate with itself such advisory committees ~~of businessmen and others~~ as it ~~may deem~~ 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.

Drafting note: The phrase "of businessmen and others" is removed as unnecessary. A technical change is made.

§ ~~30-61.1~~ 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 (§ ~~30-65~~ 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 Governor and~~ the General Assembly and the Governor to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. Any review and assessment conducted pursuant to this section shall take into consideration the results of any prior studies, audits, or reviews conducted by the Commission, the General Assembly, or the Auditor of Public Accounts, any Governor-appointed commission or like entity, or any other independent entity that addressed the structure and operation of state government and identified monetary savings or efficiencies leading to a reduction in costs or reduced duplication of effort.

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

Drafting note: Technical changes.

~~§ 30-62. Repealed.~~

Drafting note: Repealed by Acts 1979, c. 731.

§ ~~30-63~~ 30.1-912. Payment of expenses of Commission.

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

Drafting note: No change.

§ ~~30-19.1:12~~ 30.1-913. Executive orders; impact statements by the ~~Joint Legislative Audit and Review~~ Commission.

A. At the request of the ~~chairman~~ chair of any committee of the ~~Senate or House of Delegates~~ General Assembly, the ~~Joint Legislative Audit and Review~~ Commission shall review any executive order issued by the Governor and prepare a statement reflecting the potential fiscal impact of such executive order on the operations of state government.

B. The ~~Joint Legislative Audit and Review~~ Commission shall forward copies of the impact statement prepared pursuant to subsection A to the requesting ~~chairman~~ chair of the standing committee of both houses of the General Assembly to which matters relating to the content of the executive order are most properly referable.

Drafting note: Technical changes.

~~CHAPTER 8.~~

~~LEGISLATIVE PROGRAM REVIEW AND EVALUATION ACT.~~

Article 2.

Legislative Program Review and Evaluation Act.

Drafting note: Existing Chapter 8, relating to the Legislative Program Review and Evaluation Act, is retained as proposed Article 2 of Chapter 9.

~~§ 30-64. Reserved.~~

Drafting note: This section is removed because it is carried as reserved in the existing title.

§ ~~30-65~~ 30.1-914. Definitions.

As used in this ~~chapter, the terms below shall be interpreted as follows~~ article, unless the context requires a different meaning:

~~1. The term "agency"~~ "Agency" means any agency, authority, board, department, division, commission, institution, bureau, or like governmental entity of the Commonwealth and includes any entity, public or private, with which any of the foregoing has entered into a contractual relationship to accomplish an agency program.

~~2. The term "functional area"~~ "Functional area" means ~~that~~ the grouping of state governmental activities, programs, and agencies ~~which~~ that constitute a single budget function as identified and classified in the Virginia State Government Program Structure.

~~3. The term "discretionary selection" refers to the procedure set forth in § 30-67 whereby programs and agencies, contained wholly or in part within functional areas, are selected for legislative review and evaluation under the provisions of this chapter.~~

Drafting note: The definition for "discretionary selection" is removed as unnecessary because existing § 30-67, which is the only section containing the term, is proposed for deletion. Technical changes are made to conform to current Code conventions for sections that introduce definitions in an article.

§ ~~30-66~~ 30.1-915. Functional areas; scheduling of study areas.

A. The functional areas of state government shall be scheduled for legislative review and evaluation by the Joint Legislative Audit and Review Commission (the Commission) as specified in subsection B~~,~~ on a ~~seven-year cycle, and beginning in the 1979-80 fiscal year~~ regular basis.

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

Drafting note: Language is updated to reflect current practices relating to JLARC's scheduling of study areas. An obsolete starting date for such scheduling is proposed for deletion.

~~§ 30-67. Discretionary selection procedure; coordination with standing committees; expenses.~~

~~A. Prior to the year in which a functional area of government is designated to be scheduled for review, the Joint Legislative Audit and Review Commission may provide for the introduction of a joint resolution which shall identify to the extent feasible the agencies, programs or activities selected for review and evaluation from the functional area.~~

~~B. To ensure coordination of the review and evaluation activity with appropriate committees, the resolution specified in subsection A may identify each House and Senate standing committee to be invited to participate with the Commission in designing such studies as will be carried out from the scheduled functional areas.~~

~~C. The compensation and expenses of the members of cooperating committees or subcommittees necessary to accomplish the functions specified in subsection B shall be paid from funds appropriated to the Commission.~~

Drafting note: This section is proposed for deletion as obsolete as JLARC's work is generally directed by the General Assembly, rather than JLARC itself.

§ ~~30-68~~ 30.1-916. Evaluation criteria~~; self-studies~~.

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

~~B. Agency self-studies may be required in such form and manner as may be directed under the resolution provided for in § 30-67.~~

Drafting note: Language related to existing § 30-67 is proposed for deletion as unnecessary because that section is proposed for deletion. Technical changes are made for clarity.

§ ~~30-69~~ 30.1-917. Access to information.

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

Drafting note: Technical changes.

§ ~~30-70~~ 30.1-918. Reporting~~; hearings~~.

~~A.~~ The ~~Joint Legislative Audit and Review~~ Commission shall publish and submit its reports with appropriate findings and recommendations to the ~~Governor and~~ members of the General Assembly~~, and shall transmit them to the House and Senate standing committees identified by resolution in § 30-67~~ and the Governor.

~~B. The standing committees may hold a public hearing on reports prepared pursuant to this chapter at their earliest convenience after the date of transmittal. Hearings may be held jointly or singly by the committees.~~

~~C. The standing committees shall hear testimony from the Commission, agency and program representatives, the public in general, and such others as may be deemed appropriate.~~

Drafting note: Language related to existing § 30-67 is proposed for deletion as unnecessary. Technical changes are made.

~~§ 30-71. Hearing criteria.~~

~~At each hearing which may be held pursuant to § 30-70, the standing committee conducting such hearing and the agencies testifying shall respond to, but not be limited to consideration of, the following questions:~~

~~1. What are the problems, needs, or missions that the program is intended to address and what has been accomplished?~~

~~2. What is the effect of the program on the economy including but not limited to: competition, unemployment, economic stability, attraction of new business, productivity, and price inflation to consumers?~~

~~3. Would the absence of any regulatory activity significantly harm or endanger the public health, safety, or welfare?~~

~~4. Has the program or agency carried out its mission in an efficient, economic, and effective manner?~~

~~5. What services could be provided and what level of performance could be achieved if the program were funded at a level less than the existing level?~~

~~6. What other state programs have similar, duplicate, or conflicting objectives?~~

~~7. What federal activities have similar, duplicate, or conflicting objectives?~~

~~8. How does the agency ensure that it responds promptly and effectively to complaints concerning persons affected by the agency?~~

~~9. To what extent have the agency's operations been impeded by existing statutes, procedures, or practices of the Commonwealth of Virginia, or of other state agencies?~~

~~10. What action plans have been or are being proposed to improve agency operations where the need for improvements has been identified in previous executive or legislative oversight studies and reports?~~

Drafting note: This section is proposed for deletion as unnecessary because it refers to language in existing § 30-70 that is also proposed for deletion.

§ ~~30-72~~ 30.1-919. Operation and construction of ~~chapter; subcommittees~~ article.

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

C. Nothing in this ~~chapter~~ article shall be construed to restrict the ~~Joint Legislative Audit and Review~~ Commission ~~or the standing committees~~ from holding hearings on any subject as

may be required nor shall operation of this ~~chapter~~ article limit the Commission ~~or committees~~ from such other activities as may be authorized by law or custom.

~~D. The standing committees may carry out the functions assigned by this chapter through subcommittees.~~

Drafting note: Language relating to JLARC's coordination with standing committees is proposed for deletion as unnecessary because § 30-67, which provides for such coordination, is also proposed for deletion. Technical changes are made.

~~§ 30-73. Repealed.~~

Drafting note: Repealed by Acts 1986, c. 302.

~~CHAPTER 9.~~

~~LEGISLATIVE HEARINGS ON REGULATORY ACTIVITY.~~

~~§§ 30-74 through 30-77. Repealed.~~

Drafting note: Repealed by Acts 1984, c. 5.

~~CHAPTER 10.~~

~~VIRGINIA RETIREMENT SYSTEM OVERSIGHT ACT.~~

Article 3.

Virginia Retirement System Oversight Act.

Drafting note: Existing Chapter 10, relating to the Virginia Retirement System Oversight Act, is retained as proposed Article 3 of Chapter 9.

~~§ 30-78. Title of chapter.~~

~~This chapter may be referred to as the "Virginia Retirement System Oversight Act."~~

Drafting note: This section is proposed for deletion as unnecessary pursuant to § 1-244, which states that throughout the Code the caption of a subtitle, chapter, or article serves as a short title citation.

§ ~~30-79~~ 30.1-920. ~~Purpose~~ Oversight of the Virginia Retirement System.

~~A.~~ ~~Section 11 of Article X of the Constitution of Virginia (1971) requires that the General Assembly maintain a state employees retirement system to be administered in the best~~

~~interest of the beneficiaries thereof. In order to fulfill this duty, continuing legislative oversight of the Virginia Retirement System ("Retirement System" or "System") is essential.~~

~~B.~~ The General Assembly ~~hereby~~ designates the Joint Legislative Audit and Review Commission (~~"~~the Commission~~"~~) to oversee and evaluate the Virginia Retirement System (the Retirement 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.

Drafting note: Existing subsection A, containing a declaration of policy, is proposed for deletion in accordance with the Code Commission's policy that purpose statements do not have general and permanent application and thus are not to be included in the Code. Technical changes are made.

§ ~~30-80~~ 30.1-921. ~~Duties~~ Powers and ~~powers~~ duties of the Commission.

A. The areas of review and evaluation to be conducted by the Commission shall include~~,~~ ~~but are not limited to,~~ 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 ~~chapter~~ article and notwithstanding any contrary provision of law, the Commission shall have the ~~following powers, including but not limited~~ power to:

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

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

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

~~4.~~ C. The ~~chairman~~ chair of the Commission may appoint a permanent subcommittee to provide guidance and direction for oversight activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.

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

Drafting note: Technical changes.

§ ~~30-81~~ 30.1-922. Required reports.

A. The ~~Virginia~~ Retirement System shall submit to the General Assembly, through ~~its~~ the Commission, ~~both semi-annual and annual~~ semiannual reports on the investment programs of the Retirement System. The ~~report~~ reports shall be presented in a format approved by the Commission and shall include information concerning (i) planned or actual material changes in asset allocation, (ii) investment performance of all asset classes and subclasses, and (iii) investment policies and programs.

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

C. The Retirement System shall furnish such reports or information as may be requested by standing committees of the General Assembly having jurisdiction over the subject matter ~~which~~ that is the basis of such ~~committee's~~ committees' inquiry.

D. The Commission shall publish the following reports concerning the Retirement System: (i) a biennial status report ~~which~~ that shall include, at a minimum and where appropriate, findings and recommendations and the status of actions, if any, taken in response

to prior recommendations and (ii) with the assistance of an actuary, an actuarial report once every four years.

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

F. The Auditor of Public Accounts shall complete an annual financial audit of the ~~Virginia~~ Retirement System, the State Police Officers' Retirement System, and the Judicial Retirement System. The Auditor of Public Accounts shall report the findings of his audit to ~~the Governor,~~ the General Assembly, the Governor, the ~~Joint Legislative Audit and Review~~ Commission, and the ~~Board~~ board of ~~Trustees~~ trustees of the ~~Virginia~~ Retirement System. Such audit shall be submitted on or before the first day of the General Assembly session.

Drafting note: Technical changes.

§ ~~30-82~~ 30.1-923. 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 ~~chapter~~ article. Such consultants shall provide, upon request, assistance to the House Committee on Appropriations and the Senate Committee on Finance and Appropriations on matters related to the Retirement System.

Drafting note: Technical change.

§ ~~30-83~~ 30.1-924. Cooperation of other agencies.

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

Drafting note: Technical change.

§ ~~30-84~~ 30.1-925. Funding for Commission's oversight activities.

The Commission's reasonable and necessary expenses related to its duties under this ~~chapter~~ article shall be paid by the Retirement System and shall be borne by each trust fund in the Retirement System in the same ratio as the assets of each trust fund, as of the preceding June 30, bear to the total trust funds of the Retirement System on that date. On or before September 30 of each year, the Commission shall submit to the ~~Board~~ board of ~~Trustees~~ trustees

of the ~~Virginia~~ 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 ~~chapter~~ article and shall include the estimate as part of ~~the agency's~~ its budget submission to the House Committee on Appropriations and the Senate Committee on Finance and Appropriations.

Drafting note: Technical changes.

~~CHAPTER 12.~~

~~JOINT COMMISSION ON WORKFORCE DEVELOPMENT.~~

~~§§ 30-90 through 30-93. Repealed.~~

Drafting note: Repealed by Acts 2001, c. 577.

~~CHAPTER 13.1.~~

~~SEXUAL HARASSMENT TRAINING ACT.~~

Drafting note: Existing Chapter 13.1, the Sexual Harassment Training Act, is proposed for deletion; the provisions of this Act are relocated to proposed Article 1 of Chapter 1 (Members of the General Assembly) and proposed Article 1 of Chapter 3 (Officers of the General Assembly).

~~CHAPTER 51.~~

~~COMMONWEALTH SAVERS PLAN OVERSIGHT ACT.~~

Article 4.

Commonwealth Savers Plan Oversight Act.

Drafting note: Existing Chapter 51, relating to the Commonwealth Savers Plan Oversight Act, is retained as proposed Article 4 of Chapter 9.

§ ~~30-330~~ 30.1-926. ~~Title of chapter and purpose~~ Oversight of the Commonwealth Savers Plan.

The General Assembly ~~hereby~~ 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.

Drafting note: Technical changes.

§ ~~30-331~~ 30.1-927. ~~Duties~~ Powers and ~~powers~~ duties of the Commission.

A. The areas of review and evaluation to be conducted by the Commission shall include~~,~~ ~~but are not limited to,~~ 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 ~~purposes~~ the purpose of carrying out its duties under this ~~chapter~~ article, the Commission shall have the ~~following powers, including but not limited~~ power to:

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

2. Access ~~to~~ the public and executive session meetings and records of the ~~Board~~ 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 ~~to~~ the Commonwealth Savers Plan's employees, consultants, actuaries, investment managers, advisors, attorneys, accountants, or other contractors in the employ or hire of the Commonwealth Savers Plan. Such persons shall cooperate with the Commission and upon its request shall provide specific information or opinions in the form requested.

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

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

Drafting note: Technical changes.

§ ~~30-332~~ 30.1-928. Required reports.

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

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

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

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

Drafting note: Technical changes.

§ ~~30-333~~ 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 ~~chapter~~ 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.

Drafting note: Technical change.

§ ~~30-334~~ 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 ~~chapter~~ article.

Drafting note: Technical change.

§ ~~30-335~~ 30.1-931. Funding for the Commission's oversight activities.

The Commission's reasonable and necessary expenses related to its duties under this ~~chapter~~ article shall be paid by the Commonwealth Savers Plan. On or before September 30 of each year, the Commission shall submit to the ~~Board~~ 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 ~~chapter~~ 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.

Drafting note: Technical changes.

Article 5.

Virginia Information Technologies Agency Oversight Act.

Drafting note: Proposed Article 5, relating to JLARC oversight of the Virginia Information Technologies Agency, codifies subsection D of Budget Item 25 of Chapter 2 of the Acts of Assembly of 2024, Special Session I.

§ 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.

A. The areas of review and evaluation to be conducted by the Commission shall include the following: (i) VITA's infrastructure services, including its infrastructure outsourcing contracts and any amendments to such contracts; (ii) the adequacy of VITA's planning and oversight responsibilities, including VITA's oversight of information technology projects and

the security of governmental information and information technology systems; and (iii) the cost-effectiveness and adequacy of VITA's procurement services and its oversight of the procurement activities of state agencies.

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

§ 30.1-934. Access to information.

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 of VITA.

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

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

B. VITA shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. VITA shall make a written determination of the 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.

Drafting note: Proposed Article 5 codifies subsection D of Budget Item 25 of Chapter 2 of the Acts of Assembly of 2024, Special Session I. Technical changes are made to the language proposed for codification to conform to Code conventions and style.

Article 6.

Economic Development Incentives Oversight Act.

Drafting note: Proposed Article 6, relating to JLARC oversight of certain economic development incentives and policies, codifies subsection E of Budget Item 25 of Chapter 2 of the Acts of Assembly of 2024, Special Session I.

§ 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.

Drafting note: Proposed Article 6 codifies subsection E of Budget Item 25 of Chapter 2 of the Acts of Assembly of 2024, Special Session I. Technical changes are made to the language proposed for codification to conform to Code conventions and style.

CHAPTER 10.

REAPPORTIONMENT AND REDISTRICTING.

Drafting note: Proposed Chapter 10, Reapportionment and Redistricting, is created to logically organize provisions relating to legislative entities whose purposes are to implement the decennial reapportionment and redistricting provisions of Article II of the Constitution of Virginia. Existing Chapters 39 (Joint Reapportionment Committee) and 62 (Virginia Redistricting Commission) are retained in proposed Chapter 10 as Articles 1 and 2, respectively.

~~CHAPTER 39.~~

~~JOINT REAPPORTIONMENT COMMITTEE.~~

Article 1.

Joint Reapportionment Committee.

Drafting note: Existing Chapter 39, relating to the Joint Reapportionment Committee, is retained as proposed Article 1.

§ ~~30-263~~ 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 ~~of the House of Delegates~~ and three members of the Senate Committee on Privileges and Elections ~~of the Senate~~ to be appointed by the respective ~~chairmen~~ chairs of the two committees. Members shall serve terms coincident with their terms of office.

B. The Joint Committee shall elect a ~~chairman~~ chair and ~~vice-chairman~~ 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 ~~chairman~~ 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 § ~~30-19.12~~ 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 by the Office of the Clerk of the House of Delegates and the Office of Clerk of the Senate for their respective members.

Drafting note: Technical changes.

§ ~~30-264~~ 30.1-1001. ~~Staff to Joint Reapportionment Committee~~ Staffing.

The Division of Legislative Services shall ~~serve as~~ provide staff support to the Joint ~~Reapportionment~~ Committee.

Drafting note: Technical changes are made for consistency.

§ ~~30-265~~ 30.1-1002. Reapportionment of congressional and state legislative districts; United States Census population counts.

For the purposes of redrawing the boundaries of the congressional, state Senate, and House of Delegates districts after the United States Census for the year 2020 and every 10 years thereafter, the Virginia Redistricting Commission established pursuant to ~~Chapter 62 of Title 30~~ Article 2 (§ 30.1-1003 et seq.) shall use the population data provided by the United States Bureau of the Census, as adjusted by the Division of Legislative Services pursuant to § 24.2-314. The census data used for this apportionment purpose shall not include any population figure ~~which~~ that is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states.

Drafting note: Technical changes.

~~CHAPTER 62.~~

~~VIRGINIA REDISTRICTING COMMISSION.~~

Article 2.

Virginia Redistricting Commission.

Drafting note: Existing Chapter 62, relating to the Virginia Redistricting Commission, is retained as proposed Article 2.

§ ~~30-391~~ 30.1-1003. Virginia Redistricting Commission; definitions.

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

B. ~~As used in~~ For purposes of this ~~chapter~~ article:

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

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

"Committee" means the Redistricting Commission Selection Committee established pursuant to § ~~30-393~~ 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.

Drafting note: Technical changes.

§ ~~30-392~~ 30.1-1004. Membership; terms; vacancies; ~~chairman~~ chair; quorum; compensation and expenses.

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

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; ~~two commissioners shall be~~

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; ~~two commissioners shall be~~

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; ~~two commissioners shall be~~

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 ~~eight~~

5. Eight citizen commissioners ~~who shall be~~ selected by the Redistricting Commission Selection Committee pursuant to § ~~30-394~~ 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 ~~its~~ 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 § ~~30-394~~ 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 § ~~30-394~~ 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 § ~~30-19.12~~ 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 ~~chairman~~ chair from its membership. The ~~chairman~~ 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 § ~~30-394~~ 30.1-1006. All records and documents of the Commission, or any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, shall be considered public information.

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

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

~~I. Notwithstanding subsection G above or any other provision of law, the Chairs of the Virginia Redistricting Commission shall keep the Senate President Pro Tempore, the Senate Minority Leader, the Speaker of the House of Delegates, the House Minority Leader, and the Governor informed about the timing of availability of United States Bureau of the Census data as it relates to the tabulation of the population for reapportionment purposes pursuant to P.L. 94-171, and options for redistricting and its impact on elections for the House of Delegates.~~

Drafting note: Existing subsection I is proposed for deletion due to the availability of such information on the internet and is a substantive change. Technical changes are made for clarity, including the designation of subdivisions.

§ ~~30-393~~ 30.1-1005. Redistricting Commission Selection Committee; ~~chairman~~ chair; quorum; compensation and expenses.

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

B. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia shall certify to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest number of members in the Senate of Virginia a list of at least 10 retired judges of the circuit courts of Virginia who are willing to serve on the Committee~~, and no~~. No retired judge 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 be included in such list. In compiling ~~this~~ the list, the Chief Justice shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth. ~~These~~ The members shall each select a judge from the list and shall promptly, but not later than November 20, communicate their selection to the Chief Justice, who shall immediately notify the four judges selected. In making their selections, the members shall give consideration to the racial, ethnic, geographic, and

gender diversity of the Commonwealth. Within three days of being notified of their selection, the four judges shall select, by a majority vote, a judge from the list prescribed herein to serve as the fifth member of the Committee, who shall serve as the ~~chairman~~ chair of the Committee.

A majority of the Committee members, which majority shall include the ~~chairman~~ chair, shall constitute a quorum.

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

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

D. All meetings and records of the Committee shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § ~~30-394~~ 30.1-1006.

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

F. Notwithstanding subsection C~~,~~ or any other provision of law, the daily compensation and reimbursement for reasonable and necessary expenses for legislative and ~~non-legislative~~ nonlegislative members of the Virginia Redistricting Commission for attendance at an official meeting shall be set at the same amounts provided for legislative members in ~~paragraphs B.4.d. and B.5. of Item 1 of Acts 2021, Sp. Sess. I, c. 552~~ the general appropriation act.

Drafting note: Technical changes.

§ ~~30-394~~ 30.1-1006. Citizen commissioners; application process; qualifications; selection.

A. Within three days following the selection of the fifth member of the Committee, the Committee shall adopt an application and process by which residents of the Commonwealth may apply to serve on the Commission as citizen commissioners. The Division of Legislative Services shall assist the Committee in the development of the application and process.

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

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

The Committee may require applicants to submit three letters of recommendation from individuals or organizations.

The application process shall provide for both paper and electronic or online applications. The Committee shall cause to be advertised throughout the Commonwealth information about the Commission and how interested persons may apply.

B. To be eligible for service on the Commission, a person shall have been a resident of the Commonwealth and a registered voter in the Commonwealth for three years immediately preceding the application period. He shall have voted in at least two of the previous three general elections. No person shall be eligible for service on the Commission who:

1. Holds, has held, or has sought partisan public office or political party office;

2. Is employed by or has been employed by a member of the Congress of the United States or of the General Assembly or is employed directly by or has been employed directly by the United States Congress or by the General Assembly;

3. Is employed by or has been employed by any federal, state, or local campaign;

4. Is employed by or has been employed by any political party or is a member of a political party central committee;

5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a lobbyist's principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's principal in the previous five years; or

6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a person described in subdivisions 1 through 5, or is a cohabitating member of a household with such a person.

C. The application period shall begin no later than December 1 of the year ending in zero and shall end four weeks after the beginning date. During this period, interested persons shall submit a completed application and any required documentation to the Division of Legislative Services. All applications shall be reviewed by the Division of Legislative Services to ensure an applicant's eligibility for service pursuant to subsection B, and any applicant who is ineligible for service shall be removed from the applicant pool.

The Division of Legislative Services shall make available the application for persons to use when submitting a paper application and shall provide electronic access for electronic submission of applications.

D. Within two days of the close of the application period, the Division of Legislative Services shall provide to the Speaker of the House of Delegates, the leader in the House of

Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest number of members in the Senate of Virginia the applications and documentation submitted by those applicants who are eligible for service on the Commission pursuant to subsection B and submitted complete applications, including any required documentation.

E. By January 1 of the year ending in one, those persons receiving the applications pursuant to subsection D shall each submit to the Committee a list of at least 16 citizen candidates for service on the Commission. In selecting citizen candidates, they shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth.

They shall notify the Division of Legislative Services of the citizen candidates submitted to the Committee for consideration, and the Division of Legislative Services shall promptly provide to the Committee the applications and documentation for each citizen candidate being considered. Only the applications and documentation for each citizen candidate shall be maintained as public records.

F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to subsection E, but no later than January 15, the Committee shall select, by a majority vote in a public meeting, two citizen members from each list submitted. 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. The Committee shall promptly notify those eight citizens of their selection to serve as a citizen commissioner of the Commission.

No member of the Committee shall communicate with a member of the General Assembly or the United States Congress, or any person acting on behalf of a member of the General Assembly or the United States Congress, about any matter related to the selection of citizen commissioners after receipt of the lists submitted pursuant to subsection E.

G. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required by this section is to be performed on a Saturday, Sunday, or legal holiday, or any

day or part of a day on which the government office where the act to be performed is closed, the act required shall be performed on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which the government office is closed.

Drafting note: No change.

§ ~~30-395~~ 30.1-1007. Staff to ~~Virginia Redistricting~~ Commission; census liaison.

A. The Division of Legislative Services shall provide staff support to the Commission. Staff shall perform those duties assigned to it by the Commission. The Director of the Division of Legislative 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.

Drafting note: Technical change.

§ ~~30-396~~ 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~~ Senate, and House of Delegates districts established pursuant to this ~~chapter~~ 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~~ Senate, or House of Delegates district.

Drafting note: Technical changes.

§ ~~30-397~~ 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 ~~§ 30-399~~ § 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.

Drafting note: Technical change.

~~§ 30-398~~ § 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 § ~~30-399~~ 30.1-1011.

D. If the Commission submits a plan for districts pursuant to subsection C of § ~~30-397~~ 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 § ~~30-399~~ 30.1-1011.

Drafting note: Technical changes.

§ ~~30-399~~ 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 § ~~30-397~~ 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 § ~~30-398~~ 30.1-1010, the Supreme Court of Virginia (the Court) shall be responsible for establishing the districts.

B. The Court shall, not later than March 1 of a year ending in one, enact rules and procedures as may be necessary for implementing the requirements of Article II, Section 6-A of the Constitution of Virginia, empowering the Court to establish congressional or state legislative districts as provided for in that section. In enacting such rules and procedures, the Court shall follow the provisions of this section.

C. Public participation in the Court's redistricting deliberations shall be permitted. Such public participation may be through briefings, written submissions, hearings in open court, or any other means as may be prescribed by the Court.

D. The Division of Legislative Services shall make available staff support and technical assistance to the Court to perform those duties as may be requested or assigned to it by the Court.

E. Any plan for congressional or state legislative districts established by the Court shall adhere to the standards and criteria for districts set forth in Article II, Section 6 of the Constitution of Virginia and § 24.2-304.04.

F. The Court shall appoint two special masters to assist the Court in the establishment of districts. The two special masters shall work together to develop any plan to be submitted to the Court for its consideration.

Within one week of the Commission's failure to submit plans or the General Assembly's failure to adopt plans, the leaders in the House of Delegates having the highest and next highest number of members in the House of Delegates and the leaders in the Senate of Virginia having the highest and next highest number of members in the Senate of Virginia shall each submit to the Court a list of three or more nominees, along with a brief biography and resume for each nominee, including the nominee's particular expertise or experience relevant to redistricting. The Court shall then select, by a majority vote, one special master from the lists submitted by the legislative leaders of the political party having the highest number of members in their respective chambers and one special master from the lists submitted by the legislative leaders of the political party having the next highest number of members in their respective chambers. The persons appointed to serve as special masters shall have the requisite qualifications and experience to serve as a special master and shall have no conflicts of interest. In making its appointments, the Court 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.

Drafting note: Technical changes.

§ ~~30-400~~ 30.1-1012. Remedial redistricting plans.

If any congressional or state legislative district established pursuant to this ~~chapter~~ 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.

Drafting note: Technical change.

#

SUBTITLE III.

LEGISLATIVE COMMISSIONS, COUNCILS, COMMITTEES, AND OTHER LEGISLATIVE ENTITIES.

Drafting note: Proposed Subtitle III is created to logically organize provisions relating to legislative entities and is divided into proposed Chapters 11 (General Provisions), 12 (Standing Legislative Entities), 13 (Special Advisory Legislative Entities), 14 (Oversight Legislative Entities), 15 (Commemorative, Educational, and Memorial Entities), and 16 (Legislative Study Entities). The articles within each chapter are organized chronologically in order of establishment.

CHAPTER 11.

GENERAL PROVISIONS.

Drafting note: Duplicative provisions throughout existing Title 30 that are generally applicable to the organization and work of various legislative entities, including the composition and compensation of the membership of such entities and the reporting and funding requirements of such entities, are relocated and consolidated into proposed 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.

Drafting note: This proposed section establishes the applicability of proposed Chapter 11 to legislative entities contained in proposed Subtitle III.

§ 30.1-1101. Membership; chair and vice-chair; terms; vacancies.

A. For any legislative entity created on or after October 1, 2027, 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.

B. Each legislative entity shall annually elect a chair and vice-chair from among its membership, who shall be members of the General Assembly.

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

Drafting note: Duplicative provisions throughout existing Title 30 relating to the membership requirements for legislative entities, including a requirement that each such entity be composed of more legislative members than nonlegislative citizen members and voting ex officio members combined, are relocated and consolidated. A provision requiring the chair and vice-chair of any such legislative entity to be legislative members, which is a suggestion made in the "Legislative Guidelines Applicable to Studies, Legislative Commissions, Nonlegislative Collegial Bodies, and Resolutions" published by the Joint Rules Committee in 2004, is proposed for codification.

§ 30.1-1102. Quorum; meetings; voting on recommendations.

A. A majority of the members of a legislative entity shall constitute a quorum. The meetings of a legislative entity shall be held at the call of the chair or whenever the majority of the members so request.

B. No recommendation of a legislative entity shall be adopted if a majority of the House members or a majority of the Senate members appointed to the legislative entity (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the legislative entity.

Drafting note: Duplicative provisions throughout existing Title 30 relating to the quorum and voting requirements for legislative entities are relocated and consolidated.

§ 30.1-1103. Compensation; expenses.

A. Legislative members of a legislative entity shall receive such compensation for the performance of their duties as provided in § 30.1-109, and nonlegislative citizen members of a legislative entity shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members of a legislative entity shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of a legislative entity shall be paid by the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the legislative entity whose meeting the member attended, or, if such legislative entity is unfunded, shall be approved by the Joint Rules Committee.

B. Unless otherwise approved in writing by the chair of the legislative entity and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

Drafting note: Duplicative provisions throughout existing Title 30 relating to the compensation and reimbursement of members of legislative entities are relocated and consolidated.

§ 30.1-1104. Appointment and removal authority.

A. All appointments made to a legislative entity created on or after October 1, 2027, shall be made by either the Speaker of the House of Delegates, the Senate Committee on Rules, or the Joint Rules Committee.

B. Any nonlegislative citizen member appointed to any legislative entity by either the Speaker of the House of Delegates, the Senate Committee on Rules, or the Joint Rules Committee shall serve at the pleasure of such appointing authority. Any such nonlegislative citizen member may be relieved of his appointment at any time, with or without cause.

Drafting note: Language contained in Budget Item 1 M of Chapter 2 of the Acts of Assembly of 2024, Special Session I, which provides that the appointing authority of a nonlegislative citizen member of a legislative entity may also remove such member at any time, is proposed for codification. A provision allowing only the Speaker of the House, Senate Committee on Rules, or Joint Rules Committee to make appointments to such entities, which is a suggestion made in the "Legislative Guidelines Applicable to Studies, Legislative Commissions, Nonlegislative Collegial Bodies, and Resolutions" published by the Joint Rules Committee in 2004, is also proposed for codification.

§ ~~30-19.8:2~~ 30.1-1105. Absences on legislative ~~commissions~~ entities.

The absence of any appointed nonlegislative citizen member from three consecutive regular meetings of any ~~joint subcommittee, board, commission, authority, council, or other body that has been created or established in the legislative branch~~ legislative entity unless on account of sickness shall be sufficient cause for the original appointing authority to declare the position vacated and to fill such vacancy.

Drafting note: Technical changes are made.

§ ~~30-19.8~~ 30.1-1106. ~~Collection of information by legislative study groups; policy~~ Assistance provided by agencies of the Commonwealth.

~~It shall be the policy of the Commonwealth that each~~ A. Any legislative entity may request and shall receive from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party, or from any political subdivision of the Commonwealth, cooperation and assistance in the performance of its duties.

B. Should a legislative ~~study group, including the Virginia Advisory Legislative Council and its subcommittees, the Virginia Code Commission, special legislative study commissions, and standing committees of the House and Senate and their subcommittees, either through its members or staff, advise the agency head of the general nature of a study or investigation being conducted by such group whenever it determines~~ entity determine at any point that information within ~~such~~ a state agency is applicable to ~~such~~ a study ~~or,~~ investigation, or evaluation being

conducted by such entity or standing committee, such entity or standing committee shall notify the head of such state agency. ~~Thereafter, such legislative study group~~ Following such notification, the agency head shall designate a point of contact for the entity or standing committee, who may then seek out all pertinent information within such agency from ~~an individual designated by the agency head to provide pertinent information or from the most direct and primary source without further communication or contact with the agency head~~ such point of contact. Each employee within ~~such~~ the state agency shall give his full cooperation to the ~~group and its staff~~ entity and its point of contact in collecting the information. No member or staff member of such ~~groups~~ entity shall be entitled to access ~~to~~ information, without permission of the agency head, for which disclosure is prohibited by ~~specific provisions of~~ law.

~~Insofar as possible, the~~ C. The legislative ~~study groups and their staffs~~ 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 ~~of~~ 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.

Drafting note: Existing § 30-19.8 is consolidated with a duplicative provision found throughout existing Title 30 relating to the assistance provided by agencies of the Commonwealth to legislative entities. A reference to the Virginia Advisory Legislative Council is removed, as that Council no longer exists in Code. Technical changes are made for clarity and consistency and to modernize language.

§ 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.

~~§ 30-19.8:1. Due dates for legislative reports.~~

~~A. Legislative commissions, councils, and other legislative bodies required to report annually to the General Assembly and Governor shall submit their annual reports on or before June 30 of each year, unless otherwise specified. Annual reports submitted pursuant to this section shall cover the preceding legislative interim period and may include actions taken by the General Assembly during the regular session of the current calendar year.~~

~~B.~~ 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 ~~June 30 of the reporting year~~ December 1 of the reporting year, unless otherwise specified. ~~The reports may include actions taken by the General Assembly during the regular session of the current calendar year.~~

Drafting note: Duplicative provisions throughout existing Title 30 relating to the reporting requirements of legislative entities are relocated and consolidated with existing § 30-19.8:1, as they address related topics. A deadline for certain legislative entities to submit their reports is updated at the direction of the Code Commission to better align with the timing of the legislative work schedule.

§ 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.

Drafting note: A provision implementing a funding requirement for legislative entities is proposed for codification. Currently, a similar provision providing for the expiration of unfunded entities is included as a final enactment clause in legislation establishing legislative entities.

CHAPTER 12.

STANDING LEGISLATIVE ENTITIES.

Drafting note: Proposed Chapter 12, Standing Legislative Entities, is created to logically organize legislative entities that have a long-term, permanent purpose and are consistently funded by the General Assembly to provide for independent staff and operation of such entities. Additionally, these entities are headed by an executive director who is appointed by the respective entity and subject to such entity's oversight. Existing Chapters 16 (Virginia State Crime Commission), 36 (Chesapeake Bay Commission), 20 (Virginia Commission on Youth), 18 (Joint Commission on Health Care), 11 (Joint Commission on Technology and Science), 21 (Virginia Freedom of Information Advisory Council), 31 (Energy Commission of Virginia), 38 (Virginia Housing Commission), 56 (Virginia Conflict of Interest and Ethics Advisory Council), 42.1 (Virginia-Israel Advisory Board), and 63 (Behavioral Health Commission) are retained in proposed Chapter 12 as proposed Articles 1 through 11, respectively. Provisions of these proposed articles are reorganized to standardize the organization of articles establishing legislative entities by setting out separate sections for each entity's purpose, membership, powers and duties, staffing, and sunset date, if applicable.

~~CHAPTER 16.~~

~~VIRGINIA CRIME COMMISSION.~~

Article 1.

Virginia State Crime Commission.

Drafting note: Existing Chapter 16, establishing the Virginia State Crime Commission, is retained as proposed Article 1.

§ ~~30-156~~ 30.1-1200. Virginia State Crime Commission; purpose~~; membership; terms; compensation and expenses; quorum; voting on recommendations~~.

~~A.~~ The Virginia State Crime Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission ~~shall be~~ is to study, report, and make recommendations on all areas of public safety and protection. In so doing ~~it,~~ 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 as to 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.

Drafting note: Existing § 30-156 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission and states its purpose. Technical changes are made.

§ 30.1-1201. Membership; terms.

B. A. The Commission shall consist have a total membership of 13 members that shall include nine legislative members, three nonlegislative citizen members, and one state official ex officio member. Members shall be appointed as follows: six

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; three

2. Three members of the Senate to be appointed by the Senate Committee on Rules; three and

3. Three nonlegislative citizen members to be appointed by the Governor; and the.

The Attorney General or his designee shall serve ex officio. Nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. Unless otherwise approved by the chairman of the Commission, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.

~~C. The term of each appointee shall be for two years, except that the Attorney General and legislative members shall serve terms coincident with their terms of office.~~ B. All members may be reappointed for successive terms. ~~Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.~~

~~D. The Commission shall elect a chairman and vice-chairman annually, who shall be members of the General Assembly. A majority of the members of the Commission shall constitute a quorum. Meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~E. Legislative members of the Commission shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members 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, however, shall come from existing appropriations to the Commission.~~

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

Drafting note: Existing § 30-156 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. Provisions relating to travel reimbursement, terms, vacancies, officers, quorums, meetings, compensation, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity.

§ ~~30-158~~ 30.1-1202. Powers and duties of the Commission.

A. The Commission shall have the ~~power~~ following powers and ~~duty to~~ duties:

1. Maintain offices~~,~~ and hold meetings ~~and~~ 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 § ~~30-156~~ 30.1-1200, and in connection with the faithful execution and effective enforcement of the laws of the Commonwealth ~~with particular reference but not limited to~~, including laws relating to organized crime and racketeering, and formulate its recommendations to ~~the Governor and~~ the General Assembly~~.~~ and the Governor;

4. ~~Submit an annual report of its recommendations to the General Assembly and the Governor. The Commission shall make such further interim reports to the Governor and the General Assembly as it deems advisable or as required by the Governor or by concurrent resolution of the General Assembly. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. 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~~ 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.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Subsection B of existing § 30-159 is incorporated into this section as it imposes a duty on the Commission. Technical changes are made.

§ ~~30-157~~ 30.1-1203. ~~Executive director, counsel and other personnel~~ Staffing.

The Commission may appoint and employ and, at its pleasure, remove~~,~~ an executive director, counsel, and such other persons as it deems necessary~~; and to~~ to assist it in carrying out its duties as set forth in this article. The Commission may determine ~~their~~ the duties of such staff and fix their salaries or compensation within the amounts appropriated ~~therefor~~ in the general appropriation act.

Drafting note: Language is updated for clarity and consistency with other legislative entities.

~~§ 30-159. Cooperation of state agencies; consultation with other states.~~

~~A. The Commission may request and shall receive from every department, division, board, bureau, commission, authority or other agency created by the Commonwealth, or to which the Commonwealth is a party or any political subdivision thereof, cooperation and assistance in the performance of its duties.~~

~~B. The Commission shall examine matters relating to law enforcement extending across the boundaries of the Commonwealth into other states; and may consult and exchange information with officers and agencies of other states with respect to law-enforcement problems of mutual concern to this and other states.~~

Drafting note: This section is proposed for deletion. Existing subsection A is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Existing subsection B is relocated to proposed § 30.1-1202.

§ ~~30-160~~ 30.1-1204. Commission to refer cases of crime or official misconduct to appropriate authorities.

Whenever it appears to the Commission that there is reasonable cause~~,~~ for an official investigation or prosecution of a crime~~,~~ or for the removal of a public officer for misconduct, the Commission shall refer the matter and such information as has come to its attention to (i) the officials ~~authorized and~~ having the duty and authority to conduct investigations ~~or to~~, prosecute criminal offenses, or ~~to~~ remove such public officer~~,~~ or ~~to~~ (ii) the judge of an appropriate court of record with recommendation that a special grand jury be convened.

Drafting note: Technical changes.

§ ~~30-161~~ 30.1-1205. Publication of information.

By such means and to such extent as it deems appropriate, the Commission shall keep the public informed as to the operations of organized crime, problems of criminal law enforcement in the Commonwealth, and other activities of the Commission.

Drafting note: Technical change.

§ ~~30-162~~ 30.1-1206. Disclosure of certain information by employee ~~a misdemeanor;~~ penalty.

Any employee of the Commission who, except as directed by the Governor, a court of record, or the Commission, discloses to any person other than the Commission or an officer having the power to appoint one or more of the ~~Commissioners~~ members of the Commission (i) the name of any witness appearing before the Commission in a private hearing or ~~discloses~~ (ii) any information obtained or given in a private hearing ~~except as directed by the Governor, a court of record or the Commission, shall be~~ is guilty of a Class 1 misdemeanor.

Drafting note: Technical changes are made for clarity.

§ ~~30-163~~ 30.1-1207. Impounding of certain documents.

Upon the application of the Commission or a duly authorized member of its staff, the judge of any court of record may impound any exhibit or document received or obtained in any public or private hearing held in connection with a hearing conducted by the Commission, and may order such exhibit to be retained by, or delivered to and placed in custody of, the Commission. The order may be rescinded by further order of the court made after five days' notice to the Commission or upon its application or with its consent, all in the discretion of the court.

Drafting note: Technical changes.

§ 30-164 30.1-1208. Construction of chapter article.

Nothing contained in this chapter 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.

Drafting note: Technical changes.

~~CHAPTER 36.~~

~~CHESAPEAKE BAY COMMISSION.~~

Article 2.

Chesapeake Bay Commission.

Drafting note: Existing Chapter 36, establishing the Chesapeake Bay Commission as a tristate legislative commission, is retained as proposed Article 2. Pursuant to existing § 30-252, which provides that the agreement shall not be amended or modified except with the concurrence of the legislatures of the Commonwealth of Virginia, the Commonwealth of Pennsylvania, and the state of Maryland, no changes are made.

§ 30-240 30.1-1209. Chesapeake Bay Commission created.

The Chesapeake Bay Commission, hereinafter designated as "Commission," is hereby created as a tristate legislative commission.

§ 30-241 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.

§ ~~30-242~~ 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 appointing authorities for a term of not more than four years. Nonlegislative members may be reappointed at the end of the four-year term.

§ ~~30-243~~ 30.1-1212. Compensation and expenses; generally.

The Commission members shall serve without compensation from the Commission but may be reimbursed by the Commission for necessary expenses incurred in and incident to the performance of their duties. In addition, Commission members from each state may receive from their respective states, any other compensation to which they may be entitled under the laws of the respective states.

§ ~~30-244~~ 30.1-1213. Compensation and expenses; Virginia delegation.

The legislative representatives of Virginia to the Commission shall receive such compensation as provided in § ~~30-19.12~~ 30.1-109 and the nonlegislative citizen representatives

of Virginia shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be entitled to reimbursement for all reasonable and necessary expenses incurred in their performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Commission for such purpose.

§ ~~30-245~~ 30.1-1214. Meetings and voting.

Commission meetings shall be held at least once each quarter, and at such other times as the Commission may determine. In order to constitute a quorum for the transaction of any business, at least 11 Commission members, including at least three Commission members from each state, must be present. Approval of proposed action shall require the majority vote of the Commission members present.

§ ~~30-246~~ 30.1-1215. Organization, internal procedures and delegation of powers; officers and employees as state employees.

A. The Commission members shall serve as the governing body of the Commission, and, except as hereinafter provided, shall exercise and discharge all powers, functions and responsibilities assigned to the Commission. The Commission shall provide for the organization of internal procedures of the Commission and to this end shall adopt suitable bylaws. The Commission shall have a chairman and two vice-chairmen, chosen by the respective delegation, whose offices shall rotate annually among the 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.

§ ~~30-247~~ 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.

§ ~~30-248~~ 30.1-1217. Powers.

In pursuit of the purposes and duties set forth in this article, the Commission may exercise the following powers:

1. Collect, compile, analyze, interpret, coordinate, tabulate, summarize, and distribute technical and other data relative to the Chesapeake Bay and its environs. It may conduct or contract for studies, except those for primary scientific research, and may prepare reports on existing or potential problems within the Bay region;

2. Prepare, publish and disseminate information in reports related to the resources of the region;

3. Serve as an advisory board to any requesting agency of the member states on matters of interstate concern;

4. Make application for grants, services or other aids as may be available from public or private sources to finance or assist in effectuating any purposes of this Agreement; and receive and accept the same on such terms and conditions as may be required by the law of the respective signatory states;

5. Purchase administrative supplies and lease sufficient office space if such space is not otherwise made available for its use; and

6. Exercise such other powers as are granted by this Agreement and take such actions as are necessary or appropriate for performing the duties set forth in this Agreement.

§ ~~30-249~~ 30.1-1218. Duties.

In carrying out the purposes set forth in this article, the Commission shall have the following duties:

1. Identify specific Bay management concerns requiring intergovernmental coordination and cooperation; and recommend to the federal, state and local governments that are involved in the Chesapeake Bay region legislative and administrative actions necessary to effectuate coordinated and cooperative management for the Bay;

2. Consider, in administering the provisions of this Agreement, the needs of the region for industrial and agricultural development and for gainful employment and maintenance of a high-quality environment;

3. Respect and support the primary role of the respective signatory states and their administrative agencies in managing the resources of the region;

4. Collect, analyze and disseminate information pertaining to the region and its resources for the respective legislative bodies. The Commission shall prepare an annual report indicating the status of environmental and economic Bay issues involving the Chesapeake Bay and the progress of coordinative efforts by the member states;

5. Represent common interests of the signatories as they are affected by the activities of the federal government and shall assist in the monitoring of those activities in the Chesapeake Bay region; and

6. Provide, as may be determined, a forum to serve as an advisory mediator for programmatic conflicts between or among the member states when such action is requested by the conflicting member states.

§ ~~30-250~~ 30.1-1219. Annual budget.

The Commission shall annually adopt a budget, which shall include the Commission's estimated expenses for administration and operation. In establishing the annual current expense budget, the Commission shall balance total expenses against the Commission's estimate of revenues from all sources, either previously appropriated by a signatory state or receivable from any person or governmental agency by contract or grant with that person or governmental agency. The chairman of the Commission shall certify to the respective signatories, and submit to persons in other governmental agencies, statements of the amounts requested from them in accordance with existing cost-sharing established by this Agreement or by the parties. The chairman of the Commission shall transmit certified copies of such budgets to the principal budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures.

§ ~~30-251~~ 30.1-1220. Apportionment of cost.

The amount required for the Commission's current expense budget shall be apportioned equally among the signatory parties unless a different apportionment is agreed to by unanimous vote of the Commission.

§ ~~30-252~~ 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.

§ ~~30-253~~ 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.

§ ~~30-254~~ 30.1-1223. Dissolution.

In the event that this Agreement shall be terminated by operation of § ~~30-253~~ 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.

§ ~~30-255~~ 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.

Drafting note: Existing Chapter 36, establishing the Chesapeake Bay Commission as a tristate legislative commission, is retained as proposed Article 2. Pursuant to existing § 30-252, which provides that the agreement shall not be amended or modified except with the concurrence of the legislatures of Commonwealth of Virginia, the Commonwealth of Pennsylvania, and the state of Maryland, no changes are made.

~~CHAPTER 20.~~

~~VIRGINIA COMMISSION ON YOUTH.~~

Article 3.

Virginia Commission on Youth.

Drafting note: Existing Chapter 20, establishing the Virginia Commission on Youth, is retained as proposed Article 3.

§ ~~30-174~~ 30.1-1225. Virginia Commission on Youth; purpose~~; membership; terms; compensation and expenses; quorum; voting on recommendations~~.

~~A.~~ The Virginia Commission on Youth (the Commission) is established in the legislative branch of state government. The purpose of the Commission ~~shall be~~ is to study and provide recommendations addressing the needs of and services to the Commonwealth's youth and their families. ~~In so doing, it~~ 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.

Drafting note: Existing § 30-174 is divided into two proposed sections to standardize the organization of articles establishing legislative entities by setting out separate sections for each entity's purpose and membership. This proposed section establishes the Commission and states its purpose.

§ 30.1-1226. Membership; terms.

~~B.~~ A. The Commission shall ~~consist~~ have a total membership of 12 members ~~to be appointed~~ that shall include nine legislative members and three nonlegislative citizen members. Members shall be appointed as follows: ~~six~~

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; ~~three~~

2. Three members of the Senate to be appointed by the Senate Committee on Rules; and ~~three~~

3. Three nonlegislative citizen members to be appointed by the Governor. ~~Nonlegislative citizen members shall be citizens of the Commonwealth.~~

~~C. Legislative members shall serve terms coincident with their terms of office.~~ B. Nonlegislative citizen members shall serve four-year terms. Members may be reappointed for successive terms. ~~Vacancies shall be filled for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.~~

~~D. The Commission shall elect its chairman and vice-chairman annually. A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~E. Members of the Commission shall receive compensation as provided in § 30-19.12 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 compensation and expense payments shall come from existing appropriations to the Commission.~~

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

Drafting note: Existing § 30-174 is divided into two proposed sections to standardize the organization of articles establishing legislative entities by setting out separate sections for each entity's purpose and membership. This proposed section establishes the Commission's membership. Provisions relating to officers, meetings, quorums, compensation and expenses, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made for clarity, including the designation of subsections.

§ ~~30-175~~ 30.1-1227. Powers and duties of the Commission.

The Commission shall have the ~~power and duty to~~ following powers and duties:

1. Undertake studies and ~~to~~ gather information and data in order to accomplish its purposes as set forth in § ~~30-174~~, 30.1-1225 and to formulate and report its recommendations to the General Assembly and the Governor~~. The chairman of the Commission shall submit to~~

~~the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. 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.~~;

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 ~~which~~ that has responsibility for services to youth~~.~~; and

3. Submit reports pursuant to § 30.1-1107.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the annual reporting requirement for all legislative entities. Technical changes are made.

§ ~~30-176~~ 30.1-1228. ~~Executive director; staff; compensation~~ 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 ~~chapter~~ article. The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated ~~therefor~~ to the Commission in the general appropriation act.

Drafting note: Technical changes.

~~§ 30-177. Cooperation of other state agencies.~~

~~The Commission may request and shall receive from every department, division, board, bureau, commission, authority or other agency created by the Commonwealth, or to which the Commonwealth is party, or from any political subdivision of the Commonwealth, cooperation and assistance in the performance of its duties.~~

Drafting note: This section related to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~CHAPTER 18.~~

~~JOINT COMMISSION ON HEALTH CARE.~~

Article 4.

Joint Commission on Health Care.

Drafting note: Existing Chapter 18, establishing the Joint Commission on Health Care, is retained as proposed Article 4.

§ ~~30-168~~ 30.1-1229. Joint Commission on Health Care; purpose.

The Joint Commission on Health Care (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 health care provision, regulation, insurance, liability, licensing, and delivery of services. ~~In so doing, the~~ The Commission shall endeavor to ensure that the Commonwealth as provider, financier, and regulator adopts the most cost-effective and efficacious means of delivery of health care services so that the greatest number of ~~Virginians~~ residents of the Commonwealth receive quality health care. ~~Further, the~~ The Commission shall also encourage the development of uniform policies and services to ensure the availability of quality, affordable, and accessible health services and provide a forum for continuing the review and study of programs and services.

~~The Commission may make recommendations and coordinate the proposals and recommendations of all commissions and agencies as to legislation affecting the provision and delivery of health care.~~

~~For the purposes of this chapter, "health care" shall include behavioral health care.~~

Drafting note: A provision relating to the Commission's legislative recommendations is relocated to proposed subsection B of § 30.1-1231. A provision providing that the term "health care," for the Commission's purposes, includes behavioral health care is proposed for deletion as unnecessary due to the creation of the

Behavioral Health Commission pursuant to Chapter 313 of the Acts of Assembly of 2021, Special Session I. Technical changes are made.

§ ~~30-168.1~~ 30.1-1230. Membership~~; terms; vacancies; chairman and vice-chairman; quorum; meetings~~.

The Commission shall ~~consist~~ have a total membership of 18 legislative members. Members shall be appointed as follows: ~~eight~~

1. Ten members of the House of Delegates, of whom three shall be members of the House Committee on Health and Human Services, 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. Eight members of the Senate~~,~~ to be appointed by the Senate Committee on Rules~~; and 10 members of the House of Delegates, of whom three shall be members of the House Committee on Health and Human Services, 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~~.

~~Members of the Commission shall serve terms coincident with their terms of office. Members may be reappointed. 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 appointments.~~

~~The Commission shall elect a chairman and vice-chairman 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 chairman or whenever the majority of the members so request.~~

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

Drafting note: This proposed section establishes the Commission's membership. Provisions relating to terms, vacancies, officers, quorums, meetings, and voting

requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Language is updated for clarity and consistency and other technical changes are made.

~~§ 30-168.2. Compensation; expenses.~~

~~Members of the Commission shall receive such compensation as provided in § 30-19.12. All members shall be reimbursed for 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 by the Joint Commission on Health Care.~~

Drafting note: This section relating to compensation and expenses and the source for funding is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-168.3~~ 30.1-1231. Powers and duties of the Commission.

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

1. ~~To study~~ Study and gather information and data to accomplish its purposes as set forth in § ~~30-168~~ 30.1-1229;

2. ~~To study~~ Study the operations, management, jurisdiction, powers, and interrelationships of any department, board, bureau, commission, authority, or other agency with any direct responsibility for the provision and delivery of health care in the Commonwealth;

3. ~~To assess~~ Assess, analyze, and evaluate the social and economic costs and benefits, and other 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 established in Article 7 (§ 30.1-1429 et seq.) of Chapter 14;

4. ~~To examine~~ Examine matters relating to health care services in other states and ~~to~~ consult and exchange information with officers and agencies of other states with respect to health service problems of mutual concern;

5. ~~To maintain~~ Maintain offices and hold meetings and functions at any place within the Commonwealth that it deems necessary;

6. ~~To invite~~ Invite other interested parties to sit with the Commission and participate in its deliberations;

~~7. To appoint a special task force from among the members of the Commission to study and make recommendations on issues related to behavioral health care to the full Commission; and~~

~~8. To report~~ Report its recommendations to the General Assembly and the Governor annually and ~~to~~ make such interim reports as it deems advisable or as may be required by the General Assembly and the Governor; and

8. Submit reports pursuant to § 30.1-1107.

B. The Commission may make recommendations and coordinate the proposals and recommendations of all commissions and agencies as to legislation affecting the provision and delivery of health care.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. A provision allowing the Commission to appoint a special task force on issues related to behavioral health care is proposed for deletion as unnecessary due to the creation of the Behavioral Health Commission pursuant to Chapter 313 of the Acts of Assembly of 2021, Special Session I. Language from existing § 30-168 is relocated to this section as proposed subsection B. Language is updated for clarity and consistency and other technical changes are made.

§ ~~30-168.4~~ 30.1-1232. Staffing.

The Commission may appoint~~,~~ and employ~~,~~ and, at its pleasure, remove an executive director and such other persons as it deems necessary~~, and determine their~~ 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 ~~therefor~~ to the Commission in the general appropriation act. The Commission may also employ experts who have special knowledge of the issues before it. ~~All agencies of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made.

~~§ 30-168.5. Chairman's executive summary of activity and work of the Commission.~~

~~The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. 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.~~

Drafting note: This section relating to the Commission's reporting requirement is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-169. Repealed.~~

Drafting note: Repealed by Acts 2003, c. 633, cl. 2.

~~§ 30-169.1. Cooperation of other state agencies and political subdivisions.~~

~~The Commission may request and shall receive from every department, division, board, bureau, commission, authority or other agency created by the Commonwealth, or to which the Commonwealth is party, or from any political subdivision of the Commonwealth, cooperation and assistance in the performance of its duties.~~

Drafting note: This section relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-170. Repealed.~~

Drafting note: Repealed by Acts 2021, Sp. Sess. I, c. 315, cl. 1.

~~CHAPTER 11.~~

~~JOINT COMMISSION ON TECHNOLOGY AND SCIENCE.~~

Article 5.

Joint Commission on Technology and Science.

Drafting note: Existing Chapter 11, establishing the Joint Commission on Technology and Science, is retained as proposed Article 5.

§ ~~30-85~~ 30.1-1233. Joint Commission ~~established~~ on Technology and Science; ~~powers and duties~~ purpose.

The Joint Commission on Technology and Science (JCOTS) is ~~hereby~~ established ~~as a permanent~~ in the legislative ~~agency of the Commonwealth~~ branch of state government. The purpose of JCOTS ~~shall generally~~ 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.

~~In addition, JCOTS shall:~~

~~1. Evaluate the impact of existing statutes and proposed legislation related to technology and science in the Commonwealth;~~

~~2. Advise the General Assembly, 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;~~

~~4. Make recommendations to the General Assembly and the Governor;~~

~~5. Consult with appropriate entities, public or private, on matters related to technology and science under JCOTS' consideration;~~

~~6. Encourage research and development in technology and science;~~

~~7. Solicit input from appropriate entities, public or private, on issues related to technology and science;~~

~~8. Coordinate its efforts with and assist the efforts of other agencies, authorities, and institutions of the Commonwealth;~~

~~9. Accept private or public funds to carry out its purposes; and~~

~~10. Annually report its findings and recommendations to the General Assembly and the Governor. JCOTS shall make such further interim reports to the General Assembly and the Governor as it deems advisable or as required by concurrent resolution of the General Assembly or by the Governor. The chairman of JCOTS shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of JCOTS no later than the first day of each regular session of the General Assembly. 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.~~

Drafting note: Existing § 30-85 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission and states its purpose. Provisions relating to the Commission's powers and duties are relocated to proposed § 30.1-1235. Technical changes are made.

§ ~~30-86~~ 30.1-1234. Membership; ~~terms; vacancies; chairman and vice-chairman; expenses;~~ quorum; chair and vice-chair.

A. JCOTS shall ~~be composed~~ have a total membership of 12 legislative members~~, seven of whom shall~~. 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 ~~from the membership thereof,~~ in accordance with the principles of proportional representation contained in the Rules of the House of Delegates~~,~~; and ~~five of whom shall~~

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

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

~~C. JCOTS members shall receive compensation as provided in § 30-19.12 and shall be reimbursed from funds appropriated or otherwise available to JCOTS for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.~~

~~D.~~ 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 ~~chairman~~ chair and ~~vice-chairman~~ vice-chair from among its membership. A vacancy in either office shall be filled for the unexpired term in the same manner. ~~Meetings of JCOTS shall be held at the call of the chairman or whenever members constituting a quorum so request.~~

Drafting note: Provisions relating to terms, vacancies, compensation and expenses, and meetings are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Language is updated for consistency with other legislative entities and technical changes are made, including the designation of subdivisions.

§ 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;

4. Make recommendations to the General Assembly and the Governor related to technology and science in the Commonwealth;

5. Consult with appropriate entities, public or private, on matters related to technology and science under JCOTS's consideration;

6. Encourage research and development in technology and science;

7. Solicit input from appropriate entities, public or private, on issues related to technology and science;

8. Coordinate its efforts with and assist the efforts of other agencies, authorities, and institutions of the Commonwealth;

9. Accept public or private funds to carry out its purposes; and

10. Submit reports pursuant to § 30.1-1107. JCOTS shall make such further interim reports to the General Assembly and the Governor as it deems advisable or as required by concurrent resolution of the General Assembly or by the Governor.

Drafting note: Provisions of existing § 30-85 are relocated to this proposed section to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's powers and duties. A reference to the general reporting requirement in proposed Chapter 11 (General Provisions) is added to the existing reporting provision. Language is updated for clarity and technical changes are made to the relocated language.

§ ~~30-87~~ 30.1-1236. ~~Staff; cooperation and assistance~~ Staffing.

JCOTS may appoint~~,~~ and employ~~,~~ and, at its pleasure, remove an executive director and such other persons as it deems necessary ~~and determine their~~ to assist it in carrying out its duties as set forth in this article. JCOTS may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated ~~therefor~~ to JCOTS in the general appropriation act. ~~All agencies, authorities, and institutions of the Commonwealth shall cooperate and provide assistance to JCOTS upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Language is updated for clarity and consistency with other legislative entities.

§ ~~30-88~~ 30.1-1237. Advisory committees.

JCOTS may establish advisory committees composed of persons with expertise in the matters under consideration by JCOTS. Such persons shall serve without compensation~~,~~ but shall be reimbursed from funds appropriated or otherwise available to JCOTS for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825, unless they waive reimbursement.

Drafting note: Technical change.

~~§ 30-89. Reserved.~~

Drafting note: This section is removed because it is carried as reserved in the existing title.

~~CHAPTER 21.~~

~~VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL.~~

Article 6.

Virginia Freedom of Information Advisory Council.

Drafting note: Existing Chapter 21, establishing the Virginia Freedom of Information Advisory Council, is retained as proposed Article 6.

§ ~~30-178~~ 30.1-1238. Virginia Freedom of Information Advisory Council; ~~membership; terms; quorum; expenses~~ purpose.

~~A.~~ The Virginia Freedom of Information Advisory Council (the Council) is ~~hereby created as an advisory council~~ 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).

Drafting note: Existing § 30-178 is divided into three proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Council's purpose. Technical changes are made for consistency with other legislative entities.

§ 30.1-1239. Membership; terms; chair and vice-chair; vacancies.

~~B.~~ A. The Council shall ~~consist~~ 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: ~~the Attorney General or his designee; the Librarian of Virginia or his designee; the Director of the Division of Legislative Services or his designee; five~~

1. Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates~~, two of whom shall be members of the House of Delegates, and three nonlegislative citizen members, at least one of whom shall be or have been a representative of the news media; four~~;

2. Two members of the Senate to be appointed by the Senate Committee on Rules~~, two of whom shall be members of the Senate, one of whom shall be or have been an officer of local government, and one nonlegislative citizen at-large member; and two~~;

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 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.~~

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.

~~C. All appointments following the initial staggering of terms~~ Appointments of nonlegislative citizen members shall be for terms of four years~~, except that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original appointment~~. No nonlegislative citizen member shall ~~be eligible to~~ 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 a term of three years or less, or~~ 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 ~~if appointed thereto~~. ~~Legislative members and other state government officials shall serve terms coincident with their terms of office.~~ Legislative members may be reappointed for successive terms.

~~D.~~ C. The ~~members of the Council shall elect from among their membership a chairman~~ chair and ~~a vice-chairman for two year~~ vice-chair shall serve terms~~. The chairman and vice-chairman~~ of two years and may not succeed themselves to the same position.

Drafting note: Existing § 30-178 is divided into three proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Council's membership, terms, chair and vice-chair, and procedures to fill vacancies. Provisions relating to terms of office for legislative members and ex officio members and the election of the chair and vice-chair are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A provision relating to the initial staggering of terms is proposed for deletion as obsolete. Technical changes are made for consistency with other legislative entities, including the designation of subdivisions for clarity.

§ 30.1-1240. Meetings; attendance of nonlegislative citizen members; compensation.

~~E.~~ The Council shall hold meetings quarterly or upon the call of the ~~chairman~~ chair. ~~A majority of the Council shall constitute a quorum.~~ Notwithstanding the provisions of ~~subsection~~

~~C~~ § 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.

~~F.~~ Members of the Council 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. Funding for expenses of the members shall be provided from existing appropriations to the Council~~ pursuant to § 30.1-1103.

Drafting note: Existing § 30-178 is divided into three proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes requirements for the Council's meetings and attendance of nonlegislative members. A provision relating to quorums is proposed for deletion; this provision is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Provisions regarding reimbursement for expenses are proposed for deletion and replacement with a reference to the general reimbursement provision for all legislative entities. Technical changes are made for consistency with other legislative entities.

§ ~~30-179~~ 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 ~~Virginia Freedom of Information~~ Act ~~(§ 2.2-3700 et seq.)~~ 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 ~~Virginia Freedom of Information~~ Act ~~(§ 2.2-3700 et seq.)~~;

3. Publish such educational materials as it deems appropriate on the provisions of the ~~Virginia Freedom of Information~~ Act ~~(§ 2.2-3700 et seq.)~~;

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 or before December 1 of each year~~ on its activities and findings regarding the ~~Virginia Freedom of Information~~ Act ~~(§ 2.2-3700 et seq.)~~, including recommendations for ~~changes in the law~~ legislation, to the General Assembly and the Governor. The annual report shall be published ~~as a state document~~ according to the provisions of § 30.1-1107.

Drafting note: Technical changes are made, including changes made for consistency with other legislative entities.

§ ~~30-180~~ 30.1-1242. ~~Staff~~ Staffing.

~~Staff assistance to the Council shall be provided by the~~ The Division of Legislative Services shall provide staff support. Staff shall perform ~~those~~ the duties assigned to it by the Council.

Drafting note: Technical changes.

~~§ 30-181. Cooperation of agencies of state and local government.~~

~~Every department, division, board, bureau, commission, authority or political subdivision of the Commonwealth shall cooperate with, and provide such assistance to, the Council as the Council may request.~~

Drafting note: This section relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~CHAPTER 31.~~

~~ENERGY COMMISSION OF VIRGINIA.~~

Article 7.

Energy Commission of Virginia.

Drafting note: Existing Chapter 31, establishing the Energy Commission of Virginia, is retained as proposed Article 7.

§ 30.1-1243. (Expires July 1, 2029) Definitions.

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

"Commission" means the Energy Commission of Virginia.

"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.

Drafting note: The definitions of "ratepayer" and "ratepayer impact statement" are relocated from existing § 30-205.1 and a shortened term for the Commission is established to conform to current Code conventions.

§ ~~30-201~~ 30.1-1244. (Expires July 1, 2029) Energy Commission of Virginia; purpose.

The ~~Commission on Electric Utility Regulation established pursuant to Chapter 883 of the Acts of Assembly of 2008 as a continuation of the Commission on Electric Utility Restructuring is continued as the~~ Energy Commission of Virginia ~~(the Commission) within~~ 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.).

Drafting note: Language referencing the Commission on Electric Utility Regulation and the Commission on Electric Utility Restructuring is proposed for deletion as obsolete. Technical changes are made.

§ ~~30-202~~ 30.1-1245. (Expires July 1, 2029) Membership; ~~terms~~ meetings.

A. The Commission shall have a total membership of 14 members that shall ~~consist of~~ include 10 legislative members, three nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: ~~four~~

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; ~~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; one~~

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 ~~; one nonlegislative citizen member with expertise in energy affordability and ratepayer advocacy to be appointed by the Speaker of the House of Delegates~~; and ~~one~~

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 ~~Division of~~ Consumer ~~Counsel~~ Protection Unit. ~~Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.~~

B. The Commission shall meet at least twice per year.

C. Each member of the Commission shall annually complete an orientation on electric utility regulation provided by the State Corporation Commission.

~~Legislative members of the Commission and the ex officio member shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.~~

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

D. The ~~chairman~~ chair of the Commission ~~shall be~~ 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 ~~chapter~~ article. Members participating in such discussions ~~shall be~~ are entitled to compensation and reimbursement as provided in § ~~30-204~~ 30.1-1103, if approved by the Joint Rules Committee or its Budget Oversight Subcommittee.

Drafting note: Provisions relating to terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. An existing provision of § 30-203 relating to twice-per-year meetings is incorporated into this section to exempt the Commission from the provisions of proposed Chapter 11, which establishes meetings for legislative entities at the call of the chair or whenever the majority of the members so request. Language is updated for clarity and consistency and other technical changes are made.

~~§ 30-203. (Expires July 1, 2029) Quorum; meetings; voting on recommendations.~~

~~A majority of the members shall constitute a quorum. The Commission shall meet at least twice per year; meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the~~

~~recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: This section is proposed for deletion. Existing provisions relating to quorum and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. The existing provision relating to meetings is relocated to subsection B of proposed § 30.1-1245.

~~§ 30-204. (Expires July 1, 2029) Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12 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. Unless otherwise approved in writing by the chairman of the Commission and the executive director of the Commission, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings. However, all such compensation and expenses shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application.

§ ~~30-205~~ 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~~ the Virginia Electric Utility Regulation Act (§ 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;

3. Establish one or more subcommittees, composed of its membership, persons with expertise in the matters under consideration by the Commission, or both, to meet at the direction of the ~~chairman~~ chair of the Commission, for any purpose within the scope of the duties prescribed to the Commission by this section, provided that such persons who are not members of the Commission shall serve without compensation but shall be entitled to be reimbursed from funds appropriated or otherwise available to the Commission for reasonable and necessary expenses incurred in the performance of their duties;

4. Monitor applications by the Commonwealth for grants and awards for energy projects from the federal government;

5. Consider legislation referred to it during any session of the General Assembly or other requests by members of the General Assembly;

6. Conduct studies and gather information and data in order to accomplish its purposes set forth in § ~~30-201~~ 30.1-1244 and in connection with the faithful execution of the laws of the Commonwealth;

7. Issue ratepayer impact statements pursuant to § ~~30-205.1~~ 30.1-1247; ~~and~~

8. Report annually to the General Assembly and the Governor with such recommendations as may be appropriate for legislative and administrative consideration in order to maintain reliable service in the Commonwealth while preserving the Commonwealth's position as a low-cost electricity market; and

9. Submit reports pursuant to 30.1-1107.

Drafting note: For consistency with other legislative entities, language relating to a required annual report is added. Such report is currently required by existing § 30-207, which is proposed for deletion. Technical changes are made.

§ ~~30-205.1~~ 30.1-1247. (Expires July 1, 2029) Ratepayer impact statements for electric utility regulation.

A. ~~As used in this section:~~

~~"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.~~

~~B.~~ Upon ~~the~~ request ~~by~~ of the ~~Chairman for~~ Chairs of the House Committee on Labor and Commerce or the Senate Committee on Commerce and Labor, the Commission shall prepare a ratepayer impact statement for any proposed legislation related to electric utility regulation specified by such ~~Chairman~~ Chair. Each such ~~Chairman~~ Chair may request up to five ratepayer impact statements in any given regular or special session of the General Assembly. Additionally, the Commission may, upon the request of any other member of the General Assembly~~, the Commission, at the Commission's discretion, may~~, prepare a ratepayer impact statement for any proposed legislation related to electric utility regulation specified by such member.

~~C.~~ B. The Commission shall provide any such ratepayer impact statement to the requesting ~~Chairman~~ Chair or member, the patron of the legislation, and the members of any committee considering the legislation.

~~D. Upon request of the Commission, the~~ 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.

~~E.~~ 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.

Drafting note: The definitions of "ratepayer" and "ratepayer impact statement" are relocated to proposed § 30.1-1243 to conform to current Code conventions. Technical changes are made.

§ ~~30-206~~ 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~~, subject to funding in the appropriation act, and shall~~ to assist it in carrying out its duties. The Commission may determine the duties of such staff and fix ~~the~~ their salaries or compensation ~~of such executive director and other persons,~~ within the amounts appropriated ~~for such purpose~~ to the Commission in the general appropriation act. The Commission may also employ experts who have knowledge of the issues before it. ~~All agencies of the Commonwealth shall provide assistance to the Commission, upon request, subject to funding in the appropriation act.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Language is updated for clarity and consistency and other technical changes are made.

~~§ 30-207. (Expires July 1, 2029) Chairman's executive summary of activity and work of the Commission.~~

~~The chairman of the Commission shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. 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.~~

Drafting note: This section relating to the executive summary is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-208. Repealed.~~

Drafting note: Repealed by Acts 2008, c. 883, cl. 2.

§ ~~30-209~~ 30.1-1249. (Expires July 1, 2029) Sunset.

This ~~chapter~~ article shall expire on July 1, 2029.

Drafting note: Technical change.

~~CHAPTER 38.~~

~~VIRGINIA HOUSING COMMISSION.~~

Article 8.

Virginia Housing Commission.

Drafting note: Existing Chapter 38, establishing the Virginia Housing Commission, is retained as proposed Article 8.

§ ~~30-257~~ 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 ~~Virginian~~ 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.

Drafting note: Technical changes.

§ ~~30-258~~ 30.1-1251. Membership; terms; chair and vice-chair.

A. The Commission shall ~~consist~~ have a total membership of 11 members~~. Of these members, there shall be~~ that shall include eight legislative members and three nonlegislative citizen members. Members shall be appointed as follows: ~~five~~

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; ~~three~~

2. Three members of the Senate to be appointed by the Senate Committee on Rules; and ~~three~~

3. Three nonlegislative citizen members to be appointed by the Governor.

B. ~~Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.~~

~~Legislative members shall serve terms coincident with their terms of office.~~ Nonlegislative citizen members shall be appointed for a term of four years. ~~Appointments to~~

~~fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and nonlegislative citizen members may be reappointed for successive terms. Vacancies shall be filled in the same manner as the original appointments.~~

C. The Commission shall elect a ~~chairman~~ chair and ~~vice-chairman~~ vice-chair every two years ~~from among its membership, who shall be members of the General Assembly~~.

Drafting note: Provisions relating to terms of legislators, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. An existing provision relating to four-year terms is retained to exempt the Commission from the provisions of proposed Chapter 11, which establishes two-year terms for nonlegislative citizen members of legislative entities.

~~§ 30-259. Quorum; meetings; voting on recommendations.~~

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

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

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-260. Compensation and expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for the performance of their duties. 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. However, all such compensation and expenses shall be provided from existing appropriations to the Commission.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-261~~ 30.1-1252. Powers and duties of the Commission.

~~A.~~ 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 § ~~30-257~~ 30.1-1250;

2. ~~Report annually on its activities during the preceding year and include a discussion of studies made and recommendations for administrative or legislative action; and~~

~~3.~~ 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.

~~B. The chairman shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. 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.~~

Drafting note: An existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

§ ~~30-262~~ 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 ~~chapter~~ article. The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts as may be appropriated ~~from general or~~

~~nongeneral funds. Nongeneral funds may include, but not be limited to, federal grants and private donations or contributions~~ to the Commission in the general appropriation act~~. All other agencies and governing bodies and agencies of political subdivisions of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made.

~~CHAPTER 56.~~

~~VIRGINIA CONFLICT OF INTEREST AND ETHICS ADVISORY COUNCIL.~~

Article 9.

Virginia Conflict of Interest and Ethics Advisory Council.

Drafting note: Existing Chapter 56, establishing the Virginia Conflict of Interest and Ethics Advisory Council, is retained as proposed Article 9.

§ ~~30-355~~ 30.1-1254. Virginia Conflict of Interest and Ethics Advisory Council; ~~membership; terms; quorum; expenses~~ purpose.

~~A.~~ The Virginia Conflict of Interest and Ethics Advisory Council (the Council) is ~~hereby created as an advisory council~~ 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 ~~Conflicts~~ Conflict of Interests Act (§ ~~30-100~~ 30.1-200 et seq.) (~~hereafter~~ the Acts) and the lobbying laws in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 ~~(hereafter Article 3)~~.

Drafting note: Existing § 30-355 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Council and states its purpose. Technical changes are made for consistency with other legislative entities.

§ 30.1-1255. Membership; terms; chair and vice-chair; expenses.

~~B.~~ A. The Council shall ~~consist of~~ have a total membership of nine members that shall include four legislative members and five nonlegislative citizen members. Members shall be appointed as follows: ~~three~~

1. Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates~~, two of whom shall be members of the House of Delegates and one of whom shall be a former judge of a court of record~~; ~~three~~

2. Two members of the Senate to be appointed by the Senate Committee on Rules~~, two of whom shall be members of the Senate and one of whom shall be a~~;

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 ~~three~~

5. Three nonlegislative citizen members to be appointed by the Governor, ~~one~~ of whom one shall be a current or former executive branch employee, one ~~of whom~~ shall be appointed from a list of three nominees submitted by the Virginia Association of Counties, and one ~~of whom~~ 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 ~~made by the Speaker~~ and ~~members of~~ the Senate ~~made by the Senate Committee on Rules~~, 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. ~~All appointments following the initial staggering of terms~~ Appointments of nonlegislative citizen members shall be for terms of four years~~, except that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original appointment~~. No nonlegislative citizen member shall ~~be eligible to~~ serve for more than two successive four-year terms. However, ~~after the expiration of a term of three years or less, or~~ 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 ~~if appointed thereto~~. ~~Legislative members and other state government officials shall serve terms coincident with their terms of office.~~ Legislative members may be reappointed for successive terms.

D. The ~~members of the Council shall elect from among their membership a chairman~~ chair and ~~a vice-chairman for two year~~ vice-chair shall serve terms~~. The chairman and vice-chairman~~ of two years and may not succeed themselves to the same position. ~~The Council shall hold meetings upon the call of the chairman or whenever the majority of the members so request. A majority of the Council appointed shall constitute a quorum.~~

E. Members of the Council 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. Funding for expenses of the members shall be provided from existing appropriations to the Council~~ pursuant to § 30.1-1103.

Drafting note: Existing § 30-355 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Council's membership, terms, officers, procedures to fill vacancies, and compensation. Provisions relating to terms of office for legislative members and the election of the chair and vice-chair are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A provision relating to the initial staggering of terms is proposed for deletion as obsolete. Technical changes are made for consistency with other legislative entities, including the designation of subdivisions for clarity.

§ ~~30-356~~ 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 § ~~30-356.2~~ 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. ~~Beginning July 1, 2016, establish~~ 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 ~~30-111~~ 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 ~~30-124~~ 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 ~~6~~ 7 (§ ~~30-129.1~~ 30.1-235 et seq.) of Chapter ~~13~~ 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, except that any form filed pursuant to subsection G of § 2.2-3115 shall not have any residential address redacted; and

13. Report ~~on or before December 1 of each year~~ 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 ~~changes in the laws~~ legislation, to the General Assembly and the Governor. ~~The annual report shall be submitted by the chairman as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be published as a state document~~.

Drafting note: Technical changes are made, including changes for consistency with other legislative entities.

§ ~~30-356.1~~ 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 ~~30-111~~ 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 ~~§ 30-103.1~~ § 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.);

2. 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;

3. 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 ~~Chairman~~ Chair or the Senate Committee on Rules or its ~~Chairman~~ Chair; or

4. Travel related to an official meeting of 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.

B. When reviewing a request for the approval of travel, the Council shall consider the purpose of the travel as it relates to the official duties of the requester. The Council shall approve any request for travel that bears a reasonable relationship between the purpose of the travel and the official duties of the requester. Such travel shall include any meeting, conference, or other event (i) composed primarily of public officials, (ii) at which public policy related to the duties of the requester will be discussed in a substantial manner, (iii) reasonably expected to educate the requester on issues relevant to his official duties or to enhance the requester's knowledge and skills relative to his official duties, or (iv) at which the requester has been invited to speak regarding matters reasonably related to the requester's official duties.

C. The Council shall not approve any travel requests that bear no reasonable relationship between the purpose of the proposed travel and the official duties of the requester. In making

such determination, the Council shall consider the duration of travel, the destination of travel, the estimated value of travel, and any previous or recurring travel.

D. Within five business days of receipt of a request for the approval of travel, the Council shall grant or deny the request, unless additional information has been requested. If additional information has been requested, the Council shall grant or deny the request for the approval within five business days of receipt of such information. If the Council has not granted or denied the request for approval of travel or 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, ~~facsimile,~~ 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.

Drafting note: Technical changes are made, including the proposed deletion of "facsimile" as an obsolete method for form submission.

§ ~~30-356.2~~ 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 ~~is~~ 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~~, and~~ when such ~~an~~ emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected by ~~such~~ the emergency.

3. The filer ~~is~~ being on active duty as a member of a uniformed service of the United States ~~and is on active duty~~ on the date of the filing deadline.

4. A failure of the electronic filing system ~~and~~ when the failure of such system prevents the timely filing of disclosure forms.

B. For any ~~person~~ 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 ~~person~~ filer a five-day extension upon request. The head of the agency for which the ~~person~~ 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 ~~person~~ filer shall be assessed a civil penalty in ~~the~~ 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 ~~person~~ filer within three days prior to the filing deadline, the Council shall grant ~~such person~~ the filer a three-day extension upon request and no civil penalties shall be assessed against the head of such ~~person's~~ 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.

Drafting note: Technical changes.

§ ~~30-357~~ 30.1-1259. ~~Staff~~ Staffing.

~~Staff assistance to the Council shall be provided by the~~ The Division of Legislative Services shall provide staff support. Staff shall perform ~~those~~ the duties assigned to it by the Council, including ~~those~~ the duties enumerated in § ~~30-356~~ 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.

Drafting note: Technical changes.

~~§ 30-358. Cooperation of agencies of state and local government.~~

~~Every department, division, board, bureau, commission, authority, or political subdivision of the Commonwealth shall cooperate with, and provide such assistance to, the Council as the Council may request.~~

Drafting note: This section relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~CHAPTER 42.1.~~

~~VIRGINIA-ISRAEL ADVISORY BOARD.~~

Article 10.

Virginia-Israel Advisory Board.

Drafting note: Existing Chapter 42.1, establishing the Virginia-Israel Advisory Board, is retained as proposed Article 10.

§ ~~30-281.1~~ 30.1-1260. Virginia-Israel Advisory Board; purpose~~; membership; terms; compensation and expenses; staff; chairman's executive summary~~.

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

Drafting note: Existing § 30-281.1 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Board's purpose. Technical changes are made for consistency with other legislative entities.

§ 30.1-1261. Membership; terms; expenses.

~~B.~~ A. The Board shall have a total membership of 31 members that shall ~~consist of~~ include 29 citizen members and two ex officio members. Members shall be appointed as follows: ~~10~~

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~~, who may be members of the House of Delegates or other state or local elected officials~~; ~~10~~

2. Ten citizen members, who may be members of the Senate or other state or local elected officials, to be appointed by the Senate Committee on Rules~~, who may be members of the Senate or other state or local elected officials~~; ~~five~~ and

3. Nine nonlegislative citizen members to be appointed by the Governor ~~who represent,~~ of whom five shall be representatives of business, industry, education, the arts, and government~~;~~ and four shall be the president, or his designee, of each of the four Jewish Community Federations serving the Richmond, Northern Virginia, Tidewater, and Peninsula regions~~, each of whom shall be a resident of the Commonwealth; and the Secretary~~.

The Secretaries of Commerce and Trade and ~~the Secretary of~~ Education~~,~~ or their designees~~, who~~ shall serve ~~as~~ ex officio ~~voting members of the Board~~.

~~C.~~ B. Nonlegislative citizen members shall serve for terms of four years. ~~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. Any member may be reappointed for successive terms.~~

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

~~E.~~ C. Members shall receive no compensation for their services~~. However, all members~~ but 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~~ pursuant to § 30.1-1103.

~~F. The Joint Rules Committee shall appoint an executive director to the Board. Funding for the costs of expenses of the members and the operations of the Board, including staffing needs, shall be from such funds as appropriated by the General Assembly.~~

~~G. The chairman of the Board shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. 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.~~

Drafting note: Existing § 30-281.1 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Board's membership, terms, and compensation. Provisions relating to quorum, meetings, chair and vice-chair, vacancies, and an annual reporting requirement are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Provisions relating to staffing in existing subsection F are relocated to proposed § 30.1-1263. Technical changes are made for consistency with other legislative entities, including the designation of subdivisions for clarity.

§ ~~30-281.2~~ 30.1-1262. Powers and duties of the Board.

~~A.~~ The Board shall have the ~~power and duty to~~ following powers and duties:

1. Undertake studies and gather information and data in order to accomplish its purposes as set forth in § ~~30-281.1,~~ 30.1-1260 and ~~to~~ formulate and present its recommendations to ~~the Governor and~~ the General Assembly and the Governor;

2. Apply for, accept, and expend gifts, grants, or donations from public, quasi-public, or private sources, including any matching funds as may be designated in the appropriation act, to enable it to better carry out its purposes;

3. ~~Report annually its findings and recommendations to the Governor and the General Assembly. The Board may make interim reports to the Governor and the General Assembly as it deems advisable; and~~

~~4.~~ Account annually on its fiscal activities, including any matching funds received or expended by the Board~~.~~;

~~B. In addition, the Board shall meet~~ 4. Meet with the Governor at least annually to (i) provide a review of the Board's economic and cultural development activity and (ii) assist in planning an economic development and cultural exchange mission to Israel~~.~~; and

5. Submit reports pursuant to § 30.1-1107.

Drafting note: A reference to the general reporting requirement for all legislative entities is added to the Board's powers and duties to replace a reporting provision that is proposed for deletion in existing subsection G of § 30-281.1. Language is updated for clarity and consistency with other legislative entities, and other technical changes are made.

§ 30.1-1263. Staffing.

The Joint Rules Committee shall appoint an executive director to the Board. Funding for the costs of expenses of the members and the operations of the Board, including staffing needs, shall be from such funds as appropriated by the General Assembly.

Drafting note: The provisions of existing subsection F of § 30-281.1, relating to staffing, are relocated to this proposed section for consistency with other legislative entities.

~~CHAPTER 63.~~

~~BEHAVIORAL HEALTH COMMISSION.~~

Article 11.

Behavioral Health Commission.

Drafting note: Existing Chapter 63, establishing the Behavioral Health Commission, is retained as proposed Article 11.

§ ~~30-401~~ 30.1-1264. Definitions.

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

"Behavioral health" means the full range of mental health and substance abuse services.

"Behavioral health service system" means those public and private providers, including state and local government agencies and entities, engaged in the development, delivery, coordination, monitoring, oversight, and financing of behavioral health services in the Commonwealth.

"Commission" means the Behavioral Health Commission.

Drafting note: Technical change.

§ ~~30-402~~ 30.1-1265. Behavioral Health Commission; purpose.

The Behavioral Health Commission is established in the legislative branch of state government ~~for the~~. The purpose of ~~studying~~ the Commission is to provide ongoing oversight and ~~making~~ make recommendations for the improvement of behavioral health services and the behavioral health service system in the Commonwealth to encourage the adoption of policies to increase the quality and availability of and ensure access to the full continuum of high-quality, effective, and efficient behavioral health services for all persons in the Commonwealth.

~~In carrying out its purpose, the Commission shall provide ongoing oversight of behavioral health services and the behavioral health service system in the Commonwealth, including monitoring and evaluation of established programs, services, and delivery and payment structures and implementation of new services and initiatives in the Commonwealth and development of recommendations for improving such programs, services, structures, and implementation.~~

~~The Commission may coordinate with other agencies and entities of the Commonwealth with regard to development and proposal of recommendations related to behavioral health services and the behavioral health service system.~~

Drafting note: Provisions relating to powers and duties of the Behavioral Health Commission are relocated to proposed § 30.1-1267 to standardize the organization of articles establishing legislative entities. Technical changes are made.

§ ~~30-403~~ 30.1-1266. Membership~~; terms; vacancies; chairman and vice-chairman; quorum; meetings; voting on recommendations~~.

The Commission shall ~~consist~~ have a total membership of 12 legislative members~~, who~~. Members shall be appointed as follows: ~~five~~

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, of whom at least three shall be members of the House Committee on Appropriations 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 ~~of whom~~ shall be a member of the Senate Committee on Education and Health, (ii) at least one ~~of whom~~ shall be a member of the Senate Committee on Rehabilitation and Social Services, and (iii) at least two ~~of whom~~ shall be members of the Senate Committee on Finance and Appropriations~~, to be appointed by the Senate Committee on Rules and seven members of the House of Delegates, at least three of whom shall be members of the House Committee on Appropriations and at least two of whom shall be members of the House Committee on Health, Welfare and Institutions, 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~~.

~~Members of the Commission shall serve terms coincident with their terms of office. Members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired term. Vacancies shall be filled in the same manner as the original appointment.~~

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

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

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

Drafting note: Provisions relating to terms, officers, quorums, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity and consistency.

~~§ 30-404. Compensation; expenses.~~

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

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-405~~ 30.1-1267. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. ~~To collect~~ Collect and analyze information and data necessary to accomplish the purpose set forth in § ~~30-402~~ 30.1-1265;

2. ~~To monitor~~ 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;

~~3. To monitor~~ 4. Monitor and evaluate the design, implementation, and operation of new behavioral health initiatives in the Commonwealth and develop recommendations for the improvement thereof;

~~4. To examine~~ 5. Examine matters related to the delivery of behavioral health services in other states and ~~to~~ consult and exchange information with officers and agencies of other states with respect to behavioral health service issues of mutual concern;

~~5. To maintain~~ 6. Maintain offices and hold meetings and functions at any place in the Commonwealth that it deems necessary;

~~6. To invite~~ 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;

~~7. To appoint~~ 9. Appoint any work group or special task force from among its members to study and make recommendations on specific matters before the Commission;

~~8. To implement~~ 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; and

~~9. To report~~ 11. Submit reports pursuant to § 30.1-1107, including reports detailing its recommendations to the General Assembly and the Governor ~~annually and to make such interim reports as it deems advisable or as may be required by the General Assembly and the Governor~~.

Drafting note: Language from existing § 30-402 is relocated to this proposed section to standardize the organization of articles establishing legislative entities. The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

§ ~~30-406~~ 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 ~~and~~ 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 ~~the~~ their salaries or compensation ~~of such executive director and other persons,~~ within the amounts appropriated ~~for such purpose~~ to the Commission in the general appropriation act. ~~The Commission may also employ experts who have knowledge of the issues before it.~~

Drafting note: Technical changes.

~~§ 30-407. Chairman's executive summary.~~

~~The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activities and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document 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.~~

Drafting note: This section relating to the Commission's reporting requirement is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-408~~ 30.1-1269. ~~Cooperation~~ 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 ~~created~~ 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. ~~The Commission shall receive cooperation and assistance in the performance of its duties from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth or to which the Commonwealth is a party or from any political subdivision of the Commonwealth upon request.~~

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 ~~created~~ established by the Commonwealth or to which the Commonwealth is a party or of any political subdivision of the Commonwealth.

Drafting note: Provisions relating to agency assistance are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made.

CHAPTER 13.

SPECIAL ADVISORY LEGISLATIVE ENTITIES.

Drafting note: Proposed Chapter 13, Special Advisory Legislative Entities, is created to logically organize legislative entities whose purposes are to provide a forum for a particular community to advise the General Assembly on topics of interest. Membership of such entities consists of both legislative members and nonlegislative citizen members, usually with specific expertise or background relevant to the entity. Existing Chapters 25 (Virginia Coal and Energy Commission), 24 (State Water Commission), 22 (Small Business Commission), 35 (Virginia Disability Commission), 41 (Manufacturing Development Commission), 65 (Commission on Federally Recognized Tribes), 64 (School Health Services Committee), 50.1 (Autism Advisory Council), and the 68 (Virginia Minority Business Commission) are retained in proposed Chapter 13 as Articles 1 through 9, respectively. Provisions of these proposed articles are reorganized to standardize the organization of articles establishing legislative entities by setting out

separate sections for each entity's purpose, membership, powers and duties, staffing, and sunset date, if applicable.

~~CHAPTER 25.~~

~~VIRGINIA COAL AND ENERGY COMMISSION.~~

Article 1.

Virginia Coal and Energy Commission.

Drafting note: Existing Chapter 25, establishing the Virginia Coal and Energy Commission, is retained as proposed Article 1.

§ ~~30-188~~ 30.1-1300. Virginia Coal and Energy Commission; ~~membership; terms; compensation and expenses; staff; quorum; voting on recommendations~~ purpose.

~~A.~~ The Virginia Coal and Energy Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to study all aspects of coal as an energy resource and endeavor to stimulate, encourage, promote, and assist in the development of renewable and alternative energy resources other than petroleum.

Drafting note: Existing § 30-188 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. For consistency with other legislative entities, a purpose statement is derived from subsection A of existing § 30-189 and relocated to this proposed section that establishes the Virginia Coal and Energy Commission's purpose. Technical changes are made.

§ 30.1-1301. Membership; terms.

A. The Commission shall ~~consist~~ have a total membership of 20 members ~~to~~ that shall include 13 legislative members and seven nonlegislative citizen members. Members shall be appointed as follows: ~~five members of the Senate to be appointed by the Senate Committee on Rules; eight~~

1. Eight 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 seven~~

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

3. Seven nonlegislative citizen members, who shall include representatives of industry, government, and groups or organizations identified with the production and conservation of coal, natural gas, and energy, to be appointed by the Governor. ~~The nonlegislative citizen members shall be citizens of the Commonwealth and shall include representatives of industry, government and groups or organizations identified with production and conservation of coal, natural gas, and energy.~~

B. ~~Legislative members shall serve terms coincident with their terms of office. Members appointed by the Governor shall serve~~ Nonlegislative citizen members shall be appointed for terms of four years. ~~Vacancies occurring other than by expiration of term shall be filled for the unexpired term. Any member may be reappointed for successive terms.~~

~~C. The members of the Commission shall elect a chairman and vice-chairman annually from among its membership.~~

~~D. Legislative members of the Commission shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members 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. Funding for compensation and expenses of the members shall be provided from existing appropriations to the Commission.~~

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

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

~~G. No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the~~

~~recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: Existing § 30-188 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Virginia Coal and Energy Commission's membership. Provisions relating to citizenship of nonlegislative citizen members, vacancies, officers, compensation and expenses, funding, agency assistance, quorums, meetings, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

An existing provision relating to four-year terms for nonlegislative citizen members is retained to exempt the Commission from the provisions of proposed Chapter 11 (General Provisions), which establishes two-year terms for nonlegislative citizen members. For consistency with other legislative entities, the provision in existing subsection E relating to staffing for the Commission is relocated to proposed § 30.1-1303. Technical changes are made, including the designation and reordering of subdivisions in proposed subsection A for consistency with other legislative entities.

§ ~~30-189~~ 30.1-1302. Powers and duties of the Commission.

A. ~~The Commission shall generally study all aspects of coal as an energy resource and endeavor to stimulate, encourage, promote, and assist in the development of renewable and alternative energy resources other than petroleum. The Commission shall have no authority to adopt regulations. All agencies of the Commonwealth shall assist the Commission in its work.~~ ~~In addition to the aforementioned general powers, the~~ The Commission shall ~~also perform~~ have the following ~~functions~~ powers and duties:

1. Act in an advisory capacity to the Governor and executive branch agencies ~~upon energy related~~ regarding energy-related matters;

2. Investigate and consider such questions and problems relating to the field of coal and energy utilization and alternative energy sources as may be submitted;

3. Make recommendations to the ~~Governor and~~ General Assembly and the Governor on ~~its~~ the Commission's own initiative;

4. Consult with applicable state agencies on all matters regarding energy conservation, including the promotion and implementation of initiatives for the ~~public at large~~ public at large to conserve energy;

5. Endeavor to encourage research designed to further new and more extensive use of ~~the~~ coal as well as alternative and renewable energy resources of the Commonwealth;

6. ~~Effectively disseminate any such~~ Disseminate proposals to state and local groups and organizations~~, both state and local, so as to stimulate~~ in order to encourage local governing bodies and private ~~business initiative in the field of energy related matters~~ businesses to adopt energy initiatives;

7. Coordinate ~~its~~ 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 ~~its~~ the functions of the Commission;

9. Seek to establish alternative fuel capability within the Commonwealth; ~~and~~

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) ~~encouraging the reprocessing of spent fuel for reuse, (ii)~~ incentives to encourage the study of nuclear engineering at public institutions of higher education in the Commonwealth, ~~(iii)~~ (ii) the storage of nuclear waste, ~~(iv)~~ (iii) the transportation of nuclear waste, ~~(v)~~ (iv) security needs of nuclear power plants, and ~~(vi)~~ (v) on-site temporary storage facilities for spent nuclear fuel; and

11. Submit reports pursuant to § 30.1-1107.

B. ~~The Commission shall report its findings and recommendations to the General Assembly and the Governor on an annual basis. The Chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity~~

~~and work of the Commission no later than the first day of each regular session of the General Assembly. 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.~~ The Commission shall have no authority to adopt regulations.

Drafting note: A provision in existing § 30-189 relating to agency assistance is proposed for deletion; such provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. The reporting provision in existing subsection B is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities in proposed subdivision A 11. Technical changes are made.

§ 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.

Drafting note: The provision for staffing for the Commission is relocated to this proposed section from subsection E of existing § 30-188 and amended for consistency with other legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice.

~~CHAPTER 24.~~

~~STATE WATER COMMISSION.~~

Article 2.

State Water Commission.

Drafting note: Existing Chapter 24, establishing the State Water Commission, is retained as proposed Article 2.

§ ~~30-186~~ 30.1-1304. State Water Commission; ~~membership; terms; compensation and expenses; staff; quorum; voting on recommendations~~ purpose.

~~A.~~ 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.

Drafting note: Existing § 30-186 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. For consistency with other legislative entities, a purpose statement is derived from subdivision 1 of existing § 30-187 and relocated to this proposed section that establishes the Commission and states its purpose. Technical changes are made.

§ 30.1-1305. Membership; terms.

A. The Commission shall ~~consist~~ have a total membership of 15 members ~~to~~ that shall include 13 legislative members and two nonlegislative citizen members. Members shall be appointed as follows: ~~the Chairmen~~

1. The Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources; ~~seven~~

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; ~~four~~

3. Four members of the Senate to be appointed by the Senate Committee on Rules; and ~~two~~

4. Two nonlegislative citizen members to be appointed by the Governor~~, who shall be citizens of the Commonwealth~~.

B. ~~Legislative members shall serve terms coincident with their terms of office and may be reappointed to successive terms. Gubernatorial appointees~~ Nonlegislative citizen members shall ~~serve~~ be appointed for terms of four years ~~and may succeed themselves, but vacancies during their terms shall be filled only for the unexpired portion of the term~~. ~~Vacancies shall be filled in the same manner as the original appointments.~~

~~C. The members of the Commission shall elect a chairman and a vice-chairman.~~

~~D. Commission members shall be compensated as provided in § 30-19.12, 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 compensation and expenses of the members shall be provided by the Commission from existing appropriations to the Commission.~~

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

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

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

Drafting note: Existing § 30-186 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. Provisions relating to citizenship of nonlegislative citizen members, vacancies, officers, compensation and expenses, funding, agency assistance, quorums, meetings, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

An existing provision relating to four-year terms for nonlegislative citizen members is retained to exempt the Commission from the provisions of proposed Chapter 11 (General Provisions), which establishes two-year terms for nonlegislative citizen members. For consistency with other legislative entities, the provision in existing subsection E relating to staffing for the Commission is relocated to proposed § 30.1-1307.

Technical changes are made, including the designation of subdivisions in proposed subsection A.

§ ~~30-187~~ 30.1-1306. Powers and duties of the Commission.

The Commission shall have the ~~power and duty to~~ 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. ~~Report annually its findings and recommendations to the General Assembly and the Governor. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. 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~~ Submit reports pursuant to § 30.1-1107.

Drafting note: A reporting provision in existing § 30-187 is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

§ 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.

Drafting note: The provision for staffing for the Commission is relocated to this proposed section from subsection E of existing § 30-186. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice.

~~CHAPTER 22.~~

~~SMALL BUSINESS COMMISSION.~~

Article 3.

Small Business Commission.

Drafting note: Existing Chapter 22, establishing the Small Business Commission, is retained as proposed Article 3.

§ ~~30-182~~ 30.1-1308. Small Business Commission; purpose~~; membership; terms; compensation and expenses; staff; voting on recommendations~~.

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

Drafting note: Existing § 30-182 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission and states its purpose. Technical changes are made.

§ 30.1-1309. Membership.

~~B.~~ The Commission shall ~~consist~~ have a total membership of 16 members that shall include 10 legislative members and six nonlegislative citizen members. Members shall be appointed as follows: ~~six~~

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; ~~four~~

2. Four members of the Senate to be appointed by the Senate Committee on Rules; and ~~six~~

3. Six nonlegislative citizen members, each of whom shall have previously demonstrated small business experience or expertise, to be appointed by the Governor. ~~Nonlegislative citizen members shall be citizens of the Commonwealth.~~

~~All gubernatorial appointments to the Commission shall be for terms of two years. Legislative members shall serve terms coincident to their terms of office.~~

~~All members may be reappointed for successive terms. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.~~

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

~~D. Legislative members of the Commission shall receive such compensation as is set forth in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. 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. However, all such compensation and expenses shall be paid from existing appropriations to the Commission.~~

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

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

Drafting note: Existing § 30-182 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. Provisions relating to citizenship of nonlegislative citizen members, terms, vacancies, officers, quorums, meetings, compensation and expenses, funding, agency assistance, and voting requirements are

proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

For consistency with other legislative entities, the provision in existing subsection E relating to staffing for the Commission is relocated to proposed § 30.1-1311. Technical changes are made, including the designation of subdivisions in proposed subsection A for consistency with other legislative entities.

§ ~~30-183~~ 30.1-1310. Powers and duties of the Commission.

The Commission shall have the ~~power~~ following powers and ~~duty to~~ 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. ~~Report annually its findings and recommendations to the General Assembly and the Governor. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. 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~~ Submit reports pursuant to § 30.1-1107.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

§ 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.

Drafting note: The provisions for staffing for the Commission are relocated from subsection E of existing § 30-182 to this proposed section. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice.

~~CHAPTER 35.~~

~~VIRGINIA DISABILITY COMMISSION.~~

Article 4.

Virginia Disability Commission.

Drafting note: Existing Chapter 35, establishing the Virginia Disability Commission, is retained as proposed Article 4.

§ ~~30-232~~ 30.1-1312. ~~(Contingent expiration date -- see notes)~~ 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 ~~in developing and reviewing~~ for the development and review of services and funding related to ~~Virginians~~ residents of the Commonwealth with physical and sensory disabilities. ~~The Commission shall submit its recommendations to the General Assembly and the Governor by October 1 of each year.~~

Drafting note: The existing reporting requirement is relocated to § 30.1-1314 for consistency with other legislative entities. Technical changes are made to standardize language.

§ ~~30-233~~ 30.1-1313. ~~(Contingent expiration date -- see notes)~~ Membership~~; terms; vacancies; chairman and vice-chairman~~.

The Commission shall ~~consist~~ have a total membership of 11 members that ~~includes~~ shall include six legislative members and five nonlegislative citizen members. Members shall be appointed as follows: ~~two members of the Senate to be appointed by the Senate Committee on Rules; four~~

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; ~~two nonlegislative citizen members, one of whom shall be a consumer with a disability and one shall be a member of the medical, insurance, or rehabilitation professions, to be appointed by the Senate Committee on Rules upon consideration of the recommendation of the Governor, if any; and three~~

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

3. Three nonlegislative citizen members, ~~one~~ of whom one shall be a consumer with a disability, one shall be a member of the medical, insurance, or rehabilitation ~~professions~~ profession, and one shall be a citizen at large, to be appointed by the Speaker of the House of Delegates upon consideration of the recommendations of the Governor, if any; and

4. Two nonlegislative citizen members, of whom one shall be a consumer with a disability and one shall be a member of the medical, insurance, or rehabilitation profession, to be appointed by the Senate Committee on Rules upon consideration of the recommendations of the Governor, if any. ~~Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.~~

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

~~The Commission shall elect a chairman and vice-chairman from among its legislative membership.~~

Drafting note: Provisions relating to citizenship of nonlegislative citizen members, travel reimbursement, terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation and reordering of subdivisions for consistency with other legislative entities.

~~§ 30-234. (Contingent expiration date -- see notes) Quorum; meetings; voting on recommendations.~~

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

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

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-235. (Contingent expiration date -- see notes) Compensation and expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such compensation and expenses shall be paid from existing appropriations to the Commission.~~

Drafting note: This section relating to compensation and expenses and funding is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-236~~ 30.1-1314. ~~(Contingent expiration date -- see notes)~~ Powers and duties of the Commission; funding.

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

1. Serve as the primary forum in the Commonwealth where the needs of and issues affecting people with physical and sensory disabilities are identified and addressed through the collaboration of members of the legislative and executive branches of state government, including the staff of legislative and executive branch agencies, and citizens of the Commonwealth;

2. Develop, evaluate, and advance budget proposals and legislative and policy recommendations to support a service system that maximizes the self-sufficiency of ~~Virginians~~ residents of the Commonwealth with disabilities;

3. Develop and evaluate recommendations for service program changes and funding related to services for persons with physical and sensory disabilities;

4. Advise the General Assembly and the Governor on local, state, and federal policies and programs relevant to citizens with disabilities;

5. Serve as the primary body for coordinating proposals and recommendations of all commissions and agencies for legislation or budget actions affecting persons with physical and sensory disabilities, including receiving, reviewing, and responding to proposals and recommendations; ~~and~~

6. Convene work groups composed of persons with expertise in the matters under consideration by the Commission to assist the Commission on issues related to (i) housing and transportation, (ii) education and employment, (iii) publicly funded services, and (iv) such other issues as the Commission may deem necessary. Persons serving on the work groups shall serve without compensation; and

7. By October 1 of each year, submit its 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.

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.

Drafting note: The reporting provision in existing § 30-238 and the reporting date requirement in existing § 30-232 are relocated and retained in this section in order to exempt the Commission from the provisions of proposed Chapter 11 (General Provisions) which establishes a reporting date requirement of December 1. Proposed subsection B codifies a portion of the second enactment of Chapter 992 of the Acts of Assembly of 2004. Technical changes are made.

§ ~~30-237~~ 30.1-1315. ~~(Contingent expiration date -- see notes)~~ Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the ~~Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman~~ chair of the Commission ~~serves~~ shall provide administrative staff support. The Division of Legislative Services shall provide legal~~,~~ and legislative research~~, policy~~ and analysis ~~and other services~~ as requested by the Commission.

~~All agencies of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; this provision is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made for clarity and consistency.

~~§ 30-238. (Contingent expiration date -- see notes) Chairman's executive summary of activity and work of the Commission.~~

~~The chairman shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. 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.~~

Drafting note: This section relating to reporting requirements is proposed for deletion and relocated to proposed § 30.1-1314 for consistency with other legislative entities.

~~§ 30-239. Repealed.~~

Drafting note: Repealed by Acts 2012, c. 741, cl. 3.

~~CHAPTER 41.~~

~~MANUFACTURING DEVELOPMENT COMMISSION.~~

Article 5.

Manufacturing Development Commission.

Drafting note: Existing Chapter 41, establishing the Manufacturing Development Commission, is retained as proposed Article 5.

§ ~~30-275~~ 30.1-1316. ~~(For contingent expiration date, see Acts 2006, cc. 607, 900, cl. 2)~~ Manufacturing Development Commission; purpose~~; membership; terms; compensation and expenses; staff; voting on recommendations~~.

~~A.~~ The Manufacturing Development Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission ~~shall be~~ is to assess manufacturing needs and formulate legislative and regulatory remedies to ensure the future of the manufacturing sector in ~~Virginia~~ the Commonwealth.

Drafting note: Existing § 30-275 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission and states its purpose. Technical changes are made.

§ 30.1-1317. Membership; terms; compensation.

~~B.~~ A. The Commission shall have a total membership of 14 members that shall ~~consist of~~ include eight legislative members, five nonlegislative citizen members, and one ex officio

member. Members shall be appointed as follows: ~~three members of the Senate, to be appointed by the Senate Committee on Rules; five~~

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; ~~and five~~

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 public institution of higher education other than Norfolk State University or Virginia State University, (ii) one shall be a representative of an entity or organization active in economic development efforts in the Commonwealth, (iii)~~ one shall be a representative of a Virginia manufacturer, ~~(iv)~~ (ii) one shall be ~~the president~~ a representative of the Virginia Manufacturers Association, ~~and (v)~~ (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 ~~with voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth~~.

B. Nonlegislative citizen members shall be appointed for terms of four years~~. Legislative members, the president of the Virginia Manufacturers Association, and ex officio members shall serve terms coincident with their terms of office. All members may be reappointed for successive terms. 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 appointments.~~

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

~~D. Legislative members of the Commission shall receive such compensation as is set forth in § 30-19.12. Nonlegislative citizen members~~ and shall serve without compensation. ~~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 compensation and reimbursement of expenses of the members shall be provided from existing appropriations to the Commission.~~

C. Costs of ~~this~~ the Commission shall not exceed $12,000 per year.

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

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

Drafting note: Existing § 30-275 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. A substantive change is made to change "the president of the Virginia Manufacturers Association" as a member of the Manufacturing Development Commission to "a representative of the Virginia Manufacturers Association" for consistency with other legislative entities. Provisions relating to citizenship of nonlegislative citizen members, vacancies, officers, quorums, meetings, compensation of legislative members, expenses of all members, funding, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

An existing provision relating to four-year terms for nonlegislative citizen members is retained to exempt the Commission from the provisions of proposed Chapter 11 (General Provisions), which establishes two-year terms for nonlegislative citizen members. For consistency with other legislative entities, the provision in existing subsection E relating to staffing for the Manufacturing Development Commission is relocated to proposed § 30.1-1319.

Technical changes are made, including the designation and reordering of subdivisions in proposed subsection A for consistency with other legislative entities.

§ ~~30-276~~ 30.1-1318. ~~(For contingent expiration date, see Acts 2006, cc. 607, 900, cl. 2)~~ Powers and duties of the Commission; funding.

A. The Commission shall have the ~~power~~ following powers and ~~duty to~~ duties:

1. Assess the direct and indirect economic impact of the manufacturing sector on ~~Virginia's~~ 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~~, which~~ that evaluates the Commonwealth's current and future energy supply and demand. In developing ~~the~~ such plan, the Commission shall solicit and analyze suggestions and information from ~~the following sectors:~~ 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 ~~groups.~~ entities;

7. Provide manufacturers and their advocates with a forum to address their concerns~~.~~; and

~~8. Report annually its findings and recommendations to the General Assembly and the Governor as provided in the procedures of the Division of Legislative Automated Systems. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. 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~~ 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.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Proposed subsection B codifies a portion of the second enactment of Chapters 607 and 900 of the Acts of Assembly of 2006. Technical changes are made.

§ 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.

Drafting note: The provisions for staffing for the Commission are relocated from subsection E of existing § 30-275 to this proposed section. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice.

~~§ 30-277. Repealed.~~

Drafting note: Repealed by Acts 2009, c. 542.

~~CHAPTER 65.~~

~~COMMISSION ON FEDERALLY RECOGNIZED TRIBES.~~

Article 6.

Commission on Federally Recognized Tribes.

Drafting note: Existing Chapter 65, establishing the Commission on Federally Recognized Tribes, is retained as proposed Article 6.

§ ~~30-414~~ 30.1-1320. (Expires July 1, 2027) Commission on Federally Recognized Tribes; purpose.

The Commission on Federally Recognized Tribes (the Commission) is established in the legislative branch of state government ~~for the~~. The purpose of ~~reviewing~~ the Commission is to review the Code of Virginia ~~law~~ to recommend ways in which it can be revised to better reflect the government-to-government relationship between the Commonwealth and federally recognized tribes located within the present-day external boundaries of the Commonwealth.

Drafting note: Technical changes are made.

§ ~~30-415~~ 30.1-1321. (Expires July 1, 2027) Membership~~; terms~~.

The Commission shall have a total membership of 19 members~~, consisting of~~ that shall include 10 legislative members, eight nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: ~~six~~

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; ~~four~~

2. Four members of the Senate to be appointed by the Senate Committee on Rules; ~~seven~~

3. Seven nonlegislative citizen members, of whom at least one ~~of whom~~ 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 ~~one~~

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 ~~with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth~~.

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

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

Drafting note: Provisions relating to citizenship of nonlegislative citizen members, terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions.

§ ~~30-416~~ 30.1-1322. (Expires July 1, 2027) ~~Quorum; meetings; voting~~ Voting on recommendations.

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

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

No recommendation of the Commission shall be adopted if the majority of the members representing Tribal Nations vote against the ~~recommendations~~ recommendation.

Drafting note: Provisions relating to quorums, meetings, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made.

~~§ 30-417. (Expires July 1, 2027) Compensation; expenses.~~

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

Drafting note: This section relating to compensation and expenses and funding is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-418~~ 30.1-1323. (Expires July 1, 2027) Powers and duties of the Commission~~; report~~.

The Commission shall have the following powers and duties:

1. ~~Reviewing~~ Review the Code of Virginia ~~law~~ to ensure that it appropriately reflects the government-to-government relationship between the Commonwealth and federally recognized tribes located in the Commonwealth~~.~~; and

2. ~~Submitting to the General Assembly and the Governor an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of~~

~~the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document 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~~ Submit reports pursuant to § 30.1-1107.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

§ ~~30-419~~ 30.1-1324. (Expires July 1, 2027) Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the ~~Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman~~ chair of the Commission ~~serves~~ shall provide administrative staff support. The Division of Legislative Services shall provide legal~~,~~ and legislative research~~, policy~~ and analysis~~, and other services~~ as requested by the Commission.

Drafting note: A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

§ ~~30-420~~ 30.1-1325. (Expires July 1, 2027) Sunset.

This ~~chapter~~ article shall expire on July 1, 2027.

Drafting note: Technical change.

~~CHAPTER 64.~~

~~SCHOOL HEALTH SERVICES COMMITTEE.~~

Article 7.

School Health Services Committee.

Drafting note: Existing Chapter 64, establishing the School Health Services Committee, is retained as proposed Article 7.

§ ~~30-409~~ 30.1-1326. (Expires July 1, 2028) School Health Services Committee; purpose.

The School Health Services Committee (the Committee) is established in the legislative branch of state government. The purpose of the Committee is to 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. ~~The Committee shall submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year.~~

Drafting note: The existing reporting requirement is relocated to proposed § 30.1-1328 for consistency with other legislative entities.

§ ~~30-410~~ 30.1-1327. (Expires July 1, 2028) Membership~~; terms; quorum; meetings~~.

~~A.~~ The Committee shall have a total membership of 15 members that shall ~~consist of 8~~ include eight legislative members, five nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: ~~three members of the Senate, each of whom shall be a member of the Senate Committee on Education and Health, to be appointed by the Senate Committee on Rules; five~~

1. Five members of the House of Delegates, each of whom shall be a member of either the House Committee on Health and Human Services or ~~a member of~~ the House Committee on Education, 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; ~~three nonlegislative citizen members, one of whom shall be an educator at a public school in the Commonwealth, one of whom shall be a school nurse at a public school in the Commonwealth, and one of whom shall be a public health expert, to be appointed by the Senate Committee on Rules; and two~~

2. Three members of the Senate, each of whom shall be a member of the Senate Committee on Education and Health, to be appointed by the Senate Committee on Rules;

3. Two nonlegislative citizen members, ~~one~~ of whom one shall be an educator at a public school in the Commonwealth and one ~~of whom~~ shall be a public health expert, to be appointed by the Speaker of the House of 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. ~~Nonlegislative citizen members of the Committee shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Committee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.~~

~~Legislative members and ex officio members of the Committee shall serve terms coincident with their terms of office.~~

~~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 appointments. All members may be reappointed.~~

~~Nonlegislative citizen members shall be appointed for a term of two years.~~

~~The Committee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.~~

~~B. A majority of the members shall constitute a quorum. The meetings of the Committee shall be held at the call of the chairman or whenever the majority of the members so request.~~

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

Drafting note: Provisions relating to citizenship of nonlegislative citizen members, travel reimbursement, vacancies, officers, quorums, meetings, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions.

~~§ 30-411. (Expires July 1, 2028) Compensation; expenses; annual report.~~

~~Legislative members of the Committee shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. 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. Compensation to members of the General Assembly for attendance at official meetings of the Committee shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Committee or, if unfunded, shall be approved by the Joint Rules Committee.~~

~~The Committee shall submit to the General Assembly and the Governor an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Committee shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Committee no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document 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.~~

Drafting note: This section relating to compensation and expenses and funding is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. The existing reporting

requirement is relocated to proposed § 30.1-1328 for consistency with other legislative entities.

§ 30.1-1328. (Expires July 1, 2028) 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.

Drafting note: The reporting provision in existing § 30-409 is relocated and retained in this section for consistency with other legislative entities and to exempt the Committee from the provisions of proposed Chapter 11 (General Provisions), which establishes a reporting date requirement of December 1.

§ ~~30-412~~ 30.1-1329. (Expires July 1, 2028) Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the ~~Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman~~ chair of the Committee ~~serves~~ shall provide administrative staff support. The Division of Legislative Services shall provide legal~~,~~ and legislative research~~, policy~~ and analysis~~, and other services~~ as requested by the Committee.

Drafting note: A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

§ ~~30-413~~ 30.1-1330. (Expires July 1, 2028) Sunset.

This ~~chapter~~ article shall expire on July 1, 2028.

Drafting note: Technical change.

~~CHAPTER 50.1.~~

~~AUTISM ADVISORY COUNCIL.~~

Article 8.

Autism Advisory Council.

Drafting note: Existing Chapter 50.1, establishing the Autism Advisory Council, is retained as proposed Article 8.

§ ~~30-329.1~~ 30.1-1331. (Expires July 1, 2027) Autism Advisory Council ~~created~~; purpose~~; membership; staff~~.

A. For 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 ~~as an advisory council~~ 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 ~~Virginians~~ residents of the Commonwealth with autism spectrum disorders and to increase public awareness of such services and resources.

Drafting note: Existing § 30-329.1 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Council and states its purpose. Technical changes are made.

§ 30.1-1332. (Expires July 1, 2027) Membership; terms; meetings.

~~B.~~ A. The Council shall have a total membership of 25 members that shall ~~consist of~~ include six legislative members, 12 nonlegislative citizen members, and seven ex officio members. Members shall be appointed as follows: ~~two members of the Senate to be appointed by the Senate Committee on Rules; four~~

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; ~~and 12~~

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 ~~with voting privileges~~.

~~Nonlegislative citizen members of the Council shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Council and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.~~

~~C. Legislative and ex officio members shall serve terms coincident with their terms of office. All appointments of nonlegislative~~ B. Nonlegislative citizen members shall be appointed for ~~four-year~~ terms of four years. ~~Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed; however, no~~ No nonlegislative citizen member shall serve more than two consecutive four-year terms. ~~The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's term limit. Vacancies shall be filled in the same manner as the original appointments.~~

~~Legislative members of the Council shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members 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.~~

~~However, all such compensation and expense payments shall be paid from existing appropriations to the Council or, if unfunded, shall be approved by the Joint Rules Committee.~~

~~D. The Council shall elect a chairman and vice-chairman annually, who shall be members of the General Assembly. A majority of the members of the Council shall constitute a quorum.~~ C. The Council shall meet no less than five times a year, upon the call of the ~~chairman~~ chair or a majority of the members.

~~E. Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Clerk of the House of Delegates, as may be appropriate for the house in which the chairman serves. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Council.~~

~~F. No recommendation of the Council shall be adopted if a majority of the legislative members appointed to the Council (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Council.~~

Drafting note: Existing § 30-329.1 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Council's membership and meeting requirements. Provisions relating to citizenship of nonlegislative citizen members, travel reimbursement, vacancies, compensation and expenses, funding, officers, quorums, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

Existing provisions relating to four-year terms and term limits for nonlegislative citizen members are retained to exempt the Council from the provisions of proposed Chapter 11 (General Provisions), which establishes two-year terms for nonlegislative citizen members and term limits for nonlegislative citizen members. For consistency with other legislative entities, the provision in existing subsection E relating to staffing for the Autism Advisory Council is relocated to proposed § 30.1-1334. Technical changes are made, including the designation of subdivisions in proposed subsection A.

§ ~~30-329.2~~ 30.1-1333. (Expires July 1, 2027) Powers and duties of the Council.

~~A.~~ The Council shall have the ~~power and duty to~~ following powers and duties:

1. Facilitate the coordination of services and resources among agencies involved in the delivery of services to ~~Virginians~~ residents of the Commonwealth with autism spectrum disorders;

2. Monitor the implementation of action plans developed by agencies in response to the report of the Joint Legislative Audit and Review Commission entitled "Assessment of Services for Virginians with Autism Spectrum Disorders," House Document No. 8 (2009);

3. Recommend policies, legislation, and funding needed to implement the action plans developed in response to the report of the Joint Legislative Audit and Review Commission entitled "Assessment of Services for Virginians with Autism Spectrum Disorders," House Document No. 8 (2009) and address other emerging issues; ~~and~~

4. Determine services, resources, and policies that may further address the needs of individuals with autism spectrum disorders~~.~~; and

~~B. By December 1 of each year, the Council shall submit to the Governor and the General Assembly and to the Division of Legislative Automated Systems for publication as a House or Senate document an annual report containing~~ 5. Submit reports pursuant to § 30.1-1107, including progress updates and recommended next steps to be taken by agencies in the following year.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

~~§ 30-329.3. (Expires July 1, 2027) Autism spectrum disorders defined.~~

~~For the purposes of this chapter, "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.~~

Drafting note: This section relating to the definition of "autism spectrum disorder" is proposed for deletion and the definition is relocated to proposed § 30.1-1331 to conform to current Code conventions.

§ 30.1-1334. (Expires July 1, 2027) Staffing.

The Office of the Clerk of the chair of the Council shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Council.

Drafting note: The provisions for staffing for the Council are relocated from subsection E of existing § 30-329.1. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice.

§ ~~30-329.4~~ 30.1-1335. (Expires July 1, 2027) Sunset.

This ~~chapter~~ article shall expire on July 1, 2027.

Drafting note: Technical change.

~~CHAPTER 68.~~

~~VIRGINIA MINORITY BUSINESS COMMISSION.~~

Article 9.

Virginia Minority Business Commission.

Drafting note: Existing Chapter 68, establishing the Virginia Minority Business Commission, is retained as proposed Article 9.

§ ~~30-440~~ 30.1-1336. (Expires July 1, 2028) Virginia Minority Business Commission; purpose.

The Virginia Minority Business Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to promote the growth and competitiveness of ~~Virginia~~ minority-owned businesses in the Commonwealth, as defined in § 2.2-1604.

Drafting note: Technical changes.

§ ~~30-441~~ 30.1-1337. (Expires July 1, 2028) Membership~~; terms; vacancies; chairman and vice-chairman~~.

The Commission shall ~~consist~~ have a total membership of 13 members that shall include seven legislative members and six nonlegislative citizen members. Members shall be appointed as follows: ~~four~~

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; ~~three~~

2. Three members of the Senate to be appointed by the Senate Committee on Rules; ~~three~~

3. Three nonlegislative citizen members with expertise in entrepreneurship, economics, and business to be appointed by the Speaker of the House of Delegates; and ~~three~~

4. Three nonlegislative citizen members with expertise in entrepreneurship, economics, and business to be appointed by the Senate Committee on Rules. ~~Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth of Virginia.~~

~~Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.~~

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

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

Drafting note: Provisions relating to citizenship of nonlegislative citizen members, travel reimbursement, terms, vacancies, and officers are proposed for deletion; these

provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions.

~~§ 30-442. (Expires July 1, 2028) Quorum; meetings; voting on recommendations.~~

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

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

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-443. (Expires July 1, 2028) Compensation; expenses.~~

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

Drafting note: This section relating to compensation and expenses of members and funding is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-444~~ 30.1-1338. (Expires July 1, 2028) 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 ~~Virginia~~ minority-owned businesses in the Commonwealth;

2. Assess current programs in the Commonwealth aimed at assisting minority-owned businesses and examine ways to enhance their effectiveness;

3. Provide minority business owners and their advocates with a forum to address their concerns;

4. Develop strategies and recommendations to promote the growth and competitiveness of ~~Virginia~~ minority-owned businesses in the Commonwealth;

5. Collaborate with the Department of Small Business and Supplier Diversity and other appropriate entities to facilitate the Commission's work and mission; ~~and~~

6. Submit reports pursuant to § 30.1-1107, although such reports shall be optional, not mandatory; and

7. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this ~~chapter~~ article.

Drafting note: For consistency with other commissions, the provision in existing § 30-445 that provides for an optional annual executive summary is relocated to this section. The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

~~§ 30-445. (Expires July 1, 2028) Chairman's executive summary of activity and work of the Commission.~~

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

Drafting note: This section is proposed for deletion and its provision relating to an optional annual executive summary is relocated to proposed § 30.1-1338.

§ ~~30-446~~ 30.1-1339. (Expires July 1, 2028) Sunset.

This ~~chapter~~ article shall expire on July 1, 2028.

Drafting note: Technical change.

CHAPTER 14.

OVERSIGHT LEGISLATIVE ENTITIES.

Drafting note: Proposed Chapter 14, Oversight Legislative Entities, is created to logically organize legislative entities whose purposes are to monitor, oversee, and review the performance of the duties and responsibilities of certain other agencies or state entities. Existing Chapters 37 (Chesapeake Bay Restoration Fund Advisory Committee), 33 (Commission on Unemployment Compensation), 42 (Public-Private Partnership Advisory Commission), 43 (Joint Commission on Transportation Accountability), 47 (MEI Project Approval Commission), 52 (Joint Subcommittee to Evaluate Tax Preferences), 53 (Health Insurance Reform Commission), and 57 (Intercollegiate Athletics Review Commission) are retained as proposed Articles 1 through 8, respectively. Provisions of these proposed articles are reorganized to standardize the organization of articles establishing legislative entities by setting out separate sections for each entity's purpose, membership, powers and duties, staffing, and sunset date, if applicable.

~~CHAPTER 37.~~

~~CHESAPEAKE BAY RESTORATION FUND ADVISORY COMMITTEE.~~

Article 1.

Chesapeake Bay Restoration Fund Approval Committee.

Drafting note: Existing § 30-256, establishing the Chesapeake Bay Restoration Fund Advisory Committee, is retained as proposed Article 1. The entity is renamed the Chesapeake Bay Restoration Fund Approval Committee at the direction of the Code Commission to more accurately reflect how the entity operates in practice.

§ ~~30-256~~ 30.1-1400. Chesapeake Bay Restoration Fund ~~Advisory~~ Approval Committee; ~~membership; terms; expenses; staff~~ purpose.

~~A. There~~ The Chesapeake Bay Restoration Fund Approval Committee (the Committee) is ~~hereby~~ established in the legislative branch of state government ~~the Chesapeake Bay Restoration Fund Advisory Committee (the Committee)~~. The purpose of the Committee ~~shall advise the General Assembly~~ is to provide oversight on the expenditure of moneys received in the Chesapeake Bay Restoration Fund ~~(the Fund)~~ created pursuant to § 46.2-749.2.

Drafting note: Existing § 30-256 is divided into four proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Committee and states its purpose and revises such purpose to more accurately reflect how the entity operates in practice at the direction of the Code Commission. Technical changes are made.

§ 30.1-1401. Membership; terms; compensation.

~~B.~~ A. The Committee shall ~~consist~~ have a total membership of seven ~~persons~~ members that shall include three legislative members and four nonlegislative citizen members. Members shall be appointed as follows: ~~two~~

1. Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates; ~~one~~

2. One member of the Senate to be appointed by the Senate Committee on Rules; ~~two~~

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~~, one of whom shall be a representative of the Chesapeake Bay Foundation~~; and ~~two~~

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~~, one of whom shall be a representative of the Virginia Association of Soil and Water Conservation Districts~~.

All persons appointed to the Committee shall ~~be representative of the~~ represent interests associated with the restoration and conservation of the Chesapeake Bay ~~and shall be citizens of the Commonwealth~~.

~~C.~~ B. Nonlegislative citizen members of the Committee shall serve for terms of four years. ~~Legislative members shall serve terms coincident with their terms of office and may be reappointed for successive terms. Appointments to fill vacancies shall be for the unexpired term and shall be made in the same manner as the original appointment. Nonlegislative citizen members shall not be eligible to serve more than four consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.~~

~~D.~~ 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 ~~incurred in the performance of their duties~~. ~~The Division of Legislative Services shall be reimbursed from the Fund for costs, as shall be approved by the Committee, incurred in providing administrative assistance to the Committee.~~

~~E. The Committee shall elect a chairman and vice-chairman from among its legislative membership. A majority of the members of the Committee shall constitute a quorum. The Committee shall meet at least one time each year, and additional meetings may be held at the call of the chairman.~~

Drafting note: Existing § 30-256 is divided into four proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Committee's membership. Provisions relating to terms, compensation and expenses, officers, meetings, and quorums are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made.

§ 30.1-1402. Powers and duties of the Committee.

~~F.~~ The Committee shall ~~develop~~ have the following powers and duties:

1. Develop goals and guidelines for the use of the Chesapeake Bay Restoration Fund (the Fund) in accordance with the purposes of the ~~fund~~ Fund as provided in § 46.2-749.2. The uses of the Fund may include cooperative programs with~~,~~ or project grants to~~,~~ state agencies, the federal government, or any not-for-profit agency, institution, organization, or entity, public or private. ~~Moneys~~ No moneys in the Fund shall ~~not~~ be used to supplant existing general fund appropriations except as provided in subsection D~~.~~ of § 46.2-749.2; and

~~G. No later than~~ 2. In lieu of the report required by § 30.1-1107, present to the General Assembly and the Governor a plan for the expenditure of any amounts in the Fund by November 15 of each year~~, the Committee shall present to the General Assembly and the Governor a plan for expenditure of any amounts in the Fund~~.

Drafting note: Existing § 30-256 is divided into four proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Committee's powers and duties. Technical changes are made.

§ 30.1-1403. Staffing.

~~H. Staffing of the Committee shall be provided by the~~ 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.

Drafting note: Existing § 30-256 is divided into four proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Committee's staffing. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

~~CHAPTER 33.~~

~~COMMISSION ON UNEMPLOYMENT COMPENSATION.~~

Article 2.

Commission on Unemployment Compensation.

Drafting note: Existing Chapter 33, establishing the Commission on Unemployment Compensation, is retained as proposed Article 2.

§ ~~30-218~~ 30.1-1404. Commission on Unemployment Compensation; purpose.

The Commission on Unemployment Compensation (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to annually monitor and evaluate ~~Virginia's~~ the Commonwealth's unemployment compensation system relative to the economic health of the Commonwealth.

Drafting note: Technical change.

§ ~~30-219~~ 30.1-1405. Membership; ~~terms; vacancies; chairman and vice-chairman~~ meetings.

A. The Commission shall ~~consist~~ have a total membership of 10 members that shall include eight legislative members and two nonlegislative citizen members. Members shall be appointed as follows: ~~three members of the Senate, to be appointed by the Senate Committee on Rules; five~~

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; ~~and two~~

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

3. One nonlegislative citizen ~~members, one of whom~~ member who shall be an employee stakeholder representative to be appointed by the Speaker of the House of Delegates; and ~~one of whom~~

4. One nonlegislative citizen member who shall be an employer representative to be appointed by the Senate Committee on Rules. ~~Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.~~

~~Legislative members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Legislative and nonlegislative citizen~~ members may be reappointed. ~~However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. 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 appointments.~~

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

~~§ 30-220. Quorum; meetings; voting on recommendations.~~

~~A majority of the members shall constitute a quorum.~~

B. The Commission shall meet at least two times each year. ~~The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

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

Drafting note: Two existing sections are combined to preserve and logically organize provisions and preserve a specific meeting requirement. Provisions relating to nonlegislative citizen members, terms, compensation and expenses, travel reimbursement, officers, quorums, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made for clarity and consistency, including the designation and reordering of subdivisions in subsection A for clarity.

~~§ 30-221. Compensation; expenses.~~

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

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-222~~ 30.1-1406. Powers and duties of the Commission.

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

1. Evaluate the impact of existing statutes and proposed legislation on unemployment compensation and the Unemployment Trust Fund;

2. Assess the Commonwealth's unemployment compensation programs and examine ways to enhance effectiveness;

3. Monitor the current status and long-term projections for the Unemployment Trust Fund; and

4. ~~Report annually its findings and recommendations to the General Assembly and the Governor~~ Submit reports pursuant to § 30.1-1107.

B. The Commission shall ~~also be responsible for monitoring the Virginia Employment Commission's management of the Commonwealth's unemployment insurance system by monitoring~~ monitor the Virginia Employment Commission's management of the following operations of the Commonwealth's unemployment insurance system:

1. Key performance metrics related to unemployment insurance backlogs;

2. Efforts to identify, prevent, and recover incorrect unemployment insurance benefit payments, including fraudulent payments;

3. Modernization of the unemployment insurance information technology system and subsequent efforts to improve functionality;

4. Expenditures of state funds appropriated for unemployment insurance administration; and

5. Implementation of recommendations from the 2021 Operations and Performance of the Virginia Employment Commission report by the Joint Legislative Audit and Review Commission.

C. The Commission shall ~~periodically~~ convene an advisory committee ~~composed~~ by December 1, 2022, and at least every five years thereafter. The advisory committee shall consist of an employer representative, an employee representative, a labor economist, a finance expert, a labor law expert, and any other stakeholders or subject matter experts deemed appropriate by the Commission for the following purposes: ~~(i) to review UI~~

1. Review unemployment insurance benefits, replacement ratios, and recipiency rates; ~~(ii) to identify~~

2. Identify factors that affect ~~UI~~ unemployment insurance benefits and recipiency, such as the design of ~~UI~~ unemployment insurance benefit calculations or ~~UI~~ unemployment insurance eligibility criteria; ~~(iii) to assess~~

3. Assess the advantages and disadvantages of potential changes to benefits; and ~~(iv) to recommend~~

4. Recommend to the Commission options to change benefit levels when needed.

~~This advisory committee shall be established by December 1, 2022, and shall be convened at least every five years thereafter.~~

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. References to the undefined term "UI" are revised to "unemployment insurance"

in subsection C. Technical changes are made, including the designation of subdivisions for clarity.

§ ~~30-223~~ 30.1-1407. Staffing.

The Office of the Clerk of the ~~Senate or the Office of the Clerk of the House of Delegates~~ chair of the Commission shall provide administrative staff support ~~as may be appropriate in the house in which the chairman of the Commission serves~~. The Division of Legislative Services shall provide legal~~,~~ and legislative research~~, policy~~ and analysis ~~and other services~~ as requested by the Commission. ~~All agencies of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: A general provision relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made for clarity and consistency~~,~~ and to modernize language.

~~§ 30-224. Chairman's executive summary of activity and work of the Commission.~~

~~The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. 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.~~

Drafting note: This section relating to reporting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-225. Repealed.~~

Drafting note: Repealed by Acts 2006, cc. 389 and 476, cl. 1.

~~CHAPTER 42.~~

~~PUBLIC-PRIVATE PARTNERSHIP ADVISORY COMMISSION.~~

Article 3.

Public-Private Partnership Oversight Commission.

Drafting note: Existing Chapter 42, establishing the Public-Private Partnership Advisory Commission, is retained as proposed Article 3. The entity is renamed as the Public-Private Partnership Oversight Commission at the direction of the Code Commission to more accurately reflect how the entity operates in practice.

§ ~~30-278~~ 30.1-1408. Definitions.

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

"Commission" means the Public-Private Partnership ~~Advisory~~ Oversight Commission.

"Comprehensive agreement" means the same as ~~the~~ 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 ~~fixing~~ fixed costs, payment schedules, financing, deliverables, and project ~~schedule~~ schedules, are defined.

"Interim agreement" means the same as ~~the~~ 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.

Drafting note: Technical changes are made, including a reference to private entities and a definition of that term for clarity.

§ ~~30-279~~ 30.1-1409. Public-Private Partnership ~~Advisory~~ Oversight Commission ~~established~~; ~~membership; terms; compensation; staff; quorum~~ purpose.

~~A.~~ The Public-Private Partnership ~~Advisory~~ Oversight Commission ~~(the Commission)~~ is established ~~as an advisory commission~~ in the legislative branch of state government. The purpose of the Commission ~~shall be~~ is to ~~advise~~ 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.).

Drafting note: Existing § 30-279 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission, states its purpose, and revises such purpose to more accurately reflect how the entity operates in practice at the direction of the Code Commission. Technical changes are made.

§ 30.1-1410. Membership; chair and vice-chair; meetings; expenses.

~~B.~~ A. The Commission shall ~~consist~~ have a total membership of 11 members~~, including~~ that shall include eight legislative members~~,~~ and three ex officio members. Members shall be appointed as follows: ~~(i) the~~

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~~, (ii) the~~ 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~~, and (iii) three~~.

Three Secretaries, as defined in § 2.2-200, to be appointed by the Governor ~~to~~ shall serve ex officio.

~~Legislative members shall serve on the Commission until the expiration of their terms of office or until their successors shall qualify. Executive branch agency members shall serve only as long as they retain their positions.~~

~~C.~~ B. The members of the Commission shall elect from among the legislative membership a ~~chairman~~ chair and a ~~vice-chairman~~ vice-chair who shall serve for two-year

terms. The Commission shall hold meetings quarterly or upon the call of the ~~chairman~~ chair. ~~A majority of the Commission shall constitute a quorum.~~

~~D.~~ 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~~ 30.1-109, as appropriate.

~~E. Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall provide legal, research, and policy analysis services to 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 Auditor of Public Accounts. Additional assistance as needed shall be provided by the Department of General Services.~~

~~F. A copy of the proceedings of the Commission shall be filed with the Division of Legislative Services.~~

Drafting note: Existing § 30-279 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. Provisions relating to terms and quorums are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. The staffing provisions in existing subsection E are relocated to proposed § 30.1-1412. Existing subsection F is proposed for deletion as obsolete due to the availability of meeting livestream video archives provided by the Clerks' Offices. Technical changes are made, including the designation of subdivisions for clarity.

§ ~~30-280~~ 30.1-1411. ~~Submission by responsible public entities of detailed proposals for qualifying projects; exclusion of certain qualifying projects; review of detailed proposals; copies of interim and comprehensive agreements to be provided~~ Review of certain qualifying projects by the Commission.

A. ~~Each~~ Except as provided in subsection B, a responsible public entity receiving a detailed ~~proposals from private entities~~ proposal for a qualifying project shall provide ~~copies~~ a copy of such ~~proposals~~ detailed proposal to the ~~Chairman~~ chair of the Commission, the ~~chairmen~~ 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 ~~shall not be subject to~~ are exempt from review by the Commission:

1. Any proposed qualifying project with a total cost of less than $3 million.

2. Any proposed qualifying project with a total cost of more than $3 million but less than $50 million for which funds ~~have been~~ are specifically appropriated as a public-private partnership in the general appropriation act or for capital construction projects that ~~have been~~ are authorized in the general appropriation act, provided that such project does not increase ~~in size~~ more than five percent beyond the plans and justifications that were the basis of the appropriation. ~~For~~ However, for any qualifying project that will be completed in phases and for which no appropriation ~~has been~~ is made for phases other than the current phase of the project, the Commission may undertake additional reviews of such projects.

C. Within 10 days of receipt of a ~~complete copy of the~~ detailed ~~proposals~~ proposal for a qualifying project, the Commission shall ~~determine whether to~~ accept or decline such ~~proposals~~ proposal for review and notify the responsible public entity of its decision. Upon acceptance for review, the responsible public entity shall provide any additional information that may be requested by the Commission regarding the qualifying project, provided that such information is available to or can be obtained by the responsible public entity.

D. If the Commission accepts a detailed proposal for review, ~~the findings and recommendations of~~ the Commission shall ~~be provided~~ provide findings and recommendations, if any, to the responsible public entity within 45 days of receiving ~~complete copies of~~ the detailed ~~proposals~~ proposal. ~~If no findings or recommendations are provided by the~~

~~Commission to the responsible public entity within the 45-day period, the Commission shall be deemed to have no findings or recommendations. Upon acceptance for review, the responsible public entity shall provide any additional information regarding the qualifying project upon the request of the Commission, provided such information is available to or can be obtained by the responsible public entity.~~

~~D. The Commission shall review accepted detailed proposals and provide~~ Such findings and recommendations ~~to the responsible public entity, including (i)~~ shall include the following:

1. A determination of whether the terms and conditions of the ~~proposals~~ detailed proposal and proposed qualifying project create state tax-supported debt, taking into consideration the specific findings of the Secretary of Finance ~~with respect to such recommendation, (ii) an~~;

2. An analysis of the potential financial impact of the proposed qualifying project~~, (iii) a~~;

3. A review of the policy aspects of the detailed ~~proposals~~ proposal and the proposed qualifying project~~,~~; and ~~(iv) proposed~~

4. A review of the proposed general business terms and conditions.

~~Review~~ A review by the Commission shall not be construed to constitute approval of any ~~appropriations~~ appropriation necessary to implement any subsequent interim or comprehensive agreement. If no findings or recommendations are provided by the Commission to the responsible public entity within the 45-day period, the Commission shall be deemed to have no findings or recommendations.

E. ~~The~~ No responsible public entity shall ~~not~~ commence negotiation of an interim or comprehensive agreement until the Commission ~~has submitted its~~ provides recommendations, if any, or ~~declined~~ 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 ~~chairmen~~ 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.

Drafting note: Provisions of this section are reorganized to logically order the steps of the Commission's review process. Technical changes are made for clarity, including the addition of clarifying language and subdivisions.

§ 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.

Drafting note: Provisions establishing the Commission's staffing are relocated to this proposed section from existing subsection E of § 30-279 to standardize the organization of articles establishing legislative entities. A substantive change is made to the relocated language to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made for clarity and consistency.

§ ~~30-281~~ 30.1-1413. Confidentiality of certain records submitted to the Commission.

Records and information afforded ~~the~~ 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.

Drafting note: Technical change.

~~CHAPTER 43.~~

~~JOINT COMMISSION ON TRANSPORTATION ACCOUNTABILITY.~~

Article 4.

Joint Commission on Transportation Accountability.

Drafting note: Existing Chapter 43, establishing the Joint Commission on Transportation Accountability, is retained as proposed Article 4.

§ ~~30-282~~ 30.1-1414. Joint Commission on Transportation Accountability ~~established; composition; terms; compensation and expenses; quorum; voting on recommendations~~ purpose.

~~There~~ The Joint Commission on Transportation Accountability (the Commission) is ~~hereby~~ established in the legislative branch of state government ~~the Joint Commission on Transportation Accountability~~. 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.

Drafting note: Existing § 30-282 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission and states its purpose. Language from existing § 30-284 is summarized and added because existing § 30-282 does not include a statement of the Commission's purpose. Technical changes are made.

§ 30.1-1415. Membership.

The Commission shall have a total membership of 11 members that shall consist of ~~six~~ 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~~, of whom at least three shall be members of the House Committee on Transportation~~; ~~four~~ 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 ~~of whom at least two shall be members of the Senate Committee on Transportation~~; ~~and~~ the.

The Auditor of Public Accounts or his designee~~, who~~ shall serve ~~as a nonvoting~~ ex officio ~~member~~ with nonvoting privileges.

~~Members shall serve terms coincident with their terms of office as members of the House of Delegates and the Senate. Members may be reappointed for successive terms.~~

~~Members of the Commission shall receive such compensation as provided in § 30-19.12 and shall be reimbursed for all their reasonable and necessary expenses incurred in the performance of their duties as members of the Commission. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Commission.~~

~~The Commission shall annually elect a chairman and a vice-chairman from among its membership. Meetings of the Commission shall be held upon the call of the chairman or whenever the majority of the members so request. A majority of the members appointed to the Commission shall constitute a quorum.~~

Drafting note: Existing § 30-282 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. General provisions relating to terms, compensation and expenses, funding sources, officers, meetings, and quorums are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity.

§ ~~30-284~~ 30.1-1416. Powers and duties of the Commission.

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

1. ~~To make~~ Conduct performance reviews of operations of state agencies with transportation responsibilities to ~~ascertain~~ 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. ~~To study~~ 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. ~~To retain~~ Retain such consultants and advisers as the Commission deems necessary to evaluate financial and project management of state agencies with transportation responsibilities;

4. ~~To make~~ Make such special studies of and reports on the operations and functions of state agencies with transportation responsibilities as ~~it~~ the Commission deems appropriate and as may be requested by the General Assembly;

5. ~~To review~~ Review actions of the Commonwealth Transportation Board; and

6. ~~To make~~ Make recommendations to the General Assembly on necessary transportation legislation.

B. The Commission is exempt from the reporting requirement established in § 30.1-1107.

Drafting note: Subsection B is added to exempt the Commission from the reporting requirement in proposed Chapter 11 (General Provisions) that is generally applicable to all legislative entities. Technical changes are made for clarity and consistency.

§ ~~30-283~~ 30.1-1417. ~~Staff~~ Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the ~~house of the General Assembly of which the~~ ~~Chairman~~ chair of the Commission ~~is a member Legal,~~ shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research~~, policy~~ and analysis~~, and other services~~ as requested by the Commission ~~shall be provided by the Division of Legislative Services~~. Technical assistance shall be provided by the Joint Legislative Audit and Review Commission upon request.

Drafting note: A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made for clarity and consistency.

~~§ 30-285. State agencies to furnish information and assistance.~~

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

Drafting note: This section relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-286. Payment of expenses of Commission.~~

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

Drafting note: This section relating to funding is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~CHAPTER 47.~~

~~MEI PROJECT APPROVAL COMMISSION.~~

Article 5.

MEI Project Approval Commission.

Drafting note: Existing Chapter 47, establishing the MEI Project Approval Commission, is retained as proposed Article 5.

§ 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.

Drafting note: The definitions of "MEI project" and "nondiscretionary incentive" are relocated from existing subsection F of § 30-309 to conform to the standard convention of placing definitions at the beginning of an article. Technical changes are made.

§ ~~30-309~~ 30.1-1419. MEI Project Approval Commission; ~~membership; terms; compensation and expenses; definition~~ purpose.

~~A.~~ The MEI Project Approval Commission ~~(the Commission)~~ is established ~~as an advisory commission~~ in the legislative branch of state government. The purpose of the Commission ~~shall be~~ is to review financing for individual incentive packages, including ~~but not limited to~~ packages offering tax incentives, for economic development, film, and episodic television projects, ~~(~~including ~~but not limited to~~ MEI projects~~),~~ for which ~~(i) one~~ the following apply:

1. One or more of the incentives in the incentive package ~~is~~ are not authorized under current law or ~~an amendment by~~ the General Assembly is ~~being sought~~ seeking an amendment to one or more currently existing incentives included as part of the incentive package~~, (ii) one~~;

2. One of the proposed incentives ~~being sought~~ includes a cash payment to a private sector business of more than $3.5 million from any fund ~~prior to~~ before any performance metrics ~~being~~ are met by the proposed project~~,~~; or ~~(iii) the~~

3. 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 $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.

Drafting note: Existing § 30-309 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission and states its purpose. Technical changes are made, including the designation of subdivisions for clarity.

§ 30.1-1420. Membership.

~~B.~~ The Commission shall ~~consist~~ have a total membership of 14 members that shall include 12 legislative members and two ex officio members. Members shall be appointed as follows: ~~seven~~

1. Seven members of the House Committee on Appropriations or the House Committee on Finance to be appointed by the ~~chair~~ Chair of the House Committee on Appropriations ~~and five~~; and

2. Five members of the Senate Committee on Finance and Appropriations to be appointed by the ~~chair~~ Chair of the Senate Committee on Finance and Appropriations~~. In addition, the~~.

The Secretaries of Finance and Commerce and Trade shall serve ~~as~~ ex officio~~,~~ with nonvoting ~~members of the Commission~~ privileges.

~~C. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms shall be filled in the same manner as the original appointments. Members may be reappointed for successive terms.~~

~~D. The members of the Commission shall elect a chairman and vice-chairman annually. A majority of the voting members of the Commission shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~E. Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative members shall receive such compensation as provided in § 2.2-2813.~~

~~F. As used in this chapter, "MEI project" means the same as that term is defined in § 2.2-2260, and "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 the credit, exemption, or grant.~~

Drafting note: Existing § 30-309 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. Provisions relating to terms, vacancies,

officers, quorums, meetings, and compensation and expenses are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. The definitions of "MEI Project" and "nondiscretionary incentive" are relocated to proposed § 30.1-1418 to conform to the standard convention of placing definitions at the beginning of an article. Technical changes are made, including the designation of subdivisions for clarity.

§ ~~30-310~~ 30.1-1421. Review of incentive packages.

A. ~~1.~~ The Commission shall review (i) ~~individual~~ incentive packages~~, including but not limited to packages offering tax incentives, for economic development, film, and episodic television projects (including but not limited to MEI projects) for which~~

~~(i) one or more of the incentives in the incentive package is not authorized under current law or an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package,~~

~~(ii) one of the incentives being sought includes a cash payment to a private sector business of more than $3.5 million from any fund prior to any performance metrics being met by the proposed project, or~~

~~(iii) 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 $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. The Commission shall also review~~ as set forth in § 30.1-1419 and (ii) economic development projects in which a business relocates or expands its operations in one or more ~~Virginia~~ localities in the Commonwealth and simultaneously closes its operations or substantially reduces the number of its employees in

another ~~Virginia~~ locality ~~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~~ in the Commonwealth. The Commission shall review such packages and projects and recommend approval or denial of such packages and projects to the General Assembly. Factors ~~that shall~~ to be considered by the Commission in its review shall include ~~but not be limited to (a) return~~ the following:

1. Return on investment~~, (b) the~~;

2. The time frame for repayment of incentives to the Commonwealth~~, (c) average~~;

3. Average wages of the jobs created by the prospective MEI project or other economic development project~~, (d) the~~;

4. The amount of capital investment that is required~~,~~; and ~~(e) the~~

5. The need for enhanced employment opportunities in the prospective location of the prospective MEI project or other economic development project.

~~2. a. Any time~~ B. Anytime a proposed individual incentive package is ~~to be~~ considered by the Commission, materials outlining ~~(i)~~ the following information shall be provided to the staff of the House Committee on Appropriations and Senate Committee on Finance and Appropriations not less than five business days prior to the scheduled Commission meeting:

1. The value of the proposed incentives; ~~(ii)~~

2. The assumed return on investment; ~~(iii) the~~

3. The time frame for repayment of incentives to the Commonwealth; ~~(iv) average~~

4. The average wages of the jobs created by the prospective economic development, film, or episodic television project; ~~(v) the~~

5. The amount of capital investment that is required; ~~(vi) the~~

6. The need for enhanced employment opportunities in the prospective location of the prospective economic development, film, or episodic television project; ~~(vii) the~~

7. The total amount of state incentives received by the sponsor of the economic development, film, or episodic television project in the past; and ~~(viii) a~~

8. A list of all other existing, nondiscretionary incentives for which the sponsor of the economic development, film, or episodic television project may qualify ~~shall be provided to the staff of the House Committee on Appropriations and Senate Committee on Finance and Appropriations not less than five business days prior to the scheduled Commission meeting~~.

Staff shall also be provided with an aggregate list of all discretionary incentives currently committed by the Commonwealth for the next 10 years, including anticipated requests for appropriations to satisfy such commitments during that time.

~~b.~~ C. The timing of any request for an endorsement of a proposed individual incentive package should be scheduled ~~so that~~ to permit the ~~MEI~~ Commission ~~could~~, at its discretion, to have up to seven days ~~subsequent to~~ after the presentation of the incentive package prior to endorsing or rejecting such proposal.

~~c.~~ D. State agencies, localities, authorities, or other political subdivisions of the Commonwealth that 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 ~~subdivision 2~~ subsection B and certify the accuracy of such materials prior to consideration by the Commission.

~~B.~~ 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 ~~shall be~~ is required to endorse any incentive package, including ~~but not limited to~~ packages ~~offering tax incentives, for economic development, film, and episodic television projects (including but not limited to MEI projects) for which~~

~~(i) one or more of the incentives in the incentive package is not authorized under current law or an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package,~~

~~(ii) one of the incentives being sought includes a cash payment to a private sector business of more than $3.5 million from any fund prior to any performance metrics being met by the proposed project, or~~

~~(iii) 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 $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~~ 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 ~~Virginia~~ localities in the Commonwealth and simultaneously closes its operations or substantially reduces the number of its employees in another ~~Virginia~~ 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.

Drafting note: Technical changes are made for clarity and consistency and to modernize language, including the reorganization of subsections and subdivisions.

§ ~~30-310.1~~ 30.1-1422. Review of tax financing projects.

In addition to the required review of certain incentive packages pursuant to ~~§~~ ~~30-310~~ §§ 30.1-1419 and 30.1-1421, the Commission may, in its discretion, ~~also~~ review potential economic development projects presented by private sector businesses or state authorities ~~which~~ that would be financed through entitlements to sales taxes or through personal or corporate income tax incentives or modifications. The Commission ~~shall~~ is not ~~be~~ required to endorse or recommend any such project but may include recommendations in its annual report prepared pursuant to § ~~30-312~~ 30.1-1424.

Drafting note: Technical changes are made for clarity and to modernize language.

§ ~~30-311~~ 30.1-1423. ~~Staff; cooperation from other state agencies~~ Staffing.

~~Administrative staff support shall be provided by the~~ The staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall provide administrative staff support. ~~Additional assistance as needed shall be provided by the~~ The Auditor of Public Accounts, ~~the~~ Division of Legislative Services, ~~the~~ Virginia Economic Development Partnership Authority, ~~or the~~ and Virginia Public Building Authority shall provide additional assistance as requested by the Commission.

Drafting note: Technical changes.

§ ~~30-312~~ 30.1-1424. Commission report to General Assembly.

~~The chairman~~ 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 ~~Regular Session~~ on all endorsed incentive packages for which an offer has been made and publicly announced. Staff identified in § ~~30-311~~ 30.1-1423 shall assist the ~~commission~~ 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 ~~Appropriation Act~~ 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 ~~the~~ 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.

Drafting note: Technical changes are made for clarity, including the designation of subsections.

~~CHAPTER 52.~~

~~JOINT SUBCOMMITTEE TO EVALUATE TAX PREFERENCES.~~

Article 6.

Joint Subcommittee to Evaluate Tax Preferences.

Drafting note: Existing Chapter 52, establishing the Joint Subcommittee to Evaluate Tax Preferences, is retained as proposed Article 6.

§ ~~30-336~~ 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 ~~Virginia's~~ the Commonwealth's tax preferences, including ~~but not limited to~~ tax credits, deductions, subtractions, exemptions, and exclusions.

Drafting note: Technical changes.

§ ~~30-337~~ 30.1-1426. Membership~~; terms; vacancies; chairman and vice-chairman; quorum; meetings; compensation~~.

The Joint Subcommittee shall have a total membership of 14 legislative members ~~that shall consist of eight members of the House of Delegates and six members of the Senate~~. Members shall be appointed as follows: ~~eight~~

1. Eight members of the House of Delegates, of ~~which~~ 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 ~~Chairman~~ Chair of the House Committee on ~~Appropriations~~ Finance and the ~~Chairman~~ Chair of the House Committee on ~~Finance~~ Appropriations, respectively; and

~~six~~

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 ~~Chairman~~ Chair of the Senate Committee on Finance and Appropriations.

~~Members shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Members may be reappointed. Vacancies shall be filled in the same manner as the original appointments.~~

~~The Joint Subcommittee shall elect a chairman and vice-chairman from among its membership.~~

~~A majority of the members shall constitute a quorum. The meetings of the Joint Subcommittee shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~No recommendation of the Joint Subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Joint Subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Joint Subcommittee.~~

~~Members of the Joint Subcommittee shall receive such compensation and shall be reimbursed for reasonable and necessary expenses as provided in the general appropriation act.~~

Drafting note: General provisions relating to terms, vacancies, officers, quorums, meetings, voting requirements, and compensation and expenses are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. In subdivision 2, a substantive change is made to align Joint Subcommittee membership with apparent legislative intent. Technical changes are made, including the designation of subdivisions for clarity.

§ ~~30-338~~ 30.1-1427. Powers and duties of the Joint Subcommittee~~; staffing; reports~~.

The Joint Subcommittee shall have the following powers and duties:

1. Undertake a systematic review of ~~Virginia's~~ 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 ~~their~~ 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 ~~an annual report to the General Assembly and the Governor of its recommendations~~ reports pursuant to § 30.1-1107, ~~including~~ which shall include recommendations on tax preferences ~~should~~ to be continued, expanded, modified, or eliminated.

Drafting note: Existing § 30-338 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Joint Subcommittee's powers and duties. For consistency with other legislative entities, a reference to the reporting requirement for all legislative entities is added to the Joint Subcommittee's powers and duties. Technical changes are made.

§ 30.1-1428. Staffing; technical advisory group.

~~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. The technical advisory group shall include individuals with tax policy or economic expertise and legislative staff.~~

~~Administrative staff support shall be provided by the~~ A. The Office of the Clerk of the House of Delegates shall provide administrative staff support. ~~Legal,~~ The Division of Legislative Services shall provide legal and legislative research~~, policy~~ and analysis~~, and other services~~ as requested by the Joint Subcommittee ~~shall be provided by the Division of Legislative Services~~. ~~Technical assistance shall be provided by the~~ The staffs of the House Committee on

Appropriations and the Senate Committee on Finance and Appropriations shall provide technical assistance.

~~The chairman shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Joint Subcommittee no later than the first day of each regular session of the General Assembly. 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.~~

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.

Drafting note: Existing § 30-338 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Joint Subcommittee's staffing requirements and authorization to establish a technical advisory group. A reporting requirement is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Language is updated for clarity and consistency and other technical changes are made.

~~CHAPTER 53.~~

~~HEALTH INSURANCE REFORM COMMISSION.~~

Article 7.

Health Insurance Reform Commission.

Drafting note: Existing Chapter 53, establishing the Health Insurance Reform Commission, is retained as proposed Article 7.

§ 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.

Drafting note: The definitions of (i) "mandated health insurance benefit or provider" and "applicable agency" are relocated from existing subsections A and B of § 30-343, respectively, and (ii) "Bureau" and "essential health benefits benchmark plan" are relocated from existing subsection A of § 30-343.1 to conform to the standard convention of placing definitions at the beginning of an article. Definitions of "Act" and "Commission" are proposed for clarity. Technical changes are made.

§ ~~30-339~~ 30.1-1430. Health Insurance Reform Commission ~~established~~; ~~membership; terms~~ purpose.

~~A.~~ The Health Insurance Reform Commission ~~(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.

Drafting note: Existing § 30-339 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission and states its purpose. Language from existing § 30-342 is summarized and added because existing § 30-339 does not include a statement of the Commission's purpose. Technical changes are made.

§ 30.1-1431. Membership.

~~B.~~ The Commission shall ~~consist~~ 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: ~~four~~

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; ~~four~~ 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~~; and the~~.

The Secretary of Health and Human Resources and the Commissioner of Insurance~~,~~ or their designees shall serve ex officio with nonvoting privileges.

~~C. Members of the Commission shall serve terms coincident with their terms of office. 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 appointments. All members may be reappointed.~~

~~D. The Commission annually shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.~~

Drafting note: Existing § 30-339 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. Provisions relating to terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed

Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity.

~~§ 30-340. Quorum; meetings; voting on recommendations.~~

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

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

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-341. Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12. 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 compensation and costs of expenses of members shall be provided by the State Corporation Commission.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-342~~ 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 ~~federal Patient Protection and Affordable Care~~ Act ~~(the Act)~~, including any adopted amendments ~~thereto~~ and regulations ~~promulgated thereunder~~;

2. Receive information provided to the Commission pursuant to § ~~30-343~~ 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 ~~Virginia~~ the Commonwealth, including recommendations for innovative health care solutions independent of the approach embodied in the Act that meet the needs of ~~Virginia's~~ 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~~ high-quality care at lower cost;

4. Receive periodic reports from the Bureau ~~of Insurance of the State Corporation Commission (the Bureau)~~ pursuant to § ~~30-343~~ 30.1-1433 and recommend, in accordance with the provisions of § ~~30-343.1~~ 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 ~~Chairman~~ 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 § ~~30-343~~ 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. Upon request of the ~~Chairman~~ Chair of the House Committee on Labor and Commerce or Senate Committee on Commerce and Labor, assess proposed legislation affecting the cost of health insurance through changes to plan design or cost sharing impacting consumers, employers, unions, and employee welfare benefit plans~~.~~;

7. Conduct other studies of mandated health insurance benefits and provider issues as requested by the General Assembly; ~~and~~

8. 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

9. Submit reports pursuant to § 30.1-1107.

Drafting note: For consistency with other legislative entities, a reference to the reporting requirement for all legislative entities is added to the Commission's powers and duties. Technical changes are made.

§ ~~30-343~~ 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 ~~of Insurance of the State Corporation Commission (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 ~~chairman~~ chair of the standing committee that requested the assessment. ~~For the purposes of this section, "mandated health insurance benefit or provider" has the same meaning as "state-mandated health benefit" provided in § 38.2-3406.1.~~

B. Upon receipt of a copy of ~~such~~ 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. ~~As used in this section, "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.~~ 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 § ~~30-343.1~~ 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 ~~mandate, which~~ 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 ~~federal Patient Protection and Affordable Care~~ 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 ~~the~~ 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 Governor and~~ 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.

Drafting note: The definitions of "mandated health insurance benefit or provider" and "applicable agency" are relocated to proposed § 30.1-1429 to conform to the standard convention of placing definitions at the beginning of an article. Technical changes are made.

§ ~~30-343.1~~ 30.1-1434. Review of essential health benefits benchmark plan.

A. ~~As used in this section:~~

~~"Bureau" means the Bureau of Insurance of the State Corporation 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.~~

~~B.~~ 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 ~~section~~ article.

~~C.~~ B. Prior to any review year, the Bureau shall convene a work group of relevant stakeholders to discuss and make recommendations regarding any potential changes to the benchmark plan. Members of the work group shall possess demonstrated and acknowledged expertise in health benefit plan design, actuarial science, population health, patient advocacy, or advocating for or assisting enrollees in individual or small group health coverage. Factors the work group shall consider include (i) coverage denial rates of benefits that are not covered under the current benchmark plan; (ii) the utilization of mandated benefits; (iii) the projected impact of a proposed mandate on the prevalence of medical need, the urgency of such medical need, and any disproportionate disease burden borne by different subpopulations; (iv) the projected cost of each proposed mandate; and (v) other data as determined by the work group. Additionally, for any referred legislation the Commission ~~has chosen~~ chooses to be considered in the benchmark plan review, the Bureau shall complete an assessment of such legislation that includes an estimate of the effects of including the proposed mandate as part of the benchmark

plan on the costs of health coverage in the Commonwealth. The Bureau shall submit the findings and any recommendations of the work group and any assessments of proposed mandates to the Commission by March 31 of the review year.

~~D.~~ C. By June 30 of any review year, the Commission shall determine if an application will be made for a change to the benchmark plan and shall identify any potential benefit changes to the benchmark plan for further analysis. In making its determination and identifying any potential benefit changes, the Commission may consider (i) the findings and recommendations of the work group, (ii) any referred legislation the Commission ~~has chosen~~ chooses to be considered in the benchmark plan review and the Bureau's assessment of such legislation, and (iii) public comment. If the Commission determines that an application will be made for a change to the benchmark plan, the Commission shall identify any potential benefit changes for further analysis.

~~E.~~ D. The Bureau shall conduct an actuarial analysis of any benefit changes identified by the Commission and present such analysis to the Commission by September 30 of such review year.

~~F.~~ E. By December 31 of any review year, the Commission shall determine which, if any, potential 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.

~~G.~~ 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 ~~D~~ 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 ~~F~~ E. Such hearings shall be adequately advertised and planned and shall include an opportunity for the public to participate both ~~in person~~ in person and remotely.

~~H.~~ G. The Bureau shall establish and maintain a website to convey relevant information to the public related to any benchmark plan review.

Drafting note: The definitions of "Bureau" and "essential health benefits benchmark plan" are relocated to proposed § 30.1-1429 to conform to the standard convention of placing definitions at the beginning of an article. Technical changes are made.

§ ~~30-344~~ 30.1-1435. Staffing.

~~Administrative staff support for the Commission shall be provided by the~~ The Office of the Clerk ~~of the Senate or the Office of Clerk~~ of the ~~House of Delegates as may be appropriate for the house in which the chairman~~ chair of the Commission ~~serves~~ shall provide administrative staff support. The Division of Legislative Services shall provide legal~~,~~ and legislative research~~,~~ ~~policy~~ and analysis~~, and other services~~ as requested by the Commission. The Bureau ~~of Insurance of the State Corporation Commission~~ and such other state agencies as may be considered appropriate by the Commission shall provide staff assistance to the Commission ~~All agencies of the Commonwealth shall provide assistance to the Commission, upon request~~.

Drafting note: A provision relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

~~§ 30-345. Chairman's executive summary of activity and work of the Commission.~~

~~The chairman of the Commission shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. 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.~~

Drafting note: This section relating to the Commission's reporting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-346. Repealed.~~

Drafting note: Repealed by Acts 2017, c. 485, cl. 2.

~~CHAPTER 54.~~

~~MEDICAID INNOVATION AND REFORM COMMISSION.~~

Existing Chapter 54 (§ 30-347) of Title 30 is proposed for repeal as obsolete upon recommendation of the Code Commission.

~~§ 30-347. Medicaid Innovation and Reform Commission; membership; terms; compensation and expenses; definition.~~

~~A. The Medicaid Innovation and Reform Commission (the Commission) is established as a commission in the legislative branch of state government. The purpose of the Commission shall be to review, recommend and approve innovation and reform proposals affecting the implementation of Title XIX and Title XXI of the Social Security Act, including eligibility and financing for proposals set out in Item 307 of Chapter 806 of the 2013 Acts of Assembly. Specifically, the Commission shall review (i) the development of reform proposals; (ii) progress in obtaining federal approval for reforms such as benefit design, service delivery, payment reform, and quality and cost containment outcomes; and (iii) implementation of reform measures.~~

~~B. The Commission shall consist of 12 members as follows: the chair of the House Committee on Appropriations, or his designee, and four members of the House Committee on Appropriations appointed by the chair and the chair of the Senate Committee on Finance and Appropriations, or his designee, and four members of the Senate Committee on Finance and Appropriations appointed by the chair. In addition, the Secretaries of Finance and Health and Human Resources shall serve as ex officio, nonvoting members of the Commission.~~

~~C. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms shall be filled in the same manner as the original appointments. Members may be reappointed for successive terms.~~

~~D. 1. The members of the Commission shall elect a chairman and vice chairman annually. A majority of the voting members of the Commission shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request. The Commission shall meet bimonthly beginning in June 2013, or as soon as possible thereafter.~~

~~2. An affirmative vote by three of the five members of the Commission from the House of Delegates and three of the five members of the Commission from the Senate shall be required to endorse any reform proposal to amend the State Plan for Medical Assistance under Title XIX of the Social Security Act, and any waivers thereof, to implement coverage for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act.~~

~~E. Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative members shall receive such compensation as provided in § 2.2-2813.~~

Drafting note: This section is proposed for repeal as obsolete upon recommendation of the Code Commission.

~~CHAPTER 57.~~

~~INTERCOLLEGIATE ATHLETICS REVIEW COMMISSION.~~

Article 8.

Intercollegiate Athletics Review Commission.

Drafting note: Existing Chapter 57, establishing the Intercollegiate Athletics Review Commission, is retained as proposed Article 8.

§ ~~30-359~~ 30.1-1436. Intercollegiate Athletics Review Commission; purpose~~; membership; terms; compensation and expenses~~.

~~A. As used in this chapter, "Commission" means the Intercollegiate Athletics Review Commission.~~

~~B.~~ The Intercollegiate Athletics Review Commission (the Commission) is established ~~as an advisory commission~~ 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.

Drafting note: Existing § 30-359 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's purpose. Technical changes are made.

§ 30.1-1437. Membership.

~~C.~~ The Commission shall ~~consist of eleven~~ have a total membership of 11 members that shall include seven legislative members and four ex officio members. Members shall be appointed as follows: ~~the chair~~

1. The Chair of the House Committee on Appropriations~~,~~ or his designee~~,~~ and three members of the House Committee on Appropriations to be appointed by the ~~chair and the chair~~ Chair; and

2. The Chair of the Senate Committee on Finance and Appropriations~~,~~ or his designee~~,~~ and two members of the Senate Committee on Finance and Appropriations to be appointed by the ~~chair~~ Chair. ~~In addition, the~~

The Auditor of Public Accounts, the Secretary of Education, the Secretary of Finance, and the Executive Director of the State Council of Higher Education for Virginia shall serve ~~as~~ ex officio~~,~~ with nonvoting ~~members of the Commission~~ privileges.

~~D. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms shall be filled in the same manner as the original appointments.~~

~~E. The members of the Commission shall elect a chairman and vice-chairman annually. A majority of the voting members of the Commission shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~F. Members of the Commission shall receive such compensation and reimbursement of expenses as provided in the general appropriation act.~~

Drafting note: Existing § 30-359 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. Provisions relating to terms, vacancies, officers, quorums, meetings, and compensation and expenses are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity.

§ ~~30-360~~ 30.1-1438. ~~Review of plans to add a major intercollegiate athletics program or change the division level of an existing intercollegiate athletics program~~ Powers and duties of the Commission.

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

1. Review plans and financing recommendations from the board of visitors of any public institution of higher education in the Commonwealth to add a major intercollegiate athletics program or change the division level of an existing intercollegiate athletics program; and

2. Provide findings and recommendations to such public institution of higher education as provided in this section.

B. Within two business days of receipt of a plan and financing recommendations for changing the division level of any existing intercollegiate athletics program pursuant to subsection I of § 23.1-1309, the Commission shall review the plan and notify the board of visitors of the public institution of higher education of its findings and recommendations.

~~B.~~ C. Within 45 business days of receipt of a plan and financing recommendations for adding a major intercollegiate athletics program such as football or basketball pursuant to

subsection I of § 23.1-1309, the Commission shall review the plan and notify the board of visitors of the public institution of higher education of its findings and recommendations.

~~C.~~ D. Findings and recommendations of the Commission may relate to (i) the potential financial impact of the addition of a major intercollegiate athletics program or a change in the division level of an 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 ~~appropriations~~ appropriation necessary to implement any portion of the plan.

~~D.~~ E. Findings and recommendations of the Commission shall require an affirmative vote by three of the ~~five~~ 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.

Drafting note: Language stating the specific duty of the Commission to review plans and recommendations is added at the beginning of the section for clarity. Subsection F is added to exempt the Commission from the reporting requirement in proposed Chapter 11 (General Provisions) that is generally applicable to all legislative entities. Technical changes are made, including correcting an apparent error in the number of members from the House Committee on Appropriations in subsection E.

§ 30.1-1439. ~~Staff; cooperation from other state agencies~~ Staffing.

~~Administrative staff support shall be provided by the~~ The staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall provide administrative staff support. ~~Additional assistance as needed shall be provided by the~~ The State Council of Higher Education for Virginia shall provide assistance as requested by the Commission.

Drafting note: Technical changes.

CHAPTER 15.

COMMEMORATIVE, EDUCATIONAL, AND MEMORIAL ENTITIES.

Drafting note: Proposed Chapter 15, Commemorative, Educational, and Memorial Entities, is created to logically organize legislative entities whose purposes are to preserve the legacy of significant events and people. Existing Chapters 27 (Dr. Martin Luther King, Jr. Memorial Commission), 34.1 (Brown v. Board of Education Scholarship Program and Fund), 55 (Commission on Civic Education), and 66 (American Revolution 250 Commission) are retained as proposed Articles 1 through 4, respectively. Provisions of these proposed articles are reorganized to standardize the organization of articles establishing legislative entities by setting out separate sections for each entity's purpose, membership, powers and duties, staffing, and sunset date, if applicable.

~~CHAPTER 27.~~

~~DR. MARTIN LUTHER KING, JR. MEMORIAL COMMISSION.~~

Article 1.

Dr. Martin Luther King, Jr. Memorial Commission.

Drafting note: Existing Chapter 27, establishing the Dr. Martin Luther King, Jr. Memorial Commission, is retained as proposed Article 1.

§ ~~30-192~~ 30.1-1500. Dr. Martin Luther King, Jr. Memorial Commission; purpose.

~~There is hereby established within the legislative branch, the~~ The Dr. Martin Luther King, Jr. Memorial Commission~~, hereinafter referred to as the "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.

Drafting note: Technical changes.

§ ~~30-192.1~~ 30.1-1501. Membership~~; terms~~.

The Commission shall ~~be composed~~ have a total membership of 18 members that ~~consist of~~ shall include 10 legislative members ~~and eight~~, six nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: ~~four members of the Senate, to be appointed by the Senate Committee on Rules; six~~

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; ~~the Executive Director of Living the Dream; the President of the Foundation for the Humanities and Public Policy; three nonlegislative citizen members, of whom one shall be a representative of the Southern Christian Leadership Conference of Virginia and two shall be nonlegislative citizens at-large, to be appointed by the Senate Committee on Rules; and three~~

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

3. Three nonlegislative citizen ~~at-large~~ members~~,~~ to be appointed by the Speaker of the House of Delegates; and

4. Three nonlegislative citizen members, of whom one shall be a representative of the Southern Christian Leadership Conference of Virginia, to be appointed by the Senate Committee on Rules.

The Executive Director of Living the Dream and the Executive Director of Virginia Humanities shall serve ex officio. ~~Nonlegislative citizen members shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. The Senate Committee on Rules and the Speaker of the House shall ensure, to the~~

~~extent possible, that their respective appointments to the Commission reflect the demographic population of the Commonwealth.~~

~~Legislative members and nonlegislative citizen members serving by virtue of their office on the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and nonlegislative citizen members may be reappointed for successive terms. Vacancies shall be filled in the same manner as the original appointments.~~

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

The Senate Committee on Rules and the Speaker of the House of Delegates shall ensure, to the extent possible, that their respective appointments to the Commission reflect the demographic population of the Commonwealth.

Drafting note: The obsolete title, "President of the Foundation for the Humanities and Public Policy," is updated to the current title for that position, "Executive Director of Virginia Humanities." Provisions relating to terms, vacancies, officers, and reimbursement are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity.

~~§ 30-192.2. Quorum; meetings; voting on recommendations.~~

~~A majority of the members shall constitute a quorum. The Commission shall meet no more than four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

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

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A specific provision limiting the Commission's meetings to four per year is relocated to proposed § 30.1-1502.

~~§ 30-192.3. Compensation; expenses.~~

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

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-192.4~~ 30.1-1502. Powers and duties of the Commission; meetings.

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

1. Identify, plan, develop, and implement appropriate programs and events that further the philosophy and memory of Dr. Martin Luther King, Jr.;

2. Monitor the educational goals, programs, and objectives of public and private schools to encourage the recognition and inclusion of the achievements and contributions of ethnic and minority groups;

3. Inventory and review, biennially, activities and events sponsored by localities in the Commonwealth and those instituted or offered by public and private schools ~~and~~ or institutions of higher education designed to honor Dr. King's memory;

4. Facilitate the analysis of public policy relative to Dr. King's principles and philosophy, including his work pertaining to social and economic justice, ethics, and racial equality, and promote the appreciation of diverse cultures among the citizenry;

5. Collaborate with The King Center in Atlanta and other established state and local entities and community organizations in activities and events that commemorate the birth and death~~,~~ of Dr. King and in initiatives designed to perpetuate ~~the~~ his work and legacy ~~of Dr. Martin Luther King, Jr.~~;

6. Establish a memorial to honor Dr. ~~Martin Luther~~ King~~, Jr.,~~ in which (i) records, oral histories, and memorabilia documenting his relationship with and impact on the Commonwealth may be acquired and preserved; (ii) information concerning his life, work, teachings, writings, and philosophy may be collected, preserved, and accessed for educational and cultural purposes; and (iii) scholarly inquiry and writing, undergraduate and graduate study, and policy analysis may be conducted;

7. Encourage and support collaborative activities among state, local, and national organizations that (i) emphasize the noncommercialization of the state and federal Dr. Martin Luther King, Jr. Holiday~~,~~; (ii) present ~~his~~ Dr. King's life and achievements in historical context~~,~~; (iii) articulate the relationship between his philosophy, contributions, and current public policies~~,~~; and (iv) demonstrate his principles consistently through significant participation of persons of diverse racial, ethnic, and cultural backgrounds in public and private endeavors and enterprises;

8. Monitor and evaluate state, local, and national public policy relative to the principles and philosophy of Dr. King~~,~~ and make appropriate recommendations to ~~the Governor and~~ the General Assembly and the Governor to maintain progress ~~towards~~ toward social and economic justice and equal opportunity for all citizens;

9. ~~Apply for~~ Seek, receive, and expend ~~such~~ gifts, donations, grants, bequests, ~~and~~ or other funds from any source ~~as may be received or that becomes available in connection with its duties under this chapter, and may comply with such conditions and requirements as may be~~

~~imposed in connection therewith~~ to support the work of the Commission and facilitate the objectives of this article;

10. Seek, accept, and direct the expenditure of public and private contributions to ~~enable it to~~ carry out the ~~purposes of this chapter~~ Commission's purpose and ~~to~~ enhance its fiscal stability, financial management, and ~~fund-raising~~ fundraising abilities;

11. Submit reports pursuant to § 30.1-1107; and

~~11.~~ 12. Perform such other duties, functions, and activities as may be necessary to facilitate ~~or~~ and implement the ~~Commission's~~ objectives of this article.

B. The Commission shall meet no more than four times each year.

Drafting note: For consistency with other legislative entities, a reference to the reporting requirement for all legislative entities is added to the Commission's powers and duties. A provision limiting the Commission's meetings to four per year is relocated from existing § 30-192.2. Technical changes are made.

§ ~~30-192.5~~ 30.1-1503. Staffing.

The Office of the Clerk of the ~~chairman~~ chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal~~,~~ and legislative research~~, policy~~ and analysis~~, and other services~~ as requested by the Commission. ~~All agencies of the Commonwealth shall assist the Commission, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; this provision is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

~~§ 30-192.6. Chairman's executive summary of activity and work of the Commission.~~

~~The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the~~

~~Governor a report of its findings and recommendations for publication as a state document. 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.~~

Drafting note: This section relating to the Commission's reporting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-192.7~~ 30.1-1504. Dr. Martin Luther King, Jr. Commission Fund established.

There is ~~hereby~~ created in the state treasury a special nonreverting fund to be known as the Dr. Martin Luther King, Jr. Commission Fund~~, hereafter referred to as "the 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 ~~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 ~~and be credited to it~~. 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 ~~chairman~~ chair, upon the approval of a majority of the members of the Commission.

Drafting note: Technical changes.

~~§§ 30-192.8 through 30-192.14.~~

Drafting note: Repealed by Acts 2005, c. 731, cl. 2.

~~CHAPTER 28.~~

~~CAPITOL SQUARE PRESERVATION COUNCIL.~~

Drafting note: Existing Chapter 28 of Title 30 (§ 30-193 et seq.), consisting of three sections, is proposed for repeal as obsolete pursuant to language contained in Budget Item 8 of Chapter 725 of the Acts of Assembly of 2025.

~~§ 30-193. Capitol Square Preservation Council; membership; terms; compensation and expenses; quorum; "Capitol Square" defined.~~

~~A. The Capitol Square Preservation Council (the Council) is established in the legislative branch of state government. The Council shall consist of 13 members as follows: three members appointed by the Speaker of the House of Delegates, after consideration of the lists of nominations provided by the governing bodies of The Garden Club of Virginia, the Historic Richmond Foundation, and Preservation Virginia, if any; two members appointed by the Senate Committee on Rules, after consideration of the lists of nominations provided by the governing bodies of the Virginia Society of the American Institute of Architects and the Virginia Museum of Fine Arts, if any; five nonlegislative citizen members appointed by the Governor, two after consideration of the lists of nominations provided by the governing bodies of the Virginia Chapter of the American Society of Landscape Architects and the Virginia Historical Society, if any, one from the membership of the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion, and two citizens at large; the Secretary of Administration or his designee; and the Clerks of the House of Delegates and the Senate, who shall serve ex officio with voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth.~~

~~B. A personnel committee of the Council is established, consisting of the Clerk of the House of Delegates, the Clerk of the Senate, the Secretary of Administration, and the chairman of the Council or their designees. The personnel committee shall establish the personnel policies for the Chief Administrative Officer of the Council employed pursuant to § 30-194. The Chief Administrative Officer shall report to the personnel committee regarding proposed projects and activities and shall seek the prior approval of the personnel committee for personnel expenditures related to such projects and activities.~~

~~C. Following the initial staggering of terms, all appointments to the Council shall be for terms of three years, except any legislative member appointed shall serve a term coincident with his terms of office. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment. No member shall be~~

~~eligible to serve more than two successive three-year terms, except any legislative member appointed may be reappointed for successive terms without limitation. However, after expiration of a term of three years or less, or after the expiration of the remainder of a term to which he was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.~~

~~D. The members of the Council shall elect from among its membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings quarterly, or upon the call of the chairman. A majority of the members of the Council shall constitute a quorum.~~

~~E. Members of the Council shall not receive compensation, but 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 expenses of the members shall be provided from existing appropriations to the Council.~~

~~F. For the purposes of this article, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets. The term also includes the exterior of all state buildings that are at least 50 years old and bordering the boundary streets. The term does not include the interiors of the General Assembly Building, the Washington Building, the Jefferson Building, or the Governor's Mansion.~~

~~§ 30-194. Powers and duties of the Council; Chief Administrative Officer; annual report.~~

~~A. With regard to the architectural, historical, archeological, and landscape features of Capitol Square and antiquities contained therein, the Council shall:~~

~~1. Inventory and assess their condition;~~

~~2. Develop plans and recommendations for their maintenance and preservation and for the enhancement of their historical and architectural integrity;~~

~~3. Develop recommendations for the promotion of activities and efforts that will enhance interpretive and educational opportunities;~~

~~4. Review all plans or proposals for alterations, improvements, additions, renovations, or other disposition that is structural or architectural in nature. No implementation of such plans or proposals shall take place prior to review by the Council. The Council shall report its findings on each plan or proposal to the Governor and the agency responsible for the plan or proposal. However, the Council's Chief Administrative Officer and the Director of the Department of General Services shall enter into a memorandum of agreement describing the type of plans and proposals that are of such a routine or operational nature to not require review by the Council; and~~

~~5. Review and approve all plans or proposals for alterations, improvements, additions, or renovations to, or other disposition of, any monuments, statuary, artwork, or other historical artifacts contained within the Capitol Building, including within the Rotunda, the old Senate chamber, and the old hall of the House of Delegates, and excluding the new Senate chamber and the new hall of the House of Delegates, office space, and any other area designated as legislative space that is not open to the public. Nothing in this subdivision shall apply to the personal belongings of any employee or elected or appointed official working within the Capitol Building.~~

~~B. The Council may employ a Chief Administrative Officer and determine his duties and compensation within the amounts appropriated therefor. The Chief Administrative Officer shall be qualified to carry out the duties to which he is assigned and shall work at the pleasure of the Council. The Council may also obtain such assistance as it may deem necessary, and may employ, within the amounts appropriated therefor, experts who have special knowledge of the issues before the Council.~~

~~C. The Council may enter into partnerships, joint ventures, and other collaborative relationships with organizations in furtherance of the Council's duties.~~

~~D. The Council may, unless otherwise restricted by the Governor or the General Assembly, under terms approved by the Attorney General, accept gifts and grants in furtherance of its duties. This provision shall be deemed to be in addition to and not in conflict with any~~

~~other powers or authorities related to the acceptance of gifts and grants under other provisions of this Code.~~

~~E. The Council may enter into contracts in the furtherance of its duties in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.).~~

~~F. Neither the Council nor its staff in fulfilling their responsibilities shall act in a manner inconsistent with subsection A of § 2.2-1144.~~

~~G. The Council shall make a report on its activities and recommendations, if any, annually by December 1 to the Governor and the General Assembly. The Council shall make such further interim reports to the Governor and the General Assembly as it deems advisable or as required by the General Assembly.~~

~~§ 30-195. Duties of the chief administrative officer.~~

~~A. The Chief Administrative Officer shall work under the direction and control of the Council and shall exercise the powers and duties conferred upon him by law or requested by the Council pursuant to authorities conferred by this chapter.~~

~~B. The Chief Administrative Officer shall be vested with the authority of the Council when it is not in session, subject to guidelines or delegations prescribed by the Council.~~

~~C. The Chief Administrative Officer shall, upon request, act as an advisor to the Governor, the Art and Architectural Review Board, the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion, and other state agencies dealing with architectural, historical, archeological, and landscape features of Capitol Square.~~

~~D. The Chief Administrative Officer may employ an Architectural Historian who shall serve as curator for the architectural, historical, archeological, and landscape features of Capitol Square.~~

Drafting note: This section is recommended for repeal as obsolete pursuant to language contained in Budget Item 8 of Chapter 725 of the Acts of Assembly of 2025.

~~CHAPTER 34.1.~~

~~BROWN V. BOARD OF EDUCATION SCHOLARSHIP PROGRAM AND FUND.~~

Article 2.

Brown v. Board of Education Scholarship Program and Fund.

Drafting note: Existing Chapter 34.1, establishing the Brown v. Board of Education Scholarship Program and Fund, is retained as proposed Article 2.

§ ~~30-231.01~~ 30.1-1505. Definitions.

As used in this ~~chapter~~ article, unless the context ~~indicates otherwise~~ requires a different meaning:

"Accredited career and technical education postsecondary school" means (i) a privately owned and managed~~,~~ academic-vocational non-college degree school, ~~noncollege~~ non-college degree school, postsecondary school, or ~~a~~ 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 ~~Virginia~~ the Commonwealth; (iii) accredited by a national or regional organization or agency recognized by the ~~United States~~ 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 ~~Brown v. Board of Education Scholarship~~ Committee.

"College-Level Examination Program ~~(CLEP)~~" 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~~ college-level knowledge gained through ~~course work~~ 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 ~~Virginia~~ 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 ~~Virginia~~ 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 ~~United States~~ 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 ~~(CLEP)~~ in compliance with the requirements of the College Board governing ~~college level~~ college-level examination programs~~,~~; (v) accredited career and technical education postsecondary school in the Commonwealth, that accepts for admission ~~recipients of~~ scholarship recipients under the ~~Brown v. Board of Education Scholarship~~ Program~~,~~; or (vi) solely for the purpose of a scholarship for any eligible student or any individual who is a lineal descendant of an eligible student ~~as defined in subsection G of § 30-231.2~~, accredited two-year or four-year institution of higher education outside of the Commonwealth.

"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 relocate within or outside of the Commonwealth to begin, continue, or complete his public education during such years because public schools were closed to avoid desegregation. "Eligible student" also means a lineal or collateral descendant of such person. "Eligible student" includes only persons currently domiciled and residing in the Commonwealth.

"Fund" means the Brown v. Board of Education Scholarship Program Fund.

"Graduate degree program" means an accredited academic program of study offered by ~~a Virginia~~ an institution of higher education in the Commonwealth that has been accepted for

participation in the Program by the ~~Brown v. Board of Education Scholarship~~ Committee to which scholarship recipients are accepted for admission and for which successful completion of the academic program culminates in the awarding of the masters or doctoral degree.

"High school equivalency preparation program" means a program of preparation and instruction for adults who did not complete high school, and for youth who have been granted permission by the division superintendent of the school in which they are enrolled, to take a high school equivalency examination approved by the Board of Education.

"Professional degree program" means an accredited graduate level program of study offered by ~~a Virginia~~ an institution of higher education in the Commonwealth that has been accepted for participation in the Program by the ~~Brown v. Board of Education Scholarship~~ Committee to which scholarship recipients are accepted for admission and successful completion of the academic program culminates in the award of a degree in medicine, dentistry, nursing, law, pharmacy, optometry, engineering, architecture, veterinary medicine, or other discipline approved by the Committee.

"Program" means the Brown v. Board of Education Scholarship Program ~~and Fund~~.

"Transition program and services" means individualized instruction or a compensatory education program designed to provide remediation, acceleration, or fundamental basic life skills to assist scholarship recipients in overcoming learning problems or to prepare such persons for academic success in an approved education program.

Drafting note: Technical changes are made, including establishing separate terms for "Program" and "Fund" for clarity and consistency throughout the article. The definition of "eligible student" is proposed for clarity.

§ ~~30-231.1~~ 30.1-1506. Brown v. Board of Education Scholarship Program ~~created~~; purpose.

~~There is hereby created, from such funds made available for this purpose, the Brown v. Board of Education Scholarship Program, hereinafter referred to as the "Program."~~ The Brown v. Board of Education Scholarship Program ~~shall be~~ is established for the purpose of assisting students who were enrolled in the public schools of ~~Virginia~~ 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; ~~College-Level Examination Program (~~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.

Drafting note: The phrase "and their lineal or collateral descendants" is added to better reflect the purpose of the Program under existing law. Technical changes are made to modernize and clarify language.

§ ~~30-231.5~~ 30.1-1507. Brown v. Board of Education Scholarship Committee ~~established~~; ~~membership; terms; vacancies; chairman and vice-chairman~~ purpose.

~~A. There is hereby established in the legislative branch of state government the~~The Brown v. Board of Education Scholarship Committee~~, hereinafter referred to as the "Committee,"~~ is established in the legislative branch of state government. The purpose of the Committee is to evaluate applications for and select ~~recipients of the Brown v. Board of Education~~ eligible students to receive scholarships~~, in accordance with the provisions of this chapter~~ under the Program.

Drafting note: Existing § 30-231.5 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Committee and states its purpose. Technical changes are made, including changes to conform language to terms that are defined for the article.

§ 30.1-1508. Membership.

~~B.~~ The Committee shall ~~consist~~ have a total membership of 11 members that shall include six legislative members and five nonlegislative citizen members. Members shall be appointed as follows: ~~(i) four~~

1. Four members of the House of Delegates ~~and two~~ 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 ~~Joint Rules Committee~~ Senate Committee on Rules; and ~~(ii) five~~

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

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

~~The Committee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.~~

Drafting note: Existing § 30-231.5 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Committee's membership. A substantive change is made to designate the appointing authorities for House and Senate members as the Speaker of the House of Delegates and the Senate Committee on Rules, respectively, to conform to standard practice for appointments to legislative entities. Provisions relating to terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity.

~~§ 30-231.6. Quorum; meetings; voting on recommendations.~~

~~A majority of the voting members shall constitute a quorum. The Committee shall meet not more than four times each year. The meetings of the Committee shall be held at the call of the chairman or whenever the majority of the voting members so request. No recommendation of the Committee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Committee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Committee.~~

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A specific provision limiting the Committee's meetings to four per year is relocated to proposed § 30.1-1509.

~~§ 30-231.7. Compensation; expenses.~~

~~Legislative members of the Committee shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such compensation and expenses shall be paid from~~

~~existing appropriations to the Committee, or if unfunded, shall be approved by the Joint Rules Committee.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-231.8~~ 30.1-1509. Powers and duties of the Committee; meetings.

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

1. Establish criteria for the awarding of scholarships, including~~, but not limited to,~~ eligibility for and ~~the~~ renewal of scholarships~~,~~;; evidence of satisfactory academic achievement in accordance with § ~~30-231.2,~~ 30.1-1511; terms and conditions of scholarships awarded pursuant to § ~~30-231.3, the~~ 30.1-1512; cancellation, rescindment, and recovery of scholarship awards~~,~~;; and conditions for which repayment of scholarships, or any part thereof, may be required;

2. Evaluate applications for and select recipients of ~~the Brown v. Board of Education~~ scholarships~~, in accordance with the provisions of this chapter~~ under the Program;

3. Establish standards and determine approved education programs to ensure that the Program is implemented and administered in a manner that preserves the purpose for which it was created;

4. Establish, revise as necessary, and implement policies and standards to govern all aspects of the Program;

5. Confer with the Board of Education, Virginia Community College System, State Council of Higher Education for Virginia, and Private College Advisory Board to the State Council of Higher Education for Virginia to establish a protocol to facilitate (i) the dual enrollment of eligible students in two-year and four-year degree programs~~,~~ and (ii) the conventional enrollment of ~~such~~ eligible students in public and private two-year and four-year accredited institutions of higher education;

6. Develop and implement a system to provide individualized transition programs and services, including~~, but not limited to,~~ remediation, acceleration, and fundamental basic life

skills, designed to prepare eligible students for academic success in the preparation program for a high school equivalency examination approved by the Board of Education~~,~~; earning college credit through ~~the College Level Examination Program (~~CLEP~~)~~ examinations~~,~~; adult basic education programs~~,~~; and two-year, four-year, graduate, and professional degree programs;

7. Determine annually the sum of any gifts, grants, donations, bequests, or other funds in the ~~Brown v. Board of Education Scholarship Program~~ Fund, ~~and~~ set the annual maximum scholarship award, and determine the maximum number of scholarships that may be awarded each year;

8. Seek, receive, and expend gifts, grants, donations, bequests, or other funds from any source on behalf of the Program for its support and to facilitate its purpose;

9. Make ~~the first~~ awards of the ~~Brown v. Board of Education Scholarship~~ Program annually to eligible students ~~between July 1, 2004, and July 1, 2006, but no later than July 1, 2006~~ selected by the Committee;

10. Submit reports pursuant to § 30.1-1107; and

~~10.~~ 11. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this ~~chapter~~ article.

B. The Committee shall meet no more than four times each year.

Drafting note: For consistency with other legislative entities, a reference to the reporting requirement for all legislative entities is added to the Committee's powers and duties. A specific provision limiting the Committee's meetings to four per year is relocated from existing § 30-231.6. An obsolete reference to the initial timeline for scholarship implementation is proposed for deletion. Technical changes are made for clarity and consistency.

§ ~~30-231.9~~ 30.1-1510. ~~Staff support; State Council of Higher Education to advise and assist Committee~~ Staffing.

The Office of the Clerk of the ~~chairman~~ chair of the Committee shall provide administrative staff support. The Division of Legislative Services shall provide legal~~, policy~~ and legislative research and analysis ~~and other services~~ 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 accordance with the provisions of this chapter and~~ in the manner as may be requested by the Committee. ~~All agencies of the Commonwealth shall provide assistance to the Committee, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; this provisions is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

~~§ 30-231.10. Chairman's executive summary of activity and work of the Committee.~~

~~The chairman shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Committee no later than the first day of each regular session of the General Assembly. The executive summary shall state whether the Committee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a state document. 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.~~

Drafting note: This section relating to reporting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-231.4~~ 30.1-1511. Brown v. Board of Education Scholarship Program Fund ~~established~~.

There is ~~hereby~~ created in the state treasury a special nonreverting fund to be known as the Brown v. Board of Education Scholarship Program Fund~~, hereafter referred to as the "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 ~~Brown v. Board~~

~~of Education Scholarship~~ Program or the ~~Brown v. Board of Education Scholarship~~ 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 ~~and be credited to it~~. 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 §§ ~~30-231.2~~ 30.1-1512 and ~~30-231.3~~ 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 ~~Chairman~~ chair of the State Council of Higher Education for Virginia as directed by the ~~Brown v. Board of Education Scholarship~~ Committee.

Drafting note: Technical changes are made to modernize and standardize the language used to establish special funds for legislative entities.

§ ~~30-231.2~~ 30.1-1512. Criteria for awarding and renewal of scholarships~~; awards made~~ by the ~~Brown v. Board of Education Scholarship~~ Committee; ~~eligible students; Standards of Learning requirements and assessments waived for eligible students~~ eligibility; penalty.

~~With~~ 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~~, scholarships shall be awarded annually~~.

~~Awards~~ B. Scholarships may be granted for part-time or full-time attendance ~~for no more than one~~ 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 ~~the College-Level Examination Program (~~ for CLEP~~)~~ credit~~,~~; and ~~for no~~

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: ~~(i) an~~

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; ~~(ii) a~~

b. A two-year undergraduate comprehensive community college program; ~~(iii) a~~

c. A four-year undergraduate degree program; ~~(iv) a~~

d. A recognized five-year undergraduate degree program; ~~(v) a~~

e. A masters or doctoral level degree program; ~~and (vi) a~~ or

f. A professional degree program.

~~Awards~~ Scholarships granted may also be used for ~~the College Level Examination Program (~~CLEP~~)~~ examinations and costs related to preparation for ~~the~~ tests, transition programs and services, and dual enrollment programs as may be approved by the Committee, in accordance with § ~~30-231.8~~ 30.1-1509. ~~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. In addition, no~~

C. No scholarship under ~~this~~ the Program shall be used to obtain multiple baccalaureate, masters, doctoral, or professional degrees.

~~B.~~ D. The Standards of Learning requirements and all related assessments shall be waived for any student awarded a scholarship under ~~this~~ the Program and enrolled in an adult basic education program to obtain the high school diploma.

~~C.~~ 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 ~~awards~~. 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.

~~D.~~ F. Only students who are domiciled residents of ~~Virginia~~ the Commonwealth as defined by § 23.1-502 shall be eligible to receive ~~such~~ scholarship awards. ~~However, to facilitate the~~ 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 ~~Health~~ Department of Health governing requests for and access to vital records.

~~E. Scholarships shall be awarded to eligible students by the Committee.~~

~~F.~~ G. Scholarships may be renewed~~,~~ annually upon request~~, annually~~ if the recipient:

1. Maintains ~~Virginia~~ 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 § ~~30-231.1~~ 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.

~~G. For the purpose of this chapter, "eligible student" means a person who resided in a jurisdiction in Virginia 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) ineligible to attend a private academy or foundation, whether in state or out of state, 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 relocate within or outside of the Commonwealth to begin, continue, or complete his public education during such years because public schools were closed to avoid desegregation. "Eligible student" also means a lineal or collateral descendant of such person. "Eligible student" includes only persons currently domiciled and residing in the Commonwealth.~~

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.

Drafting note: Proposed subsection H is relocated from existing § 30-231.3 to logically organize provisions relating to the application process. Technical changes are made, and duplicative provisions are proposed for deletion.

§ ~~30-231.3~~ 30.1-1513. Amount and use of scholarships; ~~use of scholarships;~~ disbursement and recovery of scholarship funds; terms and conditions~~; penalty~~.

A. ~~Scholarships shall be awarded from gifts, grants, donations, bequests, or other funds made available to the Program.~~ No scholarship awarded under ~~this~~ 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. However, any scholarship awarded to an eligible student to attend an accredited two-year or four-year institution of higher education outside of the Commonwealth as described in clause (vi) of the definition of "educational agency" in § 30.1-1505 shall be limited to $5,000 annually, provided that the Committee may subsequently adjust such annual scholarship limit as it deems necessary or appropriate.

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 ~~the College-Level Examination Program (~~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~~ Section 11 of the Constitution of Virginia.

D. ~~No scholarship under this Program shall be used to obtain multiple baccalaureate, masters, doctoral, or professional degrees.~~

~~E.~~ Before any scholarship is awarded, the applicant shall sign an acceptance form ~~under the terms of which the applicant affirms~~ affirming the accuracy of the information he has provided and ~~agrees~~ agreeing to pursue the approved education program for which the scholarship is awarded until his graduation or the completion of the program, as appropriate. Following verification of enrollment by the relevant educational agency to the State Council of Higher Education for Virginia, educational agencies acting as agents for students receiving awards under this ~~chapter~~ article shall promptly credit disbursed funds to student accounts. ~~A~~

E. No scholarship award ~~made in accordance with the provisions of this chapter~~ shall ~~not~~ be reduced by the educational agency upon receipt of any other financial assistance on behalf of the student. However, the scholarship award may be reduced by the Committee to ensure that, when such award is added to other financial assistance, the award does not produce a total of financial assistance that exceeds the annual total costs of tuition, a book allowance, and fees~~, pursuant to this section~~. ~~Beginning on July 1, 2008, every~~ Every educational agency acting as an agent for students receiving awards under this ~~chapter~~ article shall notify the Committee and the State Council of Higher Education for Virginia upon request concerning the type and total of other financial assistance received by such students. ~~In addition, every~~

F. Every educational agency accepting for admission persons awarded a Brown v. Board of Education scholarship shall, upon request, provide the Committee information concerning the accreditation status of the school and academic programs offered~~,~~ and other relevant information as the Committee may require to evaluate the person's eligibility for the scholarship and to determine the eligibility of the educational agency for participation in the Program. Whenever a student withdraws from an educational agency or otherwise fails, regardless of reason, to complete the program in which he is enrolled, the educational agency shall surrender promptly to the Commonwealth the balance of the scholarship award, in accordance with the tuition refund policy in effect at the time of the student's admission to the educational agency.

~~F. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a scholarship or knowingly makes a false statement or conceals a material~~

~~fact or otherwise commits a fraud in any such application shall be guilty of a Class 3 misdemeanor.~~

G. This ~~chapter~~ article shall not be construed as creating any legally enforceable right or entitlement on the part of any person or any right or entitlement to participation in the Program. ~~Scholarships shall be awarded to the extent funds are made available to the Program through gifts, grants, donations, bequests, or other funds.~~

Drafting note: Existing subsection F is relocated to proposed § 30.1-1512 to logically organize provisions relating to the application process. An obsolete reference to an initial implementation date is proposed for deletion. Language contained in the second enactment of Chapter 940 of the Acts of Assembly of 2026, which provides a cap on the amount of certain scholarships, is proposed for codification. Technical changes are made, and duplicative provisions are proposed for deletion.

~~CHAPTER 55.~~

~~COMMISSION ON CIVIC EDUCATION.~~

Article 3.

Commission on Civic Education.

Drafting note: Existing Chapter 55, establishing the Commission on Civic Education, is retained as proposed Article 3.

§ ~~30-348~~ 30.1-1514. Commission on Civic Education; purpose~~; membership; terms~~.

The Commission on Civic Education (the Commission) is established in the legislative branch of state government. The ~~purposes~~ purpose of the Commission ~~are~~ 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.

Drafting note: Existing § 30-348 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's purpose. Technical changes are made.

§ 30.1-1515. Membership.

The Commission shall have a total membership of 17 members that shall ~~consist of~~ 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; ~~two~~

2. Two members of the Senate~~,~~ to be appointed by the Senate Committee on Rules; ~~six~~

3. Six nonlegislative citizen members, of whom two ~~of whom~~ shall be former or current government or civics teachers, one ~~of whom~~ shall be a representative of an organization involved in civic engagement, one ~~of whom~~ shall be a representative of an institution of political or civil engagement studies ~~center~~, one ~~of whom~~ shall be a Department of Education social studies specialist, and one ~~of whom~~ shall have the qualifications or experience as determined by the Speaker, to be appointed by the Speaker of the House of Delegates; and ~~six~~

4. Six nonlegislative citizen members, of whom two ~~of whom~~ shall be current or former social studies coordinators, one ~~of whom~~ shall be a representative of a voter outreach organization, one ~~of whom~~ shall be a member of the Virginia Press Association, one ~~of whom~~ shall be a professor of social studies education, and one ~~of whom~~ shall have the qualifications or experience as determined by the Senate Committee on Rules, to be appointed by the Senate Committee on Rules. ~~Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission, the Clerk of the House of Delegates, and the Clerk of the Senate, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.~~

~~Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative~~

~~citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.~~

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

Drafting note: Existing § 30-348 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. General provisions relating to terms, vacancies, officers, and reimbursement are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity.

~~§ 30-349. Quorum; meetings; voting on recommendations.~~

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

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

Drafting note: This proposed section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-350. Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. 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.~~

Drafting note: This proposed section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-351~~ 30.1-1516. Powers and duties~~; report~~ of the Commission.

The Commission shall have the following powers and duties:

1. ~~To develop~~ 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~~ 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. ~~To identify~~ Identify civic education projects in the Commonwealth and provide technical assistance as ~~may be~~ needed ~~to~~ for such programs~~.~~;

3. ~~To build~~ Build a network of civic education professionals to share information and strengthen partnerships~~.~~;

4. ~~To develop~~ Develop, in consultation with entities represented on the Commission and others as determined by the Commission, a website that includes~~, among other things,~~ (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. ~~To make~~ Make recommendations to the Board of Education regarding revisions to the Standards of Learning for civics and government~~.~~;

6. ~~To seek~~ 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 ~~chapter.~~ article; and

7. ~~To submit to the Governor and the General Assembly an annual report. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document 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~~ Submit reports pursuant to § 30.1-1107.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made for clarity and consistency.

§ ~~30-353~~ 30.1-1517. Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the ~~chairman~~ chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal~~,~~ and legislative research~~, policy~~ and analysis~~, and other services~~ as requested by the Commission. ~~Technical assistance shall be provided by the~~ The Department of Education shall provide technical assistance. ~~All agencies of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; this provision is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made for clarity and consistency.

§ ~~30-352~~ 30.1-1518. Commission on Civic Education Fund.

There is ~~hereby~~ created in the state treasury a special nonreverting fund to be known as the Commission on Civic Education Fund~~, referred to in this section as "the Fund~~ (the Fund)~~."~~ The Fund shall be established on the books of the Comptroller ~~and shall consist of~~. All moneys, including gifts, grants, donations, bequests, or other funds from any source as may be received

by the Commission ~~for its work. 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 ~~and be credited to it~~. 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 ~~chairman~~ chair of the Commission.

Drafting note: Technical changes are made to modernize and standardize the language used to establish special funds for legislative entities.

~~§ 30-354. Repealed.~~

Drafting note: Repealed by Acts 2020, c. 1045, cl. 2.

~~CHAPTER 66.~~

~~AMERICAN REVOLUTION 250 COMMISSION.~~

Article 4.

American Revolution 250 Commission.

Drafting note: Existing Chapter 66, establishing the American Revolution 250 Commission, is retained as proposed Article 4.

§ ~~30-421~~ 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.

Drafting note: No change.

§ ~~30-422~~ 30.1-1520. (Expires July 1, 2032) Membership; terms; ~~vacancies; chairman and vice-chairman~~ chair and vice-chair.

A. The Commission shall have a total membership of at least ~~26~~ 27 but no more than 31 members that shall ~~consist of~~ include five legislative members, ~~16~~ 17 nonlegislative citizen members, and at least five but no more than nine ex officio members. Members shall be appointed as follows:

1. ~~Two members of the Senate, to be appointed by the Senate Committee on Rules;~~

~~2.~~ 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. ~~One~~ 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 ~~Virginia's~~ historic homes and related sites in the Commonwealth;

4. ~~One~~ 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. ~~Six~~ Twelve nonlegislative citizen members ~~appointed by the Governor~~, of whom six shall be selected from a list of 10 candidates provided by the Jamestown-Yorktown Foundation~~;~~ and

~~6. Six members appointed by the Governor~~ six shall be selected from a list of 10 candidates provided by the Virginia Museum of History & Culture, to be appointed by the Governor.

~~7.~~ The ~~chairman~~ chair and ~~vice-chairman~~ vice-chair of the Commission may appoint up to four members who are directors of historic homes, historic sites, or National Park Service sites in ~~Virginia~~ the Commonwealth. Such members shall serve ~~as~~ ex officio ~~members with voting privileges~~.

~~8.~~ The ~~chairman~~ chair and ~~vice-chairman~~ vice-chair of the Commission may appoint former legislative members of the Commission who have retired or resigned from the General Assembly. Such members shall serve ~~as~~ ex officio ~~members with voting privileges~~.

The Secretary of Education, the Librarian of Virginia, the Director of the Department of Historic Resources, the Executive Director of Virginia Humanities, and the Chief Executive Officer of the Virginia Tourism Authority~~,~~ or their designees~~,~~ shall serve ~~as~~ ex officio ~~members with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth~~.

B. The Commission shall elect a ~~chairman~~ chair and ~~vice-chairman~~ vice-chair from among its membership.

C. ~~Legislative members of the Commission shall serve terms coincident with their terms of office.~~ Nonlegislative citizen members shall be appointed for the duration of the Commission's activities. ~~Appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.~~ Nonlegislative citizen members of the Commission shall not receive compensation or reimbursement for travel and other expenses incurred in the performance of their duties.

Drafting note: Provisions relating to officers, terms, and vacancies are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. The number of nonlegislative citizen members appointed to the Commission, and consequently the total number of members, is updated to cure an apparent error. A portion of existing § 30-424 relating to compensation and expenses for nonlegislative citizen members is relocated to this section. Technical changes are made for clarity and consistency, including reorganization of the membership list.

~~§ 30-423. (Expires July 1, 2032) Quorum; meetings.~~

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

Drafting note: This section relating to quorums and meetings is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-424. (Expires July 1, 2032) Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members of the Commission shall not receive compensation or reimbursement for travel and other expenses incurred in the performance of their duties.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; provisions relating to compensation of legislative members are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. The second sentence is relocated to proposed § 30.1-1520.

§ ~~30-425~~ 30.1-1521. (Expires July 1, 2032) Powers and duties of the Commission.

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

1. Formulate and implement a program for the inclusive observance of the 250th anniversary of the independence of the United States and the Revolutionary War in ~~Virginia~~ the Commonwealth, including (i) civic, cultural, and historical education and scholarship concerning the ideals of the American Revolution and their contemporary relevance; (ii) visitation of museums and historic sites, including battlefields; (iii) creation and publication of historical documents and studies; (iv) cooperation with agencies responsible for the preservation or restoration of historic sites, buildings, art, and artifacts; (v) establishment of exhibitions and interpretive and wayfinding signage; (vi) arrangement of appropriate public ceremonies; (vii) a comprehensive marketing and tourism campaign encompassing calendar year 2025 through calendar year 2026; and (viii) the general dissemination of public information regarding ~~Virginia's~~ the Commonwealth's involvement in the American Revolution and its legacy today;

2. Appoint and establish an advisory council composed of nonlegislative citizen members ~~at large~~ who 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 ~~from time to time~~ 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 ~~chairman~~ chair and ~~vice-chairman~~ vice-chair and one representative designated by each of the ~~following~~ lead commemoration partners: the Jamestown-Yorktown Foundation, the Virginia Museum of History & Culture, and Gunston Hall; ~~and~~

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 ~~as set forth in this chapter~~. No contract, lease, or other legal agreement shall be entered into by the Commission that extends beyond the date of expiration of the Commission.

Drafting note: For consistency with other legislative entities, a reference to the general reporting requirement for all legislative entities is added to the Commission's powers and duties. Technical changes are made for clarity and consistency.

§ ~~30-426~~ 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 ~~chapter~~ article. The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated ~~thereof~~ in the general appropriation act. If funds are not appropriated for staffing, the Joint Rules Committee shall determine the staffing support for the Commission.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the ~~Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman~~ chair of the Commission ~~serves~~ shall provide administrative staff support. ~~The Division of Legislative Services shall provide legal services as requested by the Commission. All agencies and political subdivisions of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; this provision is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made for clarity and consistency.

~~§ 30-427. (Expires July 1, 2032) Chairman's executive summary of activity and work of the Commission; report.~~

~~The chairman shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. 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.~~

Drafting note: This section relating to a required annual report is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-428~~ 30.1-1523. (Expires July 1, 2032) Virginia American Revolution 250 Commission Fund.

There is ~~hereby~~ created in the state treasury a special nonreverting fund to be known as the Virginia American Revolution 250 Commission Fund~~, hereafter referred to as the "Fund~~ (the Fund)~~."~~ The Fund shall be established on the books of the Comptroller ~~and shall consist of~~. All funds appropriated for such purpose and any gifts, grants, donations, bequests, ~~or~~ and other funds ~~from any source as may be~~ received ~~by the Commission for its work. Moneys~~ 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 ~~and be credited to it~~. 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 ~~chairman~~ chair of the Commission.

Drafting note: Technical changes are made to modernize and standardize the language used to establish special funds for legislative entities.

§ ~~30-429~~ 30.1-1524. (Expires July 1, 2032) Sunset.

This ~~chapter~~ article shall expire on July 1, 2032.

Drafting note: Technical change.

CHAPTER 16.

LEGISLATIVE STUDY ENTITIES.

Drafting note: Proposed Chapter 16, Legislative Study Entities, is created to logically organize legislative entities whose purposes are to study, review, evaluate, assess, or investigate a particular topic or issue in order to report and make recommendations to the General Assembly. Membership consists of legislative members and nonlegislative citizen members, usually with specific expertise or background relevant to the topic. Existing Chapters 61 (Commission on School Construction and Modernization), 67 (Virginia Commission to End Hunger), 69 (Commission on Women's Health), and 70

(Virginia Boys and Men Advisory Commission) are retained in proposed Chapter 16 as Articles 1, 2, 3, and 4, respectively. Provisions of these proposed articles are reorganized to standardize the organization of articles establishing legislative entities by setting out separate sections for each entity's purpose, membership, powers and duties, staffing, and sunset date, if applicable.

~~CHAPTER 61.~~

~~COMMISSION ON SCHOOL CONSTRUCTION AND MODERNIZATION.~~

Article 1.

Commission on School Construction and Modernization.

Drafting note: Existing Chapter 61, establishing the Commission on School Construction and Modernization, is retained as proposed Article 1.

§ ~~30-384~~ 30.1-1600. 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 Governor and~~ the General Assembly and the Governor.

Drafting note: Technical changes.

§ ~~30-385~~ 30.1-1601. Membership; ~~terms~~ meetings.

A. The Commission shall have a total membership of 17 members that shall ~~consist of~~ include eight legislative members, three nonlegislative citizen members, and six ex officio members. Members shall be appointed as follows: ~~three members of the Senate, to be appointed by the Senate Committee on Rules; five~~

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; ~~one~~

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

3. One nonlegislative citizen member to be appointed by the ~~Senate Committee on Rules~~ Speaker of the House of Delegates; ~~one~~

4. One nonlegislative citizen member to be appointed by the ~~Speaker of the House of Delegates~~ Senate Committee on Rules; and ~~one~~

5. One nonlegislative citizen member to be appointed by the Governor.

The Superintendent of Public Instruction, the Director of the Department of General Services, the Executive Director of the Virginia Resources Authority, the State Treasurer, the President of the Board of Education, and the Director of the Department of Planning and Budget~~,~~ or their ~~respective~~ designees~~,~~ shall ~~each~~ serve ex officio ~~with voting privileges~~. ~~Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.~~

~~Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office. 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 appointments. All members may be reappointed. Nonlegislative citizen members shall be appointed for a term of two years.~~

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

B. The Commission shall meet at least four times annually. The Commission shall post notice of the date, time, and location of each meeting on the central, publicly available electronic calendar maintained by the Commonwealth in accordance with subsection D of § 2.2-3707.

Drafting note: Provisions relating to reimbursement for travel, terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Provisions requiring the Commission to meet at least to four times per year and post

notices are relocated from existing § 30-386. Such provisions are retained to exempt the Commission from the provisions of proposed Chapter 11, which establishes meetings for legislative entities at the call of the chair or whenever the majority of the members so request. Technical changes are made for consistency and clarity, including the designation and reordering of subdivisions.

~~§ 30-386. Quorum; meetings; voting on recommendations.~~

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

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

~~The Commission shall meet at least four times each year. The Commission shall post notice of the date, time, and location of each meeting on the central, publicly available electronic calendar maintained by the Commonwealth in accordance with subsection D of § 2.2-3707.~~

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Provisions requiring the Commission to meet at least to four times per year and post notices are relocated to proposed § 30.1-1601.

~~§ 30-387. Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. 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. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of~~

~~Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-388~~ 30.1-1602. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. ~~Assessing~~ Assess the Commonwealth's school facilities and ~~determining~~ determine funding needs for school construction and modernization ~~funding needs.~~;

2. ~~Identifying~~ Identify funding mechanisms and ~~making~~ make recommendations to the ~~Governor and the~~ General Assembly~~.~~ and the Governor;

3. ~~Establishing~~ Establish best practices in school ~~modernization and~~ construction and modernization for school divisions~~.~~;

4. ~~Creating~~ Create standardized construction designs and procurement practices to recommend and make available to local school divisions~~.~~;

5. ~~Identifying~~ Identify potential cost-saving measures for implementation by local school divisions to minimize construction and modernization costs where possible~~.~~;

6. ~~Updating~~ Update annually the statewide needs estimate and ~~developing~~ develop and ~~delivering~~ deliver a 10-year capital roadmap, taking into consideration current and projected school enrollment trends~~.~~;

7. ~~Collaborating~~ Collaborate with early childhood care and education Ready Regions and comprehensive community colleges in the Commonwealth to collect and evaluate data relating to Ready Region and comprehensive community college facility usage, availability, and needs for the purpose of identifying (i) underutilized facility spaces that may be available for other education-related uses and (ii) facility needs, including needs relating to insufficient facility spaces and facility modernization~~.~~; and

8. ~~Submitting to the General Assembly and the Governor an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document 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~~ Submit reports pursuant to § 30.1-1107.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Language is updated for clarity and consistency and technical changes are made.

§ ~~30-389~~ 30.1-1603. Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the ~~Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman~~ chair of the Commission ~~serves~~ shall provide administrative staff support. The Division of Legislative Services shall provide legal~~,~~ and legislative research~~, policy~~ and analysis~~, and other services~~ as requested by the Commission.

Drafting note: A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

~~§ 30-390. Repealed.~~

Drafting note: Repealed by Acts 2026, cc. 165 and 166, cl. 2.

~~CHAPTER 67.~~

~~VIRGINIA COMMISSION TO END HUNGER.~~

Article 2.

Virginia Commission to End Hunger.

Drafting note: Existing Chapter 67, establishing the Virginia Commission to End Hunger, is retained as proposed Article 2.

§ ~~30-430~~ 30.1-1604. (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.

Drafting note: The two paragraphs comprising the existing section are consolidated into one paragraph for consistency.

§ ~~30-431~~ 30.1-1605. (Expires July 1, 2027) Membership~~; terms; quorum; meetings~~.

The Commission shall have a total membership of 19 members that shall ~~consist of~~ include eight legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: ~~three members of the Senate, to be appointed by the Senate Committee on Rules; five~~

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; ~~five~~

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 Resources, two shall be representatives from community organizations working toward ending hunger, one shall be a representative of a public school nutrition program, and one shall be a licensed health care provider with knowledge of nutrition and hunger, to be appointed by the Speaker of the House of Delegates; and

4. Five nonlegislative citizen members, ~~one~~ of whom ~~is~~ one shall be a researcher at the university level, three ~~of whom are~~ shall be representatives from community organizations

working toward ending hunger, and one ~~of whom is~~ shall be a nutritionist, to be appointed by the Senate Committee on Rules~~; and six nonlegislative citizen members, one of whom is a researcher at the university level, one of whom is a representative of the Secretary of Health and Human Services, two of whom are representatives from community organizations working toward ending hunger, one of whom is a representative of a public school nutrition program, and one of whom is a licensed health care provider with knowledge of nutrition and hunger, to be appointed by the Speaker of the House of Delegates. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth~~.

In addition to such membership, the Commission shall have five public school student liaisons, to be appointed by the chair of the Commission, each of whom shall represent a Virginia health planning region. The Commission shall seek input from such liaisons whenever possible in fulfilling the powers and duties of the Commission. Such student liaisons shall not be included for purposes of a quorum.

~~Legislative members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. 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 appointments. All members may be reappointed.~~

~~No Senate member shall serve more than two consecutive four-year terms, no House member shall serve more than four consecutive two-year terms, and no nonlegislative citizen member appointed by the Speaker of the House of Delegates or the Senate Committee on Rules shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.~~

~~The Commission shall elect a chair and vice-chair from among its membership, who shall be members of the General Assembly. 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.~~

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

Drafting note: Provisions relating to terms, vacancies, officers, quorums, meetings, and voting requirements that apply to all legislative entities are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation and reordering of subdivisions for clarity and consistency.

~~§ 30-432. (Expires July 1, 2027) Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. 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.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-433~~ 30.1-1606. (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 ~~as well as~~ 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 ~~those~~ such barriers~~.~~;

4. Promote and facilitate public-private partnerships~~.~~;

5. Develop benchmarks and set goals to indicate success~~.~~; and

6. Submit ~~to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Commission shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document 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~~ reports pursuant to § 30.1-1107.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

§ ~~30-434~~ 30.1-1607. (Expires July 1, 2027) Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the ~~chairman~~ chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal~~,~~ and legislative research~~, policy~~ and analysis~~, and other services~~ as requested by the Commission. ~~All agencies of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made for clarity and consistency and to modernize language.

§ ~~30-435~~ 30.1-1608. (Expires July 1, 2027) Sunset.

This ~~chapter~~ article shall expire on July 1, 2027.

Drafting note: Technical change.

~~CHAPTER 69.~~

~~COMMISSION ON WOMEN'S HEALTH.~~

Article 3.

Commission on Women's Health.

Drafting note: Existing Chapter 69, establishing the Commission on Women's Health, is retained as proposed Article 3.

§ ~~30-447~~ 30.1-1609. Commission on Women's Health; purpose.

The Commission on Women's Health (the Commission) is established ~~as a commission~~ 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.

Drafting note: Technical changes.

§ ~~30-448~~ 30.1-1610. Membership~~; terms; vacancies; chair and vice-chair~~.

The Commission shall ~~consist~~ have a total membership of 15 members that shall include 10 legislative members and five nonlegislative citizen members. Members shall be appointed as follows: ~~six~~

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; ~~four~~

2. Four members of the Senate to be appointed by the Senate Committee on Rules; ~~two~~

3. Two nonlegislative citizen members with significant experience or expertise in women's or maternal health policy to be appointed by the Speaker of the House of Delegates; and ~~three~~

4. Three nonlegislative citizen members with significant experience or expertise in women's or maternal health policy to be appointed by the Senate Committee on Rules. ~~Nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. Unless~~

~~otherwise approved in writing by the chair of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.~~

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

~~The Commission shall elect a chair and vice-chair from among its membership, who shall be members of the General Assembly.~~

Drafting note: Provisions relating to reimbursement for travel, terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity.

~~§ 30-449. Quorum; meetings; voting on recommendations.~~

~~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.~~

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

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-450. Compensation; expenses.~~

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

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-451~~ 30.1-1611. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Study and evaluate issues related to women's health, including maternal health, mental health, access to reproductive care, chronic conditions, and health outcomes;

2. Examine the intersection of social determinants of health and ~~their~~ the impact of such determinants on women's health outcomes;

3. Conduct public hearings, facilitate stakeholder engagement, and consult with subject-matter experts as necessary;

4. Identify systemic barriers to equitable health care access for women and recommend policies to address such barriers; ~~and~~

5. Develop and make recommendations to the General Assembly for legislative, regulatory, and budgetary changes or policies to improve women's health outcomes in the Commonwealth; and

6. Submit reports pursuant to § 30.1-1107.

Drafting note: For consistency with other commissions, a reference to the general reporting requirement for legislative entities is added to the Commission's powers and duties. Technical changes are made for clarity.

§ ~~30-452~~ 30.1-1612. Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the ~~House of Delegates or the Office of the Clerk of the Senate as may be appropriate for the house in which the~~ chair of the Commission ~~serves~~ shall provide administrative staff support. The Division of Legislative Services shall provide legal~~,~~ and legislative research~~, policy~~ and analysis~~, and other services~~ as requested by the Commission. ~~Staff shall perform those duties assigned to it by the Commission.~~ The Commission may ~~also~~ consult or contract with experts who have knowledge of the issues before it within the amounts appropriated for such purpose. ~~The Department of Health, the Department of Medical Assistance Services, and all other agencies of the Commonwealth shall provide assistance to the Commission upon request of the Commission.~~

Drafting note: A provision related to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

~~§ 30-453. Executive summary of activity and work of the Commission.~~

~~The chair shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than December 1 of each year. Such executive summary shall include any legislative, regulatory, or budgetary changes or policies recommended by the Commission. 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.~~

Drafting note: This section relating to the Commission's reporting requirement is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~CHAPTER 70.~~

~~VIRGINIA BOYS AND MEN ADVISORY COMMISSION.~~

Article 4.

Virginia Boys and Men Advisory Commission.

Drafting note: Existing Chapter 70, establishing the Virginia Boys and Men Advisory Commission, is retained as proposed Article 4.

§ ~~30-454~~ 30.1-1613. (Expires July 1, 2029) Virginia Boys and Men Advisory Commission; ~~membership; terms; quorum; meetings~~ purpose.

~~A.~~ The Virginia Boys and Men Advisory Commission (the Commission) is established ~~as an advisory commission~~ in the legislative branch of state government. The purpose of the Commission is to study, report on, and make recommendations on issues related to boys and men in the Commonwealth.

Drafting note: Existing § 30-454 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission and states its purpose. Technical changes are made.

§ 30.1-1614. (Expires July 1, 2029) Membership; terms; quorum.

~~B.~~ A. The Commission shall have a total membership of 18 members that shall ~~consist of~~ include 10 legislative members and eight 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. Eight nonlegislative citizen members to be appointed by the Governor, of whom at least one shall have experience as an elementary or high school administrator, one shall have

professional experience within the Virginia Community College System, one shall be a licensed pediatrician, one shall have experience and expertise in public safety, one shall be a board-certified mental health specialist, and one shall be a representative of the State Council of Higher Education for Virginia, a representative of the Department of Education with a focus on career and technical education, or a member of the Virginia Economic Development Partnership. ~~Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.~~

~~C. Legislative members of the Commission shall serve terms coincident with their terms of office. 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 appointments. All members may be reappointed.~~

B. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. No nonlegislative citizen member shall serve more than two consecutive four-year terms. ~~The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.~~

~~D. The Commission shall elect a chair and vice-chair from among its membership, who shall be members of the General Assembly.~~

C. A majority of the legislative members of the Commission 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.~~

Drafting note: Existing § 30-454 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership, terms, and quorum requirements. Provisions relating to vacancies, officers, and meetings that apply to all legislative entities are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Existing provisions relating to four-year terms and majority legislative-member quorum are retained to exempt the Commission from the provisions of proposed Chapter 11, which

establishes two-year terms for nonlegislative citizen members of legislative entities and majority quorum across all members. Technical changes are made, including the designation and reordering of subdivisions for clarity and consistency.

~~§ 30-455. (Expires July 1, 2029) Compensation; expenses.~~

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

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-456~~ 30.1-1615. (Expires July 1, 2029) Powers and duties of the Commission~~; report~~.

The Commission shall have the following powers and duties:

1. Advise the General Assembly regarding the following issues as such issues relate to boys and men in the Commonwealth: education inequity, economic opportunities, disparity in health outcomes, family life, and the impact of social media use~~.~~;

2. Undertake studies, sponsor symposiums, conduct research, and prepare factual reports in order to gather information to formulate and present recommendations to the General Assembly relating to issues of concern and importance to boys and men in the Commonwealth, with a particular focus on the issues set forth in subdivision 1~~.~~;

3. Advise the General Assembly as needed regarding any statutory, regulatory, or other issues of importance to boys and men in the Commonwealth, with a particular focus on the issues set forth in subdivision 1~~.~~; and

4. Submit ~~an annual report to the General Assembly and the Governor for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chair shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of the regular session of the General Assembly. The executive summary shall be submitted as a report document 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~~ reports pursuant to § 30.1-1107.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

§ ~~30-457~~ 30.1-1616. (Expires July 1, 2029) Staffing~~; sunset~~.

~~A.~~ The Office of the Clerk of the ~~house in which the~~ chair of the Commission ~~serves~~ shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission.

Drafting note: Existing § 30-457 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's staffing.

§ 30.1-1617. (Expires July 1, 2029) Sunset.

~~B. That the provisions of this chapter~~ This article shall expire on July 1, 2029.

Drafting note: Existing § 30-457 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the sunset date of the Commission.

~~CHAPTER 17.~~

~~JOINT COMMISSION ON BEHAVIORAL HEALTH CARE.~~

~~§§ 30-165, 30-166, and 30-167. Expired.~~

Drafting note: Expired.

~~CHAPTER 23.~~

~~CHESAPEAKE BAY PARTNERSHIP COUNCIL.~~

~~§§ 30-184, 30-185. Repealed.~~

Drafting note: Repealed by Acts 2001, c. 577.

~~CHAPTER 26.~~

~~COMMISSION ON EARLY CHILDHOOD AND CHILD DAY CARE PROGRAMS.~~

~~§§ 30-190, 30-191. Repealed.~~

Drafting note: Repealed by Acts 2001, c. 577.

~~CHAPTER 30.~~

~~ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION.~~

~~§§ 30-198 through 30-200.1. Expired.~~

Drafting note: Expired.

~~CHAPTER 32.~~

~~VIRGINIA DELEGATION TO MULTISTATE TAX ADMINISTRATION DISCUSSIONS.~~

~~§§ 30-210 through 30-217. Expired.~~

Drafting note: Expired.

~~CHAPTER 34.~~

~~BROWN V. BOARD OF EDUCATION SCHOLARSHIP AWARDS COMMITTEE.~~

~~§§ 30-226 through 30-231. Repealed.~~

Drafting note: Repealed by Acts 2005, cc. 753 and 834, cl. 4, effective March 26, 2005.

~~CHAPTER 40.~~

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~~§§ 30-266 through 30-274. Expired.~~

Drafting note: Expired.

~~CHAPTER 44.~~

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~~§§ 30-287 through 30-292. Expired.~~

Drafting note: Expired.

~~CHAPTER 45.~~

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~~§§ 30-266 through 30-274. Expired.~~

Drafting note: Expired.

~~CHAPTER 46.~~

~~VIRGINIA COMMISSION ON ENERGY AND ENVIRONMENT.~~

~~§§ 30-301 through 30-308. Expired.~~

Drafting note: Expired.

~~CHAPTER 48.~~

~~COMMISSION ON CIVICS EDUCATION.~~

~~§§ 30-313 through 30-318. Expired.~~

Drafting note: Expired.

~~CHAPTER 49.~~

~~VIRGINIA COMMISSION ON THE CENTENNIAL OF THE WOODROW WILSON PRESIDENCY.~~

~~§§ 30-319 through 30-325. Expired July 1, 2013.~~

Drafting note: Expired.

~~CHAPTER 50.~~

~~AUTISM ADVISORY COUNCIL.~~

~~§§ 30-326 through 30-329. Expired.~~

Drafting note: Expired.

~~CHAPTER 58.~~

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~~§§ 30-362 through 30-370. Expired.~~

Drafting note: Expired.

~~CHAPTER 59.~~

~~COMMISSION ON EMPLOYEE RETIREMENT SECURITY AND PENSION REFORM.~~

~~§§ 30-371 through 30-375. Expired.~~

Drafting note: Expired.

~~CHAPTER 60.~~

~~COMMISSION ON WELLNESS AND OPPORTUNITY.~~

~~§§ 30-376 through 30-383. Expired.~~

Drafting note: Expired.

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SUMMARY

Revision of Title 30. Creates proposed Title 30.1 (General Assembly) as a revision of existing Title 30 (General Assembly). Proposed Title 30.1 consists of 16 chapters divided into three subtitles: Subtitle I (The General Assembly and Members Thereof), Subtitle II (The Legislative Branch of Government), and Subtitle III (Legislative Commissions, Councils, Committees, and Other Legislative Entities). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes. The bill has a delayed effective date of October 1, 2027, and is a recommendation of the Virginia Code Commission.

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SENATE BILL NO. _____ HOUSE BILL NO. _____

A BILL to amend the Code of Virginia by adding a title numbered 30.1, containing a subtitle numbered I, consisting of chapters numbered 1 and 2, containing sections numbered 30.1-100 through 30.1-237, a subtitle numbered II, consisting of chapters numbered 3 through 10, containing sections numbered 30.1-300 through 30.1-1012, and a subtitle numbered III, consisting of chapters numbered 11 through 16, containing sections numbered 30.1-1100 through 30.1-1617, and to repeal Title 30 (§§ 30-1 through 30-457) of the Code of Virginia, relating to the General Assembly and members thereof, the legislative branch of government, and legislative commissions, councils, committees, and other legislative entities.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a title numbered 30.1, containing a subtitle numbered I, consisting of chapters numbered 1 and 2, containing sections numbered 30.1-100 through 30.1-237, a subtitle numbered II, consisting of chapters numbered 3 through 10, containing sections numbered 30.1-300 through 30.1-1012, and a subtitle numbered III, consisting of chapters numbered 11 through 16, containing sections numbered 30.1-1100 through 30.1-1617, as follows:

TITLE 30.1.

GENERAL ASSEMBLY.

SUBTITLE I.

THE GENERAL ASSEMBLY AND MEMBERS THEREOF.

CHAPTER 1.

MEMBERS OF THE GENERAL ASSEMBLY.

Article 1.

Privileges and Duties of Members.

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

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

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The General Assembly may, by joint resolution, direct the holding of such session in the restored 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.

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

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

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

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

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

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

A. The Governor may arrange for an inspection of the grounds, buildings, or other physical facilities of state agencies and state-supported institutions in each year preceding the regular session of

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the General Assembly for the members of the forthcoming General Assembly. Such inspections shall be provided at state expense for each member of the forthcoming General Assembly.

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

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

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

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

§ 30.1-107. Sexual harassment training required biennially.

A. For purposes of 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.

"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.

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B. All members of the General Assembly shall complete a sexual harassment training course once 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.

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§ 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.

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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. Session staff and legislative assistants for members.

The General Assembly shall provide for the employment of session staff and legislative 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 session staff and legislative 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 legislative 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.

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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.

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§ 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.

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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.

A. 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.

B. 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.

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

D. 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.

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"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

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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.

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

"Legislator" means a member of the General Assembly.

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

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

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

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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.);

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

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

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

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

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

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

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§ 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.

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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

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

Article 3.

Prohibited Conduct Relating to Contracts.

§ 30.1-206. Application.

This article proscribes certain conduct by legislators relating to contracts.

§ 30.1-207. Prohibited contracts by legislators.

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

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

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

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

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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.

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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.

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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.

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

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

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

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

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

§ 30.1-215. Disclosure form; filing requirements.

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

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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

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nonlegislative citizen members, at least one of whom shall not have previously held such office. All members of the House 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 House Ethics Advisory Panel.

The members shall be nominated by the Speaker of the House of Delegates and confirmed by the House of Delegates 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 House Ethics Advisory Panel.

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

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

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

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

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

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

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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.

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

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

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

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

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

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

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

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

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

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

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

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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

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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.

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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; recision 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 recision 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

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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

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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.

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

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

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

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

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

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

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

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

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

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

D. The Clerk of the House of Delegates, as Keeper of the Rolls of the Commonwealth, may appoint deputy clerks who shall, during the absence of such Clerk or after his death, resignation, or retirement, furnish copies of acts and resolutions of the General Assembly and records and papers of the House of Delegates, which when certified by any such deputy clerk shall be evidence for any purpose for which the original would be received, and with as much effect. The Clerk of the House of Delegates 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, who shall provide written notice of such removal to the Secretary of the Commonwealth.

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

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

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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.

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

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

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

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

Article 2.

Officers and Employees of the Legislative Branch.

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

The officers and employees of the General Assembly, including the Clerks of each house and their deputy clerks and full-time assistant clerks, the sergeant-at-arms of each house, and the Lieutenant Governor, 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.

§ 30.1-307. Sexual harassment training required biennially.

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

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"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.

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§ 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 Senate to be appointed by the Senate Committee on Rules; and

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

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:

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1. Encourage and arrange conferences with officials of other states and other units of government;

2. Carry forward the participation of the Commonwealth as a member of the Council of State Governments, both regionally and nationally;

3. Formulate proposals for cooperation between the Commonwealth and other states;

4. Establish such committees as it deems advisable to conduct conferences and formulate proposals concerning subjects of interstate cooperation;

5. Monitor and evaluate the Commonwealth's participation in interstate compacts;

6. Review, evaluate, and recommend suggested uniform state legislation;

7. Require, at its discretion, from any appointee representing the Commonwealth on any interstate compact, commission, committee, or board, a report on that organization's work and accomplishments;

8. Review, evaluate, and make recommendations concerning federal policies that are of concern to the Commonwealth;

9. Establish such committees as deemed advisable and designate the members of every such committee. State officials who are not members of the Commission may be appointed as members of any such committee, but at least one member of the Commission shall be a member of every such committee; and

10. Appoint persons drawn from the membership of the Senate, the membership of the House of Delegates, and officials of state and local government to serve on those intergovernmental boards, committees, and commissions to which the Commonwealth is entitled to such appointment, or is invited to make such appointment, provided that members of the General Assembly shall be appointed as follows:

a. If an appointment is made from the membership of the Senate, such an appointment shall be made by the Commission on Interstate Cooperation of the Senate and shall be approved by the Chair of the Senate Committee on Rules; and

b. If an appointment is made from the membership of the House of Delegates, such appointment shall be made 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.

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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.

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§ 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

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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.

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§ 30.1-405. Amendments to the Constitution.

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

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

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

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

Article 2.

Impact Statements and Other Legislative Requirements.

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

All bills creating (i) an executive branch advisory board, council, commission, or other collegial body and (ii) any legislative branch board, council, commission, or other collegial body 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

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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,

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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

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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

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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

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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.

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

B. When a proposed amendment is to be submitted to voters qualified to vote in elections by the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § 30.1-405, 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 an explanation of such amendment 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 shall post the explanation on its website and shall cause such explanation 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 election at which the proposed amendment is to be presented to voters.

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

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 an explanation for any such proposed constitutional amendment that is approved by the General Assembly on second reference. The explanation shall be approved for distribution as to form and content by the Committee on Privileges and Elections of the first house of introduction of the resolution proposing the amendment as soon as practicable after enactment of the ballot question.

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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

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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. Auditor of Public Accounts; 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.

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

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

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

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

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

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

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

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

§ 30.1-504. Online database required.

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

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

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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;

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9. The annual prison population;

10. Virginia adjusted gross income and Virginia taxable income by locality;

11. The number of citizens in the Commonwealth receiving benefits from the Supplemental Nutrition Assistance Program;

12. The number of driver's licenses issued;

13. The number of registered motor vehicles;

14. The number of full-time private sector employees;

15. The number of prepaid tuition contracts outstanding pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 and the estimated total liability under such contracts;

16. Any state audit or report relating to the programs or activities of an agency;

17. Information on capital outlay payments, including project title, funding date, completion date, appropriations, year-to-date expenditures, and unexpended appropriations;

18. Annual bonded indebtedness that shall include the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, and any refinancing of the obligation; and

19. Other data as the Auditor of Public Accounts deems appropriate relating to the Commonwealth.

E. The Auditor of Public Accounts shall incorporate into the database the following additional elements as they become available through improved enterprise applications or other systems:

1. Commodities, including line item expenditures;

2. The descriptive purpose for a funding action or expenditure;

3. The statute or act of the General Assembly authorizing the issuance of bonds; and

4. Copies of actual grants and contracts.

F. The Auditor of Public Accounts shall incorporate into the database the following enhancements:

1. Graphs, charts, or other visual displays of aggregated data showing (i) current state spending by expense category, (ii) year-to-year state spending, and (iii) other data deemed appropriate by the Auditor of Public Accounts, including the display of available line item expenditures; and

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2. Frequently asked questions and their responses.

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

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

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

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

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

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§ 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 of Public Accounts 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

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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.

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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

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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 of Public Accounts 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 of Public Accounts 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

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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 of Public Accounts 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. Division of Capitol Police; powers, duties, and functions.

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

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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 Clerk of the House of Delegates and the Clerk of the Senate and the Chairs of the House Committee on Rules and the 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

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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.

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

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

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

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

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

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

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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.

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

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

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

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

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

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§ 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

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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 electronic legislative 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

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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.

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§ 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.

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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,

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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

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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

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

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

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

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

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

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

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

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

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

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

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

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

§ 30.1-817. Publication of Virginia compacts.

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

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

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

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

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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:

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"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.

"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; 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

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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

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

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

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

§ 30.1-825. Staffing; cooperation and assistance.

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

Article 4.

Commissioners for the Promotion of Uniformity of Legislation.

§ 30.1-826. Commissioners for the Promotion of Uniformity of Legislation; terms; expenses.

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

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

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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, 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 programs and (ii) study and report on such topics as requested by the General Assembly.

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

A. 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

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

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

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

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

§ 30.1-902. Compensation; expenses.

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 on the Commission. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Commission. Adequate office space shall be provided by the Commonwealth.

§ 30.1-903. 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. Meetings of the Commission shall be held upon the call of the chair or whenever the majority of the members so request.

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

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

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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, "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. 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

5. At the request of the chair of a House or Senate standing committee where a bill resides, review the fiscal impact statement associated with a bill after such statement is issued.

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

§ 30.1-906. Supplementary reports.

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

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

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

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

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

§ 30.1-907. Annual report on state spending.

A. No later than November 30 of each year, the Commission shall provide to the General Assembly and the Governor an annual report on state spending to be published as a state document that shall include (i) an identification and analysis of spending functions and programs that could be consolidated with other 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

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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, "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

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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 reduction in duplication of effort, and programmatic efficiencies in the operation of state government. Any review and assessment conducted pursuant to this section shall take into consideration the results of any prior studies, audits, or reviews conducted by the Commission, the General Assembly, or the Auditor

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of Public Accounts, any Governor-appointed commission or like entity, or any other independent entity that addressed the structure and operation of state government and identified monetary savings or efficiencies leading to a reduction in costs or reduced duplication of effort.

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

§ 30.1-912. Payment of expenses of Commission.

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

§ 30.1-913. Executive orders; impact statements by the Commission.

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

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

Article 2.

Legislative Program Review and Evaluation Act.

§ 30.1-914. Definitions.

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

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

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

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

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

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

§ 30.1-916. Evaluation criteria.

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

§ 30.1-917. Access to information.

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

§ 30.1-918. Reporting.

The 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.

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C. Nothing in this article shall be construed to restrict the Commission from holding hearings on any subject as may be required nor shall operation of this article limit the 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) 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 of the Commission.

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:

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

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

3. Access the Retirement System's employees, consultants, actuaries, investment managers, advisors, attorneys, accountants, or other contractors in the employ or hire of the Retirement System. Such

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persons shall cooperate with the Commission and upon its request shall provide specific information or opinions in the form requested.

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

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

§ 30.1-922. Required reports.

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

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

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

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

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

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

§ 30.1-923. 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 the Senate Committee on Finance and Appropriations on matters related to the Retirement System.

§ 30.1-924. 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.

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

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

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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 of the Commission.

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

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

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

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§ 30.1-928. Required reports.

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

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

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

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

§ 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.

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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.

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

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

§ 30.1-934. Access to information.

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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 of VITA.

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

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

B. VITA shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. VITA shall make a written determination of the 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

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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

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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.

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

§ 30.1-1001. Staffing.

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

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

For purposes of redrawing the boundaries of the congressional, state Senate, and House of Delegates districts after the United States Census for the year 2020 and every 10 years thereafter, the

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Virginia Redistricting Commission established pursuant to Article 2 (§ 30.1-1003 et seq.) shall use the population data provided by the United States Bureau of the Census, as adjusted by the Division of Legislative Services pursuant to § 24.2-314. The census data used for this apportionment purpose shall not include any population figure that is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states.

Article 2.

Virginia Redistricting Commission.

§ 30.1-1003. Virginia Redistricting Commission; definitions.

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

B. For purposes of this article:

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

"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.

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"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,

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

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

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

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

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

B. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia shall certify to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest number of members in the Senate of Virginia a list of at least 10 retired judges of the circuit courts of Virginia who are willing to serve on the Committee. No retired judge 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 be included in such list. In compiling the list, the Chief Justice shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth. The members shall each select a judge from the list and shall promptly, but not later than November 20, communicate their selection to the Chief Justice, who shall immediately notify the four judges selected. In making their selections, the members shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth. Within three days of being notified of their selection, the four judges shall select, by a majority vote, a judge from the list prescribed herein to serve as the fifth member of the Committee, who shall serve as the chair of the Committee.

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

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

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

D. All meetings and records of the Committee 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.

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

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

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

A. Within three days following the selection of the fifth member of the Committee, the Committee shall adopt an application and process by which residents of the Commonwealth may apply to serve on the Commission as citizen commissioners. The Division of Legislative Services shall assist the Committee in the development of the application and process.

The application for service on the Commission shall require applicants to provide personal contact information and information regarding the applicant's race, ethnicity, gender, age, date of birth, education, and household income. The application shall require an applicant to disclose, for the period of three years immediately preceding the application period, the applicant's (i) voter registration status; (ii) preferred

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political party affiliation, if any, and any political party primary elections in which he has voted; (iii) history of any partisan public offices or political party offices held or sought; (iv) employment history, including any current or prior employment with the Congress of the United States or one of its members, the General Assembly or one of its members, any political party, or any campaign for a partisan public office, including a volunteer position; and (v) relevant leadership experience or involvements with professional, social, political, volunteer, and community organizations and causes.

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

The Committee may require applicants to submit three letters of recommendation from individuals or organizations.

The application process shall provide for both paper and electronic or online applications. The Committee shall cause to be advertised throughout the Commonwealth information about the Commission and how interested persons may apply.

B. To be eligible for service on the Commission, a person shall have been a resident of the Commonwealth and a registered voter in the Commonwealth for three years immediately preceding the application period. He shall have voted in at least two of the previous three general elections. No person shall be eligible for service on the Commission who:

1. Holds, has held, or has sought partisan public office or political party office;

2. Is employed by or has been employed by a member of the Congress of the United States or of the General Assembly or is employed directly by or has been employed directly by the United States Congress or by the General Assembly;

3. Is employed by or has been employed by any federal, state, or local campaign;

4. Is employed by or has been employed by any political party or is a member of a political party central committee;

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5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a lobbyist's principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's principal in the previous five years; or

6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a person described in subdivisions 1 through 5, or is a cohabitating member of a household with such a person.

C. The application period shall begin no later than December 1 of the year ending in zero and shall end four weeks after the beginning date. During this period, interested persons shall submit a completed application and any required documentation to the Division of Legislative Services. All applications shall be reviewed by the Division of Legislative Services to ensure an applicant's eligibility for service pursuant to subsection B, and any applicant who is ineligible for service shall be removed from the applicant pool.

The Division of Legislative Services shall make available the application for persons to use when submitting a paper application and shall provide electronic access for electronic submission of applications.

D. Within two days of the close of the application period, the Division of Legislative Services shall provide to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest number of members in the Senate of Virginia the applications and documentation submitted by those applicants who are eligible for service on the Commission pursuant to subsection B and submitted complete applications, including any required documentation.

E. By January 1 of the year ending in one, those persons receiving the applications pursuant to subsection D shall each submit to the Committee a list of at least 16 citizen candidates for service on the Commission. In selecting citizen candidates, they shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth.

They shall notify the Division of Legislative Services of the citizen candidates submitted to the Committee for consideration, and the Division of Legislative Services shall promptly provide to the

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Committee the applications and documentation for each citizen candidate being considered. Only the applications and documentation for each citizen candidate shall be maintained as public records.

F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to subsection E, but no later than January 15, the Committee shall select, by a majority vote in a public meeting, two citizen members from each list submitted. 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. The Committee shall promptly notify those eight citizens of their selection to serve as a citizen commissioner of the Commission.

No member of the Committee shall communicate with a member of the General Assembly or the United States Congress, or any person acting on behalf of a member of the General Assembly or the United States Congress, about any matter related to the selection of citizen commissioners after receipt of the lists submitted pursuant to subsection E.

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

§ 30.1-1007. Staff to Commission; census liaison.

A. The Division of Legislative Services shall provide staff support to the Commission. Staff shall perform those duties assigned to it by the Commission. The Director of the Division of Legislative 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

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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.

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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.

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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.

B. The Court shall, not later than March 1 of a year ending in one, enact rules and procedures as may be necessary for implementing the requirements of Article II, Section 6-A of the Constitution of Virginia, empowering the Court to establish congressional or state legislative districts as provided for in that section. In enacting such rules and procedures, the Court shall follow the provisions of this section.

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C. Public participation in the Court's redistricting deliberations shall be permitted. Such public participation may be through briefings, written submissions, hearings in open court, or any other means as may be prescribed by the Court.

D. The Division of Legislative Services shall make available staff support and technical assistance to the Court to perform those duties as may be requested or assigned to it by the Court.

E. Any plan for congressional or state legislative districts established by the Court shall adhere to the standards and criteria for districts set forth in Article II, Section 6 of the Constitution of Virginia and § 24.2-304.04.

F. The Court shall appoint two special masters to assist the Court in the establishment of districts. The two special masters shall work together to develop any plan to be submitted to the Court for its consideration.

Within one week of the Commission's failure to submit plans or the General Assembly's failure to adopt plans, the leaders in the House of Delegates having the highest and next highest number of members in the House of Delegates and the leaders in the Senate of Virginia having the highest and next highest number of members in the Senate of Virginia shall each submit to the Court a list of three or more nominees, along with a brief biography and resume for each nominee, including the nominee's particular expertise or experience relevant to redistricting. The Court shall then select, by a majority vote, one special master from the lists submitted by the legislative leaders of the political party having the highest number of members in their respective chambers and one special master from the lists submitted by the legislative leaders of the political party having the next highest number of members in their respective chambers. The persons appointed to serve as special masters shall have the requisite qualifications and experience to serve as a special master and shall have no conflicts of interest. In making its appointments, the Court 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.

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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, 2027, 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.

B. Each legislative entity shall annually elect a chair and vice-chair from among its membership, who shall be members of the General Assembly.

C. Legislative members and ex officio members of a legislative entity shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years.

Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

§ 30.1-1102. Quorum; meetings; voting on recommendations.

A. A majority of the members of a legislative entity shall constitute a quorum. The meetings of a legislative entity shall be held at the call of the chair or whenever the majority of the members so request.

B. No recommendation of a legislative entity shall be adopted if a majority of the House members or a majority of the Senate members appointed to the legislative entity (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the legislative entity.

§ 30.1-1103. Compensation; expenses.

A. Legislative members of a legislative entity shall receive such compensation for the performance of their duties as provided in § 30.1-109, and nonlegislative citizen members of a legislative entity shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members of a legislative entity shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of a legislative entity shall be paid by the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the legislative entity whose meeting the member attended, or, if such legislative entity is unfunded, shall be approved by the Joint Rules Committee.

B. Unless otherwise approved in writing by the chair of the legislative entity and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

§ 30.1-1104. Appointment and removal authority.

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A. All appointments made to a legislative entity created on or after October 1, 2027, shall be made by either the Speaker of the House of Delegates, the Senate Committee on Rules, or the Joint Rules Committee.

B. Any nonlegislative citizen member appointed to any legislative entity by either the Speaker of the House of Delegates, the Senate Committee on Rules, or the Joint Rules Committee shall serve at the pleasure of such appointing authority. Any such nonlegislative citizen member may be relieved of his appointment at any time, with or without cause.

§ 30.1-1105. Absences on legislative entities.

The absence of any appointed nonlegislative citizen member from three consecutive regular meetings of any legislative entity unless on account of sickness shall be sufficient cause for the original appointing authority to declare the position vacated and to fill such vacancy.

§ 30.1-1106. Assistance provided by agencies of the Commonwealth.

A. Any legislative entity may request and shall receive from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party, or from any political subdivision of the Commonwealth, cooperation and assistance in the performance of its duties.

B. Should a legislative entity determine at any point that information within a state agency is applicable to a study, investigation, or evaluation being conducted by such entity or standing committee, such entity or standing committee shall notify the head of such state agency. Following such notification, the agency head shall designate a point of contact for the entity or standing committee, who may then seek out all pertinent information within such agency from such point of contact. Each employee within the state agency shall give his full cooperation to the entity and its point of contact in collecting the information. No member or staff member of such entity shall be entitled to access information, without 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.

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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,

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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. All members may be reappointed for successive terms.

§ 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

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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.

§ 30.1-1204. Commission to refer cases of crime or official misconduct to appropriate authorities.

Whenever it appears to the Commission that there is reasonable cause for an official investigation or prosecution of a crime or for the removal of a public officer for misconduct, the Commission shall refer the matter and such information as has come to its attention to (i) the officials having the duty and authority

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to conduct investigations, prosecute criminal offenses, or remove such public officer or (ii) the judge of an appropriate court of record with recommendation that a special grand jury be convened.

§ 30.1-1205. Publication of information.

By such means and to such extent as it deems appropriate, the Commission shall keep the public informed as to the operations of organized crime, problems of criminal law enforcement in the Commonwealth, and other activities of the Commission.

§ 30.1-1206. Disclosure of certain information by employee; penalty.

Any employee of the Commission who, except as directed by the Governor, a court of record, or the Commission, discloses to any person other than the Commission or an officer having the power to appoint one or more of the members of the Commission (i) the name of any witness appearing before the Commission in a private hearing or (ii) any information obtained or given in a private hearing is guilty of a Class 1 misdemeanor.

§ 30.1-1207. Impounding of certain documents.

Upon the application of the Commission or a duly authorized member of its staff, the judge of any court of record may impound any exhibit or document received or obtained in any public or private hearing held in connection with a hearing conducted by the Commission and may order such exhibit to be retained by, or delivered to and placed in custody of, the Commission. The order may be rescinded by further order of the court made after five days' notice to the Commission or upon its application or with its consent, all in the discretion of the court.

§ 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.

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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 appointing authorities for a term of not more than four years. Nonlegislative members may be reappointed at the end of the four-year term.

§ 30.1-1212. Compensation and expenses; generally.

The Commission members shall serve without compensation from the Commission but may be reimbursed by the Commission for necessary expenses incurred in and incident to the performance of their

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duties. In addition, Commission members from each state may receive from their respective states, any other compensation to which they may be entitled under the laws of the respective states.

§ 30.1-1213. Compensation and expenses; Virginia delegation.

The legislative representatives of Virginia to the Commission shall receive such compensation as provided in § 30.1-109 and the nonlegislative citizen representatives of Virginia shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be entitled to reimbursement for all reasonable and necessary expenses incurred in their performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Commission for such purpose.

§ 30.1-1214. Meetings and voting.

Commission meetings shall be held at least once each quarter, and at such other times as the Commission may determine. In order to constitute a quorum for the transaction of any business, at least 11 Commission members, including at least three Commission members from each state, must be present. Approval of proposed action shall require the majority vote of the Commission members present.

§ 30.1-1215. Organization, internal procedures and delegation of powers; officers and employees as state employees.

A. The Commission members shall serve as the governing body of the Commission, and, except as hereinafter provided, shall exercise and discharge all powers, functions and responsibilities assigned to the Commission. The Commission shall provide for the organization of internal procedures of the Commission and to this end shall adopt suitable bylaws. The Commission shall have a chairman and two vice-chairmen, chosen by the respective delegation, whose offices shall rotate annually among the 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

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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:

1. Collect, compile, analyze, interpret, coordinate, tabulate, summarize, and distribute technical and other data relative to the Chesapeake Bay and its environs. It may conduct or contract for studies, except those for primary scientific research, and may prepare reports on existing or potential problems within the Bay region;

2. Prepare, publish and disseminate information in reports related to the resources of the region;

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3. Serve as an advisory board to any requesting agency of the member states on matters of interstate concern;

4. Make application for grants, services or other aids as may be available from public or private sources to finance or assist in effectuating any purposes of this Agreement; and receive and accept the same on such terms and conditions as may be required by the law of the respective signatory states;

5. Purchase administrative supplies and lease sufficient office space if such space is not otherwise made available for its use; and

6. Exercise such other powers as are granted by this Agreement and take such actions as are necessary or appropriate for performing the duties set forth in this Agreement.

§ 30.1-1218. Duties.

In carrying out the purposes set forth in this article, the Commission shall have the following duties:

1. Identify specific Bay management concerns requiring intergovernmental coordination and cooperation; and recommend to the federal, state and local governments that are involved in the Chesapeake Bay region legislative and administrative actions necessary to effectuate coordinated and cooperative management for the Bay;

2. Consider, in administering the provisions of this Agreement, the needs of the region for industrial and agricultural development and for gainful employment and maintenance of a high-quality environment;

3. Respect and support the primary role of the respective signatory states and their administrative agencies in managing the resources of the region;

4. Collect, analyze and disseminate information pertaining to the region and its resources for the respective legislative bodies. The Commission shall prepare an annual report indicating the status of environmental and economic Bay issues involving the Chesapeake Bay and the progress of coordinative efforts by the member states;

5. Represent common interests of the signatories as they are affected by the activities of the federal government and shall assist in the monitoring of those activities in the Chesapeake Bay region; and

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6. Provide, as may be determined, a forum to serve as an advisory mediator for programmatic conflicts between or among the member states when such action is requested by the conflicting member states.

§ 30.1-1219. Annual budget.

The Commission shall annually adopt a budget, which shall include the Commission's estimated expenses for administration and operation. In establishing the annual current expense budget, the Commission shall balance total expenses against the Commission's estimate of revenues from all sources, either previously appropriated by a signatory state or receivable from any person or governmental agency by contract or grant with that person or governmental agency. The chairman of the Commission shall certify to the respective signatories, and submit to persons in other governmental agencies, statements of the amounts requested from them in accordance with existing cost-sharing established by this Agreement or by the parties. The chairman of the Commission shall transmit certified copies of such budgets to the principal budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures.

§ 30.1-1220. Apportionment of cost.

The amount required for the Commission's current expense budget shall be apportioned equally among the signatory parties unless a different apportionment is agreed to by unanimous vote of the Commission.

§ 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

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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; terms.

A. 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:

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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.

B. Nonlegislative citizen members shall serve four-year terms. Members may be reappointed for successive terms.

§ 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.

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 to the Commission in the general appropriation act.

Article 4.

Joint Commission on Health Care.

§ 30.1-1229. Joint Commission on Health Care; purpose.

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The Joint Commission on Health Care (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 health care provision, regulation, insurance, liability, licensing, and delivery of services. The Commission shall endeavor to ensure that the Commonwealth as provider, financier, and regulator adopts the most cost-effective and efficacious means of delivery of health care services so that the greatest number of residents of the Commonwealth receive quality health care. The Commission shall also encourage the development of uniform policies and services to ensure the availability of quality, affordable, and accessible health services and provide a forum for continuing the review and study of programs and services.

§ 30.1-1230. Membership.

The Commission shall have a total membership of 18 legislative members. Members shall be appointed as follows:

1. Ten members of the House of Delegates, of whom three shall be members of the House Committee on Health and Human Services, 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. Eight members of the Senate to be appointed by the Senate Committee on Rules.

§ 30.1-1231. Powers and duties of the Commission.

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

1. Study and gather information and data to accomplish its purposes as set forth in § 30.1-1229;

2. Study the operations, management, jurisdiction, powers, and interrelationships of any department, board, bureau, commission, authority, or other agency with any direct responsibility for the provision and delivery of health care in the Commonwealth;

3. Assess, analyze, and evaluate the social and economic costs and benefits, and other 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

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findings with respect to the proposed mandate to the Health Insurance Reform Commission established in Article 7 (§ 30.1-1429 et seq.) of Chapter 14;

4. Examine matters relating to health care services in other states and consult and exchange information with officers and agencies of other states with respect to health service problems of mutual concern;

5. Maintain offices and hold meetings and functions at any place within the Commonwealth that it deems necessary;

6. Invite other interested parties to sit with the Commission and participate in its deliberations;

7. Report its recommendations to the General Assembly and the Governor annually and make such interim reports as it deems advisable or as may be required by the General Assembly and the Governor; and

8. Submit reports pursuant to § 30.1-1107.

B. The Commission may make recommendations and coordinate the proposals and recommendations of all commissions and agencies as to legislation affecting the provision and delivery of health care.

§ 30.1-1232. 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 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; chair and vice-chair.

A. 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.

B. 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;

4. Make recommendations to the General Assembly and the Governor related to technology and science in the Commonwealth;

5. Consult with appropriate entities, public or private, on matters related to technology and science under JCOTS's consideration;

6. Encourage research and development in technology and science;

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7. Solicit input from appropriate entities, public or private, on issues related to technology and science;

8. Coordinate its efforts with and assist the efforts of other agencies, authorities, and institutions of the Commonwealth;

9. Accept public or private funds to carry out its purposes; and

10. Submit reports pursuant to § 30.1-1107. JCOTS shall make such further interim reports to the General Assembly and the Governor as it deems advisable or as required by concurrent resolution of the General Assembly or by the Governor.

§ 30.1-1236. Staffing.

JCOTS 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. JCOTS may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated to JCOTS in the general appropriation act.

§ 30.1-1237. Advisory committees.

JCOTS may establish advisory committees composed of persons with expertise in the matters under consideration by JCOTS. Such persons shall serve without compensation but shall be reimbursed from funds appropriated or otherwise available to JCOTS for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825, unless they waive reimbursement.

Article 6.

Virginia Freedom of Information Advisory Council.

§ 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.

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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;

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.

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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.

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The Division of Legislative Services shall provide staff support. Staff shall perform the duties assigned to it by the Council.

Article 7.

Energy Commission of Virginia.

§ 30.1-1243. (Expires July 1, 2029) Definitions.

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

"Commission" means the Energy Commission of Virginia.

"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) Energy Commission of Virginia; purpose.

The Energy Commission of Virginia 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; meetings.

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;

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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. The Commission shall meet at least twice per year.

C. Each member of the Commission shall annually complete an orientation on electric utility regulation provided by the State Corporation Commission.

D. 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 the Virginia Electric Utility Regulation Act (§ 56-576 et seq.). 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;

3. Establish one or more subcommittees, composed of its membership, persons with expertise in the matters under consideration by the Commission, or both, to meet at the direction of the chair of the

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Commission, for any purpose within the scope of the duties prescribed to the Commission by this section, provided that such persons who are not members of the Commission shall serve without compensation but shall be entitled to be reimbursed from funds appropriated or otherwise available to the Commission for reasonable and necessary expenses incurred in the performance of their duties;

4. Monitor applications by the Commonwealth for grants and awards for energy projects from the federal government;

5. Consider legislation referred to it during any session of the General Assembly or other requests by members of the General Assembly;

6. Conduct studies and gather information and data in order to accomplish its purposes set forth in § 30.1-1244 and in connection with the faithful execution of the laws of the Commonwealth;

7. Issue ratepayer impact statements pursuant to § 30.1-1247;

8. Report annually to the General Assembly and the Governor with such recommendations as may be appropriate for legislative and administrative consideration in order to maintain reliable service in the Commonwealth while preserving the Commonwealth's position as a low-cost electricity market; and

9. Submit reports pursuant to 30.1-1107.

§ 30.1-1247. (Expires July 1, 2029) Ratepayer impact statements for electric utility regulation.

A. Upon request of the Chairs of the House Committee on Labor and Commerce or the Senate Committee on Commerce and Labor, the Commission shall prepare a ratepayer impact statement for any proposed legislation related to electric utility regulation specified by such Chair. Each such Chair may request up to five ratepayer impact statements in any given regular or special session of the General Assembly. Additionally, the Commission may, upon the request of any other member of the General Assembly, prepare a ratepayer impact statement for any proposed legislation related to electric utility 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.

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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; terms; chair and vice-chair.

A. 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:

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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.

B. Nonlegislative citizen members shall be appointed for a term of four years.

C. 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

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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; expenses.

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;

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.

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§ 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;

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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

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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, except that any form filed pursuant to subsection G of § 2.2-3115 shall not have any residential address redacted; 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.);

2. 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;

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3. 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; or

4. Travel related to an official meeting of 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.

B. When reviewing a request for the approval of travel, the Council shall consider the purpose of the travel as it relates to the official duties of the requester. The Council shall approve any request for travel that bears a reasonable relationship between the purpose of the travel and the official duties of the requester. Such travel shall include any meeting, conference, or other event (i) composed primarily of public officials, (ii) at which public policy related to the duties of the requester will be discussed in a substantial manner, (iii) reasonably expected to educate the requester on issues relevant to his official duties or to enhance the requester's knowledge and skills relative to his official duties, or (iv) at which the requester has been invited to speak regarding matters reasonably related to the requester's official duties.

C. The Council shall not approve any travel requests that bear no reasonable relationship between the purpose of the proposed travel and the official duties of the requester. In making such determination, the Council shall consider the duration of travel, the destination of travel, the estimated value of travel, and any previous or recurring travel.

D. Within five business days of receipt of a request for the approval of travel, the Council shall grant or deny the request, unless additional information has been requested. If additional information has been requested, the Council shall grant or deny the request for the approval within five business days of receipt of such information. If the Council has not granted or denied the request for approval of travel or 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

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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; expenses.

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;

2. Ten citizen members, who may be members of the Senate or other state or local elected officials, to be appointed by the Senate Committee on Rules; and

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3. Nine nonlegislative citizen members to be appointed by the Governor, of whom five shall be representatives of business, industry, education, the arts, and government and four shall be the president, or his designee, of each of the four Jewish Community Federations serving the Richmond, Northern Virginia, Tidewater, and Peninsula regions.

The Secretaries of Commerce and Trade and Education or their designees shall serve ex officio.

B. Nonlegislative citizen members shall serve for terms of four years.

C. Members shall receive no compensation for their services but shall be reimbursed for reasonable and necessary expenses pursuant to § 30.1-1103.

§ 30.1-1262. Powers and duties of the Board.

The Board 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 § 30.1-1260 and formulate and present its recommendations to the General Assembly and the Governor;

2. Apply for, accept, and expend gifts, grants, or donations from public, quasi-public, or private sources, including any matching funds as may be designated in the appropriation act, to enable it to better carry out its purposes;

3. Account annually on its fiscal activities, including any matching funds received or expended by the Board;

4. Meet with the Governor at least annually to (i) provide a review of the Board's economic and cultural development activity and (ii) assist in planning an economic development and cultural exchange mission to Israel; and

5. Submit reports pursuant to § 30.1-1107.

§ 30.1-1263. Staffing.

The Joint Rules Committee shall appoint an executive director to the Board. Funding for the costs of expenses of the members and the operations of the Board, including staffing needs, shall be from such funds as appropriated by the General Assembly.

Article 11.

Behavioral Health Commission.

§ 30.1-1264. Definitions.

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

"Behavioral health" means the full range of mental health and substance abuse services.

"Behavioral health service system" means those public and private providers, including state and local government agencies and entities, engaged in the development, delivery, coordination, monitoring, oversight, and financing of behavioral health services in the Commonwealth.

"Commission" means the Behavioral Health Commission.

§ 30.1-1265. Behavioral Health Commission; purpose.

The Behavioral Health Commission is established in the legislative branch of state government. The purpose of the Commission is to provide ongoing oversight and make recommendations for the improvement of behavioral health services and the behavioral health service system in the Commonwealth to encourage the adoption of policies to increase the quality and availability of and ensure access to the full continuum of high-quality, effective, and efficient behavioral health services for all persons in the Commonwealth.

§ 30.1-1266. Membership.

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, of whom at least three shall be members of the House Committee on Appropriations 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.

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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; and

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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.

The Virginia Coal and Energy Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to study all aspects of coal as an energy resource and endeavor to stimulate, encourage, promote, and assist in the development of renewable and alternative energy resources other than petroleum.

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§ 30.1-1301. Membership; terms.

A. The Commission shall have a total membership of 20 members that shall include 13 legislative members and seven nonlegislative citizen members. Members shall be appointed as follows:

1. Eight 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. Five members of the Senate to be appointed by the Senate Committee on Rules; and

3. Seven nonlegislative citizen members, who shall include representatives of industry, government, and groups or organizations identified with the production and conservation of coal, natural gas, and energy, to be appointed by the Governor.

B. Nonlegislative citizen members shall be appointed for terms of four years.

§ 30.1-1302. Powers and duties of the Commission.

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

1. Act in an advisory capacity to the Governor and executive branch agencies regarding energy-related matters;

2. Investigate and consider such questions and problems relating to the field of coal and energy utilization and alternative energy sources as may be submitted;

3. Make recommendations to the General Assembly and the Governor on the Commission's own initiative;

4. Consult with applicable state agencies on all matters regarding energy conservation, including the promotion and implementation of initiatives for the public at large to conserve energy;

5. Endeavor to encourage research designed to further new and more extensive use of coal as well 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;

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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;

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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:

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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.

§ 30.1-1313. Membership.

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The Commission 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;

3. Three nonlegislative citizen members, of whom one shall be a consumer with a disability, one shall be a member of the medical, insurance, or rehabilitation profession, and one shall be a citizen at large, to be appointed by the Speaker of the House of Delegates upon consideration of the recommendations of the Governor, if any; and

4. Two nonlegislative citizen members, of whom one shall be a consumer with a disability and one shall be a member of the medical, insurance, or rehabilitation profession, to be appointed by the Senate Committee on Rules upon consideration of the recommendations of the Governor, if any.

§ 30.1-1314. Powers and duties of the Commission; funding.

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

1. Serve as the primary forum in the Commonwealth where the needs of and issues affecting people with physical and sensory disabilities are identified and addressed through the collaboration of members of the legislative and executive branches of state government, including the staff of legislative and executive branch agencies, and citizens of the Commonwealth;

2. Develop, evaluate, and advance budget proposals and legislative and policy recommendations to support a service system that maximizes the self-sufficiency of residents of the Commonwealth with disabilities;

3. Develop and evaluate recommendations for service program changes and funding related to services for persons with physical and sensory disabilities;

4. Advise the General Assembly and the Governor on local, state, and federal policies and programs relevant to citizens with disabilities;

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5. Serve as the primary body for coordinating proposals and recommendations of all commissions and agencies for legislation or budget actions affecting persons with physical and sensory disabilities, including receiving, reviewing, and responding to proposals and recommendations;

6. Convene work groups composed of persons with expertise in the matters under consideration by the Commission to assist the Commission on issues related to (i) housing and transportation, (ii) education and employment, (iii) publicly funded services, and (iv) such other issues as the Commission may deem necessary. Persons serving on the work groups shall serve without compensation; and

7. By October 1 of each year, submit its 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.

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.

§ 30.1-1315. 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 5.

Manufacturing Development Commission.

§ 30.1-1316. Manufacturing Development Commission; purpose.

The Manufacturing Development Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to assess manufacturing needs and formulate legislative and regulatory remedies to ensure the future of the manufacturing sector in the Commonwealth.

§ 30.1-1317. Membership; terms; compensation.

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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; funding.

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;

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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 Federally Recognized Tribes.

§ 30.1-1320. (Expires July 1, 2027) Commission on Federally Recognized Tribes; purpose.

The Commission on Federally Recognized Tribes (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to review of the Code of Virginia to recommend ways in which it can be revised to better reflect the government-to-government relationship between the Commonwealth and federally recognized tribes located within the present-day external boundaries of the Commonwealth.

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§ 30.1-1321. (Expires July 1, 2027) 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, 2027) 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, 2027) Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Review the Code of Virginia to ensure that it appropriately reflects the government-to-government relationship between the Commonwealth and federally recognized tribes located in the Commonwealth; and

2. Submit reports pursuant to § 30.1-1107.

§ 30.1-1324. (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.

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§ 30.1-1325. (Expires July 1, 2027) Sunset.

This article shall expire on July 1, 2027.

Article 7.

School Health Services Committee.

§ 30.1-1326. (Expires July 1, 2028) School Health Services Committee; purpose.

The School Health Services Committee (the Committee) is established in the legislative branch of state government. The purpose of the Committee is to 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.

§ 30.1-1327. (Expires July 1, 2028) Membership.

The Committee shall have a total membership of 15 members that shall include eight legislative members, five nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows:

1. Five members of the House of Delegates, each of whom shall be a member of either the House Committee on Health and Human Services or the House Committee on Education, 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, each of whom shall be a member of the Senate Committee on Education and Health, to be appointed by the Senate Committee on Rules;

3. Two nonlegislative citizen members, of whom one shall be an educator at a public school in the Commonwealth and one shall be a public health expert, to be appointed by the Speaker of the House of 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.

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§ 30.1-1328. (Expires July 1, 2028) 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 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. (Expires July 1, 2027) Membership; terms; meetings.

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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:

1. Facilitate the coordination of services and resources among agencies involved in the delivery of services to residents of the Commonwealth with autism spectrum disorders;

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2. Monitor the implementation of action plans developed by agencies in response to the report of the Joint Legislative Audit and Review Commission entitled "Assessment of Services for Virginians with Autism Spectrum Disorders," House Document No. 8 (2009);

3. Recommend policies, legislation, and funding needed to implement the action plans developed in response to the report of the Joint Legislative Audit and Review Commission entitled "Assessment of Services for Virginians with Autism Spectrum Disorders," House Document No. 8 (2009) and address other emerging issues;

4. Determine services, resources, and policies that may further address the needs of individuals with autism spectrum disorders; and

5. Submit reports pursuant to § 30.1-1107, including progress updates and recommended next steps to be taken by agencies in the following year.

§ 30.1-1334. (Expires July 1, 2027) Staffing.

The Office of the Clerk of the chair of the Council shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Council.

§ 30.1-1335. (Expires July 1, 2027) Sunset.

This article shall expire on July 1, 2027.

Article 9.

Virginia Minority Business Commission.

§ 30.1-1336. (Expires July 1, 2028) Virginia Minority Business Commission; purpose.

The Virginia Minority Business Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to promote the growth and competitiveness of minority-owned businesses in the Commonwealth, as defined in § 2.2-1604.

§ 30.1-1337. (Expires July 1, 2028) Membership.

The Commission shall have a total membership of 13 members that shall include seven legislative members and six nonlegislative citizen members. Members shall be appointed as follows:

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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. Three members of the Senate to be appointed by the Senate Committee on Rules;

3. Three nonlegislative citizen members with expertise in entrepreneurship, economics, and business to be appointed by the Speaker of the House of Delegates; and

4. Three nonlegislative citizen members with expertise in entrepreneurship, economics, and business to be appointed by the Senate Committee on Rules.

§ 30.1-1338. (Expires July 1, 2028) 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 minority-owned businesses in the Commonwealth;

2. Assess current programs in the Commonwealth aimed at assisting minority-owned businesses and examine ways to enhance their effectiveness;

3. Provide minority business owners and their advocates with a forum to address their concerns;

4. Develop strategies and recommendations to promote the growth and competitiveness of minority-owned businesses in the Commonwealth;

5. Collaborate with the Department of Small Business and Supplier Diversity and other appropriate entities to facilitate the Commission's work and mission;

6. Submit reports pursuant to § 30.1-1107, although such reports shall be optional, not mandatory; and

7. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this article.

§ 30.1-1339. (Expires July 1, 2028) Sunset.

This article shall expire on July 1, 2028.

CHAPTER 14.

OVERSIGHT LEGISLATIVE ENTITIES.

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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;

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:

1. Develop goals and guidelines for the use of the Chesapeake Bay Restoration Fund (the Fund) in accordance with the purposes of the Fund as provided in § 46.2-749.2. The uses of the Fund may include cooperative programs with or project grants to state agencies, the federal government, or any not-for-profit

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agency, institution, organization, or entity, public or private. No moneys in the Fund shall be used to supplant existing general fund appropriations except as provided in subsection D of § 46.2-749.2; and

2. In lieu of the report required by § 30.1-1107, present to the General Assembly and the Governor a plan for the expenditure of any amounts in the Fund by November 15 of each year.

§ 30.1-1403. 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.

Article 2.

Commission on Unemployment Compensation.

§ 30.1-1404. Commission on Unemployment Compensation; purpose.

The Commission on Unemployment Compensation (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to annually monitor and evaluate the Commonwealth's unemployment compensation system relative to the economic health of the Commonwealth.

§ 30.1-1405. Membership; meetings.

A. The Commission shall have a total membership of 10 members that shall include eight legislative members and two 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. One nonlegislative citizen member who shall be an employee stakeholder representative to be appointed by the Speaker of the House of Delegates; and

4. One nonlegislative citizen member who shall be an employer representative to be appointed by the Senate Committee on Rules.

B. The Commission shall meet at least two times each year.

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§ 30.1-1406. Powers and duties of the Commission.

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

1. Evaluate the impact of existing statutes and proposed legislation on unemployment compensation and the Unemployment Trust Fund;

2. Assess the Commonwealth's unemployment compensation programs and examine ways to enhance effectiveness;

3. Monitor the current status and long-term projections for the Unemployment Trust Fund; and

4. Submit reports pursuant to § 30.1-1107.

B. The Commission shall monitor the Virginia Employment Commission's management of the following operations of the Commonwealth's unemployment insurance system:

1. Key performance metrics related to unemployment insurance backlogs;

2. Efforts to identify, prevent, and recover incorrect unemployment insurance benefit payments, including fraudulent payments;

3. Modernization of the unemployment insurance information technology system and subsequent efforts to improve functionality;

4. Expenditures of state funds appropriated for unemployment insurance administration; and

5. Implementation of recommendations from the 2021 Operations and Performance of the Virginia Employment Commission report by the Joint Legislative Audit and Review Commission.

C. The Commission shall convene an advisory committee by December 1, 2022, and at least every five years thereafter. The advisory committee shall consist of an employer representative, an employee representative, a labor economist, a finance expert, a labor law expert, and any other stakeholders or subject matter experts deemed appropriate by the Commission for the following purposes:

1. Review unemployment insurance benefits, replacement ratios, and recipiency rates;

2. Identify factors that affect unemployment insurance benefits and recipiency, 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.

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§ 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 Public-Private Partnership Oversight 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.).

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§ 30.1-1410. Membership; chair and vice-chair; meetings; 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 30.1-109, 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.

2. Any proposed qualifying project with a total cost of more than $3 million but less than $50 million for which funds are specifically appropriated as a public-private partnership in the general appropriation act or for capital construction projects that are authorized in the general appropriation act, provided that such project does not increase more than five percent beyond the plans and justifications

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that were the basis of the appropriation. However, for any qualifying project that will be completed in phases and for which no appropriation is made for phases other than the current phase of the project, the Commission may undertake additional reviews of such projects.

C. Within 10 days of receipt of a detailed proposal for a qualifying project, the Commission shall accept or decline such proposal for review and notify the responsible public entity of its decision. Upon acceptance for review, the responsible public entity shall provide any additional information that may be requested by the Commission regarding the qualifying project, provided that such information is available to or can be obtained by the responsible public entity.

D. If the Commission accepts a detailed proposal for review, the Commission shall provide findings and recommendations, if any, to the responsible public entity within 45 days of receiving the detailed proposal. Such findings and recommendations shall include the following:

1. A determination of whether the terms and conditions of the detailed proposal and proposed qualifying project create state tax-supported debt, taking into consideration the specific findings of the Secretary of Finance;

2. An analysis of the potential financial impact of the proposed qualifying project;

3. A review of the policy aspects of the detailed proposal and the proposed qualifying project; and

4. A review of the proposed general business terms and conditions.

A review by the Commission shall not be construed to constitute approval of any appropriation necessary to implement any subsequent interim or comprehensive agreement. If no findings or recommendations are provided by the Commission to the responsible public entity within the 45-day 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

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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

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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.

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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 MEI Project Approval 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.

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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. The Commission shall review (i) incentive packages as set forth in § 30.1-1419 and (ii) 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. 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;

4. The amount of capital investment that is required; and

5. The need for enhanced employment opportunities in the prospective location of the prospective MEI project or other economic development project.

B. Anytime a proposed individual incentive package is considered by the Commission, materials outlining the following information shall be provided to the staff of the House Committee on Appropriations and Senate Committee on Finance and Appropriations not less than five business days prior to the scheduled Commission meeting:

1. The value of the proposed incentives;

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2. The assumed return on investment;

3. The time frame for repayment of incentives to the Commonwealth;

4. The average wages of the jobs created by the prospective economic development, film, or episodic television project;

5. The amount of capital investment that is required;

6. The need for enhanced employment opportunities in the prospective location of the prospective economic development, film, or episodic television project;

7. The total amount of state incentives received by the sponsor of the economic development, film, or episodic television project in the past; and

8. A list of all other existing, nondiscretionary incentives for which the sponsor of the economic development, film, or episodic television project may qualify.

Staff shall also be provided with an aggregate list of all discretionary incentives currently committed by the Commonwealth for the next 10 years, including anticipated requests for appropriations to satisfy such commitments during that time.

C. The timing of any request for an endorsement of a proposed individual incentive package should be scheduled to permit the Commission, at its discretion, to have up to seven days after the presentation of the incentive package prior to endorsing or rejecting such proposal.

D. State agencies, localities, authorities, or other political subdivisions of the Commonwealth that 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

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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:

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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.

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"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 Health Insurance Reform 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;

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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. Upon request of the Chair of the House Committee on Labor and Commerce or Senate Committee on Commerce and Labor, assess proposed legislation affecting the cost of health insurance through changes to plan design or cost sharing impacting consumers, employers, unions, and employee welfare benefit plans;

7. Conduct other studies of mandated health insurance benefits and provider issues as requested by the General Assembly;

8. 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

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9. 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

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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.

B. Prior to any review year, the Bureau shall convene a work group of relevant stakeholders to discuss and make recommendations regarding any potential changes to the benchmark plan. Members of the work group shall possess demonstrated and acknowledged expertise in health benefit plan design, actuarial science, population health, patient advocacy, or advocating for or assisting enrollees in individual or small group health coverage. Factors the work group shall consider include (i) coverage denial rates of benefits that are not covered under the current benchmark plan; (ii) the utilization of mandated benefits; (iii) the projected impact of a proposed mandate on the prevalence of medical need, the urgency of such medical need, and any disproportionate disease burden borne by different subpopulations; (iv) the

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projected cost of each proposed mandate; and (v) other data as determined by the work group. Additionally, for any referred legislation the Commission chooses to be considered in the benchmark plan review, the Bureau shall complete an assessment of such legislation that includes an estimate of the effects of including the proposed mandate as part of the benchmark plan on the costs of health coverage in the Commonwealth. The Bureau shall submit the findings and any recommendations of the work group and any assessments of proposed mandates to the Commission by March 31 of the review year.

C. By June 30 of any review year, the Commission shall determine if an application will be made for a change to the benchmark plan and shall identify any potential benefit changes to the benchmark plan for further analysis. In making its determination and identifying any potential benefit changes, the Commission may consider (i) the findings and recommendations of the work group, (ii) any referred legislation the Commission chooses to be considered in the benchmark plan review and the Bureau's assessment of such legislation, and (iii) public comment. If the Commission determines that an application will be made for a change to the benchmark plan, the Commission shall identify any potential benefit changes for further analysis.

D. The Bureau shall conduct an actuarial analysis of any benefit changes identified by the Commission and present such analysis to the Commission by September 30 of such review year.

E. By December 31 of any review year, the Commission shall determine which, if any, potential 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.

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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.

The Commission shall have a total membership of 11 members that shall include seven legislative members and four ex officio members. Members shall be appointed as follows:

1. The Chair of the House Committee on Appropriations or his designee and three members of the House Committee on Appropriations to be appointed by the Chair; and

2. The Chair of the Senate Committee on Finance and Appropriations or his designee and two members of the Senate Committee on Finance and Appropriations to be appointed by the Chair.

The Auditor of Public Accounts, the Secretary of Education, the Secretary of Finance, and the Executive Director of the State Council of Higher Education for Virginia shall serve ex officio with nonvoting privileges.

§ 30.1-1438. Powers and duties of the Commission.

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

1. Review plans and financing recommendations from the board of visitors of any public institution of higher education in the Commonwealth to add a major intercollegiate athletics program or change the division level of an existing intercollegiate athletics program; and

2. Provide findings and recommendations to such public institution of higher education as provided in this section.

B. Within two business days of receipt of a plan and financing recommendations for changing the division level of any existing intercollegiate athletics program pursuant to subsection I of § 23.1-1309, the Commission shall review the plan and notify the board of visitors of the public institution of higher education of its findings and recommendations.

C. Within 45 business days of receipt of a plan and financing recommendations for adding a major intercollegiate athletics program such as football or basketball pursuant to subsection I of § 23.1-1309, the Commission shall review the plan and notify the board of visitors of the public institution of higher education of its findings and recommendations.

D. Findings and recommendations of the Commission may relate to (i) the potential financial impact of the addition of a major intercollegiate athletics program or a change in the division level of an 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.

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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.

The Commission shall have a total membership of 18 members that shall include 10 legislative members, six nonlegislative citizen members, and two ex officio 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;

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3. Three nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; and

4. Three nonlegislative citizen members, of whom one shall be a representative of the Southern Christian Leadership Conference of Virginia, to be appointed by the Senate Committee on Rules.

The Executive Director of Living the Dream and the Executive Director of Virginia Humanities shall serve ex officio.

The Senate Committee on Rules and the Speaker of the House of Delegates shall ensure, to the extent possible, that their respective appointments to the Commission reflect the demographic population of the Commonwealth.

§ 30.1-1502. Powers and duties of the Commission; meetings.

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

1. Identify, plan, develop, and implement appropriate programs and events that further the philosophy and memory of Dr. Martin Luther King, Jr.;

2. Monitor the educational goals, programs, and objectives of public and private schools to encourage the recognition and inclusion of the achievements and contributions of ethnic and minority groups;

3. Inventory and review, biennially, activities and events sponsored by localities in the Commonwealth and those instituted or offered by public and private schools or institutions of higher education designed to honor Dr. King's memory;

4. Facilitate the analysis of public policy relative to Dr. King's principles and philosophy, including his work pertaining to social and economic justice, ethics, and racial equality, and promote the appreciation of diverse cultures among the citizenry;

5. Collaborate with The King Center in Atlanta and other established state and local entities and community organizations in activities and events that commemorate the birth and death of Dr. King and in initiatives designed to perpetuate his work and legacy;

6. Establish a memorial to honor Dr. King in which (i) records, oral histories, and memorabilia documenting his relationship with and impact on the Commonwealth may be acquired and preserved; (ii)

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information concerning his life, work, teachings, writings, and philosophy may be collected, preserved, and accessed for educational and cultural purposes; and (iii) scholarly inquiry and writing, undergraduate and graduate study, and policy analysis may be conducted;

7. Encourage and support collaborative activities among state, local, and national organizations that (i) emphasize the noncommercialization of the state and federal Dr. Martin Luther King, Jr. Holiday; (ii) present Dr. King's life and achievements in historical context; (iii) articulate the relationship between his philosophy, contributions, and current public policies; and (iv) demonstrate his principles consistently through significant participation of persons of diverse racial, ethnic, and cultural backgrounds in public and private endeavors and enterprises;

8. Monitor and evaluate state, local, and national public policy relative to the principles and philosophy of Dr. King and make appropriate recommendations to the General Assembly and the Governor to maintain progress toward social and economic justice and equal opportunity for all citizens;

9. Seek, receive, and expend gifts, donations, grants, bequests, or other funds from any source to support the work of the Commission and facilitate the objectives of this article;

10. Seek, accept, and direct the expenditure of public and private contributions to carry out the Commission's purpose and enhance its fiscal stability, financial management, and fundraising abilities;

11. Submit reports pursuant to § 30.1-1107; and

12. 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.

§ 30.1-1503. 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

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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.

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"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; (v) accredited career and technical education postsecondary school in the Commonwealth, that accepts for admission scholarship recipients under the Program; or (vi) solely for the purpose of a scholarship for any eligible student or any individual who is a lineal descendant of an eligible student, accredited two-year or four-year institution of higher education outside of the Commonwealth.

"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 relocate within or outside of the Commonwealth to begin, continue, or complete his public education during such years because public schools were closed to avoid desegregation. "Eligible student" also means a lineal or collateral descendant of such person. "Eligible student" includes only persons currently domiciled and residing in the Commonwealth.

"Fund" means the Brown v. Board of Education Scholarship Program Fund.

"Graduate degree program" means an accredited academic program of study offered by an institution of higher education in the Commonwealth that has been accepted for participation in the

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Program by the Committee to which scholarship recipients are accepted for admission and for which successful completion of the academic program culminates in the awarding of the masters or doctoral degree.

"High school equivalency preparation program" means a program of preparation and instruction for adults who did not complete high school, and for youth who have been granted permission by the division superintendent of the school in which they are enrolled, to take a high school equivalency examination approved by the Board of Education.

"Professional degree program" means an accredited graduate level program of study offered by an institution of higher education in the Commonwealth that has been accepted for participation in the Program by the Committee to which scholarship recipients are accepted for admission and successful completion of the academic program culminates in the award of a degree in medicine, dentistry, nursing, law, pharmacy, optometry, engineering, architecture, veterinary medicine, or other discipline approved by the Committee.

"Program" means the Brown v. Board of Education Scholarship Program.

"Transition program and services" means individualized instruction or a compensatory education program designed to provide remediation, acceleration, or fundamental basic life skills to assist scholarship recipients in overcoming learning problems or to prepare such persons for academic success in an approved education program.

§ 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)

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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.

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; meetings.

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

1. Establish criteria for the awarding of scholarships, including eligibility for and renewal of scholarships; evidence of satisfactory academic achievement in accordance with § 30.1-1511; terms and conditions of scholarships awarded pursuant to § 30.1-1512; cancellation, rescindment, and recovery of scholarship awards; and conditions for which repayment of scholarships, or any part thereof, may be required;

2. Evaluate applications for and select recipients of scholarships under the Program;

3. Establish standards and determine approved education programs to ensure that the Program is implemented and administered in a manner that preserves the purpose for which it was created;

4. Establish, revise as necessary, and implement policies and standards to govern all aspects of the Program;

5. Confer with the Board of Education, Virginia Community College System, State Council of Higher Education for Virginia, and Private College Advisory Board to the State Council of Higher Education for Virginia to establish a protocol to facilitate (i) the dual enrollment of eligible students in two-year and four-year degree programs and (ii) the conventional enrollment of eligible students in public and private two-year and four-year accredited institutions of higher education;

6. Develop and implement a system to provide individualized transition programs and services, including remediation, acceleration, and fundamental basic life skills, designed to prepare eligible students for academic success in the preparation program for a high school equivalency examination approved by the Board of Education; earning college credit through CLEP examinations; adult basic education programs; and two-year, four-year, graduate, and professional degree programs;

7. Determine annually the sum of any gifts, grants, donations, bequests, or other funds in the Fund, set the annual maximum scholarship award, and determine the maximum number of scholarships that may be awarded each year;

8. Seek, receive, and expend gifts, grants, donations, bequests, or other funds from any source on behalf of the Program for its support and to facilitate its purpose;

9. Make awards of the Program annually to eligible students selected by the Committee;

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 Committee 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

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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;

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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

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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. However, any scholarship awarded to an eligible student to attend an accredited two-year or four-year institution of higher education outside of the Commonwealth as described in clause (vi) of the definition of "educational agency" in § 30.1-1505 shall be limited to $5,000 annually, provided that the Committee may subsequently adjust such annual scholarship limit as it deems necessary or appropriate.

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.

D. Before any scholarship is awarded, the applicant shall sign an acceptance form affirming the accuracy of the information he has provided and agreeing to pursue the approved education program for which the scholarship is awarded until his graduation or the completion of the program, as appropriate. Following verification of enrollment by the relevant educational agency to the State Council of Higher

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Education for Virginia, educational agencies acting as agents for students receiving awards under this article shall promptly credit disbursed funds to student accounts.

E. No scholarship award shall be reduced by the educational agency upon receipt of any other financial assistance on behalf of the student. However, the scholarship award may be reduced by the Committee to ensure that, when such award is added to other financial assistance, the award does not produce a total of financial assistance that exceeds the annual total costs of tuition, a book allowance, and fees. Every educational agency acting as an agent for students receiving awards under this article shall notify the Committee and the State Council of Higher Education for Virginia upon request concerning the type and total of other financial assistance received by such students.

F. Every educational agency accepting for admission persons awarded a Brown v. Board of Education scholarship shall, upon request, provide the Committee information concerning the accreditation status of the school and academic programs offered and other relevant information as the Committee may require to evaluate the person's eligibility for the scholarship and to determine the eligibility of the educational agency for participation in the Program. Whenever a student withdraws from an educational agency or otherwise fails, regardless of reason, to complete the program in which he is enrolled, the educational agency shall surrender promptly to the Commonwealth the balance of the scholarship award, in accordance with the tuition refund policy in effect at the time of the student's admission to the educational agency.

G. This article shall not be construed as creating any legally enforceable right or entitlement on the part of any person or any right or entitlement to participation in the Program.

Article 3.

Commission on Civic Education.

§ 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

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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;

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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 website that includes (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

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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; terms; chair and vice-chair.

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.

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The chair and vice-chair of the Commission may appoint up to four members who are directors of historic homes, historic sites, or National Park Service sites in the Commonwealth. Such members shall serve ex officio.

The chair and vice-chair of the Commission may appoint former legislative members of the Commission who have retired or resigned from the General Assembly. Such members shall serve ex officio.

The Secretary of Education, the Librarian of Virginia, the Director of the Department of Historic Resources, the Executive Director of Virginia Humanities, and the Chief Executive Officer of the Virginia Tourism Authority or their designees shall serve ex officio.

B. The Commission shall elect a chair and vice-chair from among its membership.

C. Nonlegislative citizen members shall be appointed for the duration of the Commission's activities. Nonlegislative citizen members of the Commission shall not receive compensation or reimbursement for travel and other expenses incurred in the performance of their duties.

§ 30.1-1521. (Expires July 1, 2032) Powers and duties of the Commission.

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

1. Formulate and implement a program for the inclusive observance of the 250th anniversary of the independence of the United States and the Revolutionary War in the Commonwealth, including (i) civic, cultural, and historical education and scholarship concerning the ideals of the American Revolution and their contemporary relevance; (ii) visitation of museums and historic sites, including battlefields; (iii) creation and publication of historical documents and studies; (iv) cooperation with agencies responsible for the preservation or restoration of historic sites, buildings, art, and artifacts; (v) establishment of exhibitions and interpretive and wayfinding signage; (vi) arrangement of appropriate public ceremonies; (vii) a comprehensive marketing and tourism campaign encompassing calendar year 2025 through calendar year 2026; and (viii) the general dissemination of public information regarding the Commonwealth's involvement in the American Revolution and its legacy today;

2. Appoint and establish an advisory council composed of nonlegislative citizen members who have a knowledge of relevant history or expertise in areas useful to the work of the Commission, including

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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.

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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. 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. Membership; meetings.

A. 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:

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;

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

3. One nonlegislative citizen member to be appointed by the Speaker of the House of Delegates;

4. One nonlegislative citizen member to be appointed by the Senate Committee on Rules; and

5. One nonlegislative citizen member to be appointed by the Governor.

The Superintendent of Public Instruction, the Director of the Department of General Services, the Executive Director of the Virginia Resources Authority, the State Treasurer, the President of the Board of Education, and the Director of the Department of Planning and Budget or their designees shall serve ex officio.

B. The Commission shall meet at least four times annually. The Commission shall post notice of the date, time, and location of each meeting on the central, publicly available electronic calendar maintained by the Commonwealth in accordance with subsection D of § 2.2-3707.

§ 30.1-1602. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Assess the Commonwealth's school facilities and determine funding needs for school construction and modernization;

2. Identify funding mechanisms and make recommendations to the General Assembly and the Governor;

3. Establish best practices in school construction and modernization for school divisions;

4. Create standardized construction designs and procurement practices to recommend and make available to local school divisions;

5. Identify potential cost-saving measures for implementation by local school divisions to minimize construction and modernization costs where possible; and

6. Update annually the statewide needs estimate and develop and deliver a 10-year capital roadmap, taking into consideration current and projected school enrollment trends;

7. Collaborate with early childhood care and education Ready Regions and comprehensive community colleges in the Commonwealth to collect and evaluate data relating to Ready Region and comprehensive community college facility usage, availability, and needs for the purpose of identifying (i)

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underutilized facility spaces that may be available for other education-related uses and (ii) facility needs, including needs relating to insufficient facility spaces and facility modernization; and

8. Submit reports pursuant to § 30.1-1107.

§ 30.1-1603. 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.

Virginia Commission to End Hunger.

§ 30.1-1604. (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.

§ 30.1-1605. (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 Resources, two shall be representatives from community organizations working toward ending hunger, one shall be a representative of a public school nutrition program, and one shall be a licensed health care provider with knowledge of nutrition and hunger, to be appointed by the Speaker of the House of Delegates; and

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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.

In addition to such membership, the Commission shall have five public school student liaisons, to be appointed by the chair of the Commission, each of whom shall represent a Virginia health planning region. The Commission shall seek input from such liaisons whenever possible in fulfilling the powers and duties of the Commission. Such student liaisons shall not be included for purposes of a quorum.

§ 30.1-1606. (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.

§ 30.1-1607. (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.

§ 30.1-1608. (Expires July 1, 2027) Sunset.

This article shall expire on July 1, 2027.

Article 3.

Commission on Women's Health.

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§ 30.1-1609. 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.

§ 30.1-1610. 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:

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. Two nonlegislative citizen members with significant experience or expertise in women's or maternal health policy to be appointed by the Speaker of the House of Delegates; and

4. Three nonlegislative citizen members with significant experience or expertise in women's or maternal health policy to be appointed by the Senate Committee on Rules.

§ 30.1-1611. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Study and evaluate issues related to women's health, including maternal health, mental health, access to reproductive care, chronic conditions, and health outcomes;

2. Examine the intersection of social determinants of health and the impact of such determinants on women's health outcomes;

3. Conduct public hearings, facilitate stakeholder engagement, and consult with subject-matter experts as necessary;

4. Identify systemic barriers to equitable health care access for women and recommend policies to address such barriers;

5. Develop and make recommendations to the General Assembly for legislative, regulatory, and budgetary changes or policies to improve women's health outcomes in the Commonwealth; and

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6. Submit reports pursuant to § 30.1-1107.

§ 30.1-1612. 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 Commission may consult or contract with experts who have knowledge of the issues before it within the amounts appropriated for such purpose.

Article 4.

Virginia Boys and Men Advisory Commission.

§ 30.1-1613. (Expires July 1, 2029) Virginia Boys and Men Advisory Commission; purpose.

The Virginia Boys and Men Advisory Commission (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 boys and men in the Commonwealth.

§ 30.1-1614. (Expires July 1, 2029) Membership; terms; quorum.

The Commission shall have a total membership of 18 members that shall include 10 legislative members and eight 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. Eight nonlegislative citizen members to be appointed by the Governor, of whom at least one shall have experience as an elementary or high school administrator, one shall have professional experience within the Virginia Community College System, one shall be a licensed pediatrician, one shall have experience and expertise in public safety, one shall be a board-certified mental health specialist, and one shall be a representative of the State Council of Higher Education for Virginia, a representative of the Department of Education with a focus on career and technical education, or a member of the Virginia Economic Development Partnership.

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B. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. No nonlegislative citizen member shall serve more than two consecutive four-year terms.

C. A majority of the legislative members of the Commission shall constitute a quorum.

§ 30.1-1615. (Expires July 1, 2029) Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Advise the General Assembly regarding the following issues as such issues relate to boys and men in the Commonwealth: education inequity, economic opportunities, disparity in health outcomes, family life, and the impact of social media use;

2. Undertake studies, sponsor symposiums, conduct research, and prepare factual reports in order to gather information to formulate and present recommendations to the General Assembly relating to issues of concern and importance to boys and men in the Commonwealth, with a particular focus on the issues set forth in subdivision 1;

3. Advise the General Assembly as needed regarding any statutory, regulatory, or other issues of importance to boys and men in the Commonwealth, with a particular focus on the issues set forth in subdivision 1; and

4. Submit reports pursuant to § 30.1-1107.

§ 30.1-1616. (Expires July 1, 2029) 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.

§ 30.1-1617. (Expires July 1, 2029) Sunset.

This article shall expire on July 1, 2029.

2. That whenever any of the conditions, requirements, provisions, or contents of any section or chapter of Title 30, or any other title of the Code of Virginia as such title existed prior to October 1, 2027, are transferred in the same or modified form to a new section or chapter of Title 30.1 or any other title of the Code of Virginia and whenever any such former section or chapter is given a new

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number in Title 30.1 or any other title, all references to any such former section or chapter of Title 30, or any other title appearing in this Code shall be construed to apply to the new or renumbered section or chapter containing such conditions, requirements, provisions, contents, or portions thereof.

3. That the regulations of any department or agency affected by the revision of Title 30 or such other titles of the Code of Virginia as are in effect on the effective date of this act shall continue in effect to the extent that they are not in conflict with this act and shall be deemed to be regulations adopted under this act.

4. That the provisions of § 30-152 of the Code of Virginia shall apply to the revision of proposed Title 30.1 of the Code of Virginia so as to give effect to other laws enacted by the 2027 Session of the General Assembly, notwithstanding the delay in the effective date of this act.

5. That the repeal of Title 30 (§§ 30-1 through 30-457), effective as of October 1, 2027, shall not affect any act or offense done or committed, or any penalty incurred, or any right established, accrued, or accruing on or before such date, or any proceeding, prosecution, suit, or action pending on that day. Except as otherwise provided in this act, neither the repeal of Title 30 (§§ 30-1 through 30-457) of the Code of Virginia, nor the enactment of Title 30.1 shall apply to offenses committed prior to October 1, 2027, and prosecution for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purposes of this enactment, an offense was committed prior to October 1, 2027, if any of the essential elements of the offense occurred prior thereto.

6. That if any clause, sentence, paragraph, subdivision, or section of Title 30.1 shall be adjudged in any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or section thereof directly involved in the controversy in which the judgment shall have been rendered, and to this end the provisions of Title 30.1 are declared severable.

7. That Title 30 (§§ 30-1 through 30-457) of the Code of Virginia is repealed.

8. That the provisions of this act shall not affect the existing terms of persons currently serving as members of any agency, board, authority, commission, or other entity and that appointees currently

holding positions shall maintain their terms of appointment and continue to serve until such time as the existing terms might expire or become renewed. However, any new appointments made on or after October 1, 2027, shall be made in accordance with the provisions of this act.

9. That the provisions of this act shall become effective on October 1, 2027.

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A Report to 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

HB 2660 (2025)/HB135 (2026)

Prepared by the Virginia Code Commission on behalf of the

HB2660 Workgroup

November 1, 2026

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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

House Bill 135, enacted by the 2026 General Assembly, amended the second enactment of Chapter 100 of the Acts of Assembly of 2025 to extend the deadline for the Virginia Code Commission's report on the workgroup's ("HB2660 workgroup" or "the workgroup") review of the statutory provisions governing the submission, review, and approval of subdivision plats and site plans from November 1, 2025, to November 1, 2026. HB 135 allowed for the continuation of the HB2660 workgroup's original charge to develop recommendations to organize procedural steps, clarify processes, requirements, and timelines, standardize terminology, and identify and eliminate redundant or duplicative provisions. Specifically, the HB2660 workgroup's charge was:

> *That the Virginia Code Commission shall convene a workgroup 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 workgroup 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 workgroup 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 workgroup by November 1, 2026.*

The HB2660 workgroup initially conducted its review during 2025 and developed proposed amendments primarily to §§ 15.2-2259 and 15.2-2260 of the Code of Virginia. The 2025 work focused on reorganizing the existing statutory provisions, clarifying terminology and procedures, and making the provisions easier to follow. The workgroup also identified several issues that warranted additional consideration and stakeholder review before final legislation was developed.

As a result of its continued review, the HB2660 workgroup developed a revised bill draft addressing §§ 15.2-2259 and 15.2-2260. The draft further organizes and clarifies the provisions governing final subdivision plats and site plans and preliminary subdivision plats, including provisions concerning official submission, state agency and public authority review, review timelines, deficiencies, resubmissions, deemed approval, disapproval, appeals, and the duration of preliminary subdivision plat approvals.

The bill draft also includes conforming amendments to §§ 15.2-2208.1, 15.2-2209.1, and 15.2-2269. These amendments update statutory cross-references resulting from the revisions to §§ 15.2-2259 and 15.2-2260 and do not represent separate substantive recommendations of the workgroup.

This report summarizes the HB2660 workgroup's review in 2025, the continued work conducted in 2026, and the provisions contained in the resulting bill draft.

Meetings and Makeup of the HB2660 Workgroup

The additional time provided by HB 135 allowed the HB 2660 workgroup to continue its review during 2026. The workgroup met virtually on June 22, July 22, August 14, and September 17, 2026, and continued its consideration of the statutory language developed during 2025.

The makeup of the HB2660 workgroup remained the same. Robert Hofricter of the Virginia Department of Transportation (VDOT) attended several of the workgroup meetings to provide VDOT's perspective on several relevant proposed amendments to §§ 15.2-2259 and 15.2-2260.

The full list of HB 2660 workgroup members is attached to this report as Appendix A.

2025 Workgroup Review: Initial Review

During 2025, the workgroup focused its review on the two principal statutory provisions governing local review of subdivision plats and site plans: § 15.2-2259, concerning final subdivision plats and site plans, and § 15.2-2260, concerning preliminary subdivision plats.

The workgroup developed proposed amendments to those sections over the course of its 2025 meetings. The proposed amendments were intended to reorganize existing provisions, clarify procedures and terminology, and improve the readability and usability of the statutes.

For § 15.2-2259, the 2025 proposal reorganized the section into more clearly defined subsections addressing definitions, general procedures, commercial and residential plats and plans, other plats and plans, court petitions, and appeals. It also proposed clearer rules governing submission, resubmission, third and subsequent resubmissions, deemed approval, and the effect of approval when a plan contains a deficiency that would violate applicable law.

For § 15.2-2260, the 2025 proposal addressed the definition of a preliminary plat, mandatory and optional preliminary plat submissions, state agency review, local review and timing, failure to act, appeals of disapproval, and the duration and revocation of preliminary approval.

2026 Workgroup Review and Bill Draft

The 2026 workgroup continued to focus its review on §§ 15.2-2259 and 15.2-2260. The revised bill draft reorganizes and refines the provisions considered during 2025 and incorporates additional clarifications developed during the continued review.

The principal changes are summarized below.

§ 15.2-2259 — Final Subdivision Plats and Site Plans

1. Definitions and Organization

The bill draft continues the restructuring of § 15.2-2259 begun in 2025. The section establishes definitions for terms used in the review process, including "commercial real estate," "plat or plan," "public authority," "residential real estate," and "state agency."

The revised organization separates general procedures from provisions applicable specifically to plats and plans involving solely commercial or solely residential real estate.

The definitions section includes the phrase, "Commercial real estate does not include mixed use." The workgroup debated the necessity to include this phrase in the definitions section during multiple meetings of the workgroup, with the Virginia Association of Commercial Real Estate representatives objecting most strongly to this phrase's inclusion; however, ultimately, the consensus was to leave the phrase in the definitions section.

Effect: Establishes a more consistent structure and terminology within the section and makes it easier to identify which review procedures apply to a particular submission.

2. Official Submission and Resubmission

The bill draft provides that an official submission or resubmission occurs when the plat or plan meets the applicable minimum submission requirements established by local ordinance or regulation and any required fee has been paid. It also provides that a designated agent may not delay official submission or resubmission by requiring a presubmission conference, meeting, or review.

Effect: Establishes a clearer point at which statutory review periods begin and separates official submission from optional presubmission discussions.

3. State Agency and Public Authority Review

The bill draft requires the designated agent to forward a plat or plan requiring state agency or public authority approval within five business days of official submission or resubmission. The applicable state agency or public authority generally must complete its review within 30 days, subject to other applicable statutory provisions.

The draft also identifies "public authority" and "state agency" for purposes of the section and incorporates those terms into the preliminary plat provisions of § 15.2-2260.

Effect: Places the state agency and public authority review requirements within a more clearly defined statutory framework.

4. Review of Commercial and Residential Plats and Plans

For a proposed plat or plan involving one or more parcels of solely commercial real estate or solely residential real estate, the bill draft establishes a 40-day period for initial review and a 30-day period for resubmissions, subject to the provisions addressing state agency review.

The draft provides that the designated agent's action on an initial submission must occur within the later of 40 days after official submission or 20 days after receipt of approvals or disapprovals from all pertinent state agencies.

For a resubmission, action must occur within the later of 30 days after official resubmission or 20 days after receipt of the applicable state agency responses.

Effect: Places the applicable review periods and their relationship to state agency review in one location rather than relying on multiple cross-references.

5. Scope of Resubmission Review

The bill draft more specifically identifies the deficiencies that may be considered when reviewing a resubmitted plat or plan. These include:

- deficiencies identified in the initial submission that remain uncorrected;
- deficiencies arising from corrections made in response to a prior submission;
- deficiencies arising from other changes made by the applicant;
- deficiencies identified through state agency or public authority review; and
- deficiencies that, if left uncorrected, would violate applicable local, state, or federal law, regulations, or mandatory Department of Transportation engineering and safety requirements.

Effect: Provides a more specific description of the matters that may be considered during resubmission review.

6. Third and Subsequent Resubmissions

The bill draft establishes a specific procedure when a third or subsequent resubmission is disapproved. Except in localities where the planning commission is the designated agent, the designated agent must identify the deficiencies to both the applicant and the appropriate official having supervisory authority over the plat or plan reviewer. The supervisory official then has 14 days to approve the plat or plan, permit the applicant to address minor deficiencies, or disapprove the resubmission.

If minor deficiencies are identified and appropriately addressed, the supervisory official must complete approval within seven days of receiving the resubmission.

Effect: Provides a defined supervisory review process for repeated resubmissions while retaining an exception for localities in which the planning commission serves as the designated agent.

7. Deemed Approval and Legal Compliance

The bill draft retains the concept of deemed approval when the designated agent fails to act within the applicable statutory period. However, the draft also expressly provides that an approval or deemed approval does not include a deficiency that, if left uncorrected, would violate local, state, or federal law, regulations, or mandatory VDOT engineering and safety requirements.

Effect: Clarifies the relationship between statutory deadlines and the requirement that approved development comply with applicable law.

8. Review of Other Plats and Plans

For plats and plans not subject to the commercial or residential provisions, the bill draft retains a 60-day initial review period and a 45-day resubmission review period, subject to the provisions governing state agency review.

Effect: Maintains separate review periods for these submissions while organizing those provisions within the revised structure of § 15.2-2259.

9. Court Petitions and Appeals

The bill draft retains the procedures allowing an applicant to petition the circuit court following a failure by the designated agent to act within the applicable timeframe. It also retains the 60-day period for appealing a written disapproval.

The revised language also uses "applicant" more consistently in place of "subdivider" in provisions applicable to both subdivision plats and site plans.

Effect: Improves consistency in terminology and organizes the judicial remedies within the overall review process.

§ 15.2-2260 — Preliminary Subdivision Plats

1. Preliminary Plat Submission

The bill draft retains the existing distinction between subdivisions involving more than 50 lots and those involving 50 or fewer lots. A locality may require preliminary subdivision plats for subdivisions involving more than 50 lots and must provide for optional submission for subdivisions involving 50 or fewer lots.

Effect: Retains the existing threshold while presenting the requirement within the reorganized statutory framework.

2. State Agency and Public Authority Review

The bill draft establishes procedures for forwarding preliminary subdivision plats to state agencies and public authorities when their approval is required. The designated agent must forward the preliminary

plat within five business days of official submission or resubmission, and the reviewing state agency or public authority generally must complete its review within 30 days, subject to applicable exceptions.

Effect: Coordinates the preliminary plat review process with the state agency and public authority procedures established in § 15.2-2259.

3. Local Review and Overall Timing

For preliminary subdivision plats that are not forwarded to a state agency or public authority, the designated agent must complete its review within 45 days of official submission.

For plats requiring state agency or public authority review, the designated agent must act within the later of 45 days after official submission or 20 days after receiving the applicable state agency responses. The bill draft also retains a maximum overall period of 90 days for completion of the review.

Effect: Establishes a consistent relationship between local and outside-agency review periods while retaining the overall 90-day limit.

4. Disapproval

The bill draft requires the designated agent, when disapproving a preliminary subdivision plat, to identify the deficiencies that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and, to the greatest extent practicable, identify modifications or corrections that would permit approval.

For preliminary plats involving solely commercial real estate or solely residential real estate, the bill draft incorporates the applicable review process established in § 15.2-2259.

Effect: Aligns the disapproval and review procedures for preliminary plats with the corresponding procedures applicable to final plats and site plans.

5. Failure to Act and Judicial Review

The bill draft retains the procedure allowing an applicant to petition the circuit court when the designated agent fails to approve or disapprove a preliminary subdivision plat within the applicable 90-day period. The applicant must provide 10 days' written notice to the designated agent before filing the petition.

The draft also retains the 60-day period for appealing a written disapproval of a preliminary subdivision plat.

Effect: Retains the existing judicial remedies while presenting the procedures in a more consistent format.

6. Duration and Revocation of Preliminary Approval

The bill draft retains the five-year validity period for an approved preliminary subdivision plat, subject to the requirements concerning submission and diligent pursuit of a final subdivision plat. It also retains the provisions allowing revocation after three years upon the required notice and findings.

The draft generally substitutes "applicant" for "subdivider" in these provisions.

Effect: Retains the existing duration and revocation framework while making terminology more consistent with the broader provisions governing plats and plans.

Conforming Cross-Reference Amendments

The bill draft also amends §§ 15.2-2208.1, 15.2-2209.1, and 15.2-2269.

These amendments are included to make corresponding changes to statutory cross-references resulting from the revisions to §§ 15.2-2259 and 15.2-2260. They do not represent separate substantive recommendations concerning the subjects addressed by those sections.

Effect: Keeps cross-references throughout Title 15.2 consistent with the revised numbering and organization of the subdivision plat and site plan provisions.

Conclusion

The HB 2660 Workgroup's work began in 2025 with a comprehensive review of the Code of Virginia provisions governing the submission, review, and approval of subdivision plats and site plans. The workgroup developed proposed amendments to §§ 15.2-2259 and 15.2-2260 intended to improve the organization, clarity, consistency, and usability of those provisions.

The 2025 report also identified several issues requiring additional stakeholder consideration. The General Assembly's extension of the reporting deadline provided the workgroup with additional time to continue its review and refine the statutory language.

In 2026, the workgroup reconvened on June 22, July 22, August 14, and September 17, and continued its consideration of the statutory provisions and proposed amendments. The workgroup developed a revised bill draft addressing §§ 15.2-2259 and 15.2-2260 and refining provisions concerning definitions, official submission, state agency and public authority review, review timelines, resubmissions, deficiencies, deemed approval, disapproval, appeals, and the duration of preliminary subdivision plat approvals. The bill draft also includes conforming amendments to §§ 15.2-2208.1, 15.2-2209.1, and 15.2-2269 to update cross-references resulting from the revisions to §§ 15.2-2259 and 15.2-2260.

The resulting proposed legislation reflects the continued workgroup's effort to organize the applicable statutory provisions in a clear and logical manner, clarify the processes and timelines governing different types of plats and plans, standardize terminology, and reduce duplication and ambiguity within the Code of Virginia.

The Virginia Code Commission submits this report and accompanying bill draft to the Chairs of the House Committee on Counties, Cities and Towns and the Senate Committee on Local Government in fulfillment of the requirements of House Bill 2660, as extended by the General Assembly in 2026.

Appendices

Appendix A: HB2660 Workgroup Members

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Appendix B: Work Plan

Virginia Code Commission
Subdivision Plats and Site Plans Work Group (HB 2660/HB 135)

Overview of Proposed Work Plan

Chapter 41 of the 2026 Acts of Assembly (HB 135) extends for one additional year the work group convened by the Virginia Code Commission to review existing provisions of the Code of Virginia related to the submission, review, and approval of subdivision plats and site plans. The extension recognizes the need for additional stakeholder review and consensus-building regarding recommendations to improve the organization, clarity, and usability of these provisions of the Code.

The work group shall continue to consist of representatives of the organizations and stakeholders that participated during the 2025 work group process and may include other relevant stakeholders as appropriate.

The legislation further provides that 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, 2026.

I. Scope of Work Group Review and Recommendations

The legislation from 2025 (HB2660) provided 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

D. Identification and elimination of redundant or duplicative provisions to streamline the Code and improve its usability.

Core code sections for review include:

§ 15.2-2241. Mandatory provisions of a subdivision ordinance
§ 15.2-2242. Optional provisions of a subdivision ordinance
§ 15.2-2259. Designated agent to act on proposed final plat
§ 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid

§ 15.2-2261. Record plats or final site plans to be valid for not less than five years

The work group's efforts during 2026 will build upon the discussions, analyses, and draft recommendations developed during the 2025 work group process.

II. Composition of Work Group

The HB2660 Workgroup members will remain the same for 2026:

Virginia Association of Counties Virginia Municipal League Home Builders Association of Virginia Virginia Municipal Stormwater Association	Virginia Chapter of the American Planning Association Local Government Attorneys of Virginia, Inc. Virginia Association of Commercial Real Estate Virginia REALTORS

Additional stakeholders may participate as determined by the Virginia Code Commission.

III. Schedule of Work Group Meetings and Submission of Recommendations

III. Schedule of Work Group Meetings and Submission of Recommendations

It is anticipated that three meetings of the work group will be sufficient to complete its review and recommendations; with a fourth meeting reserved if additional discussion is necessary to resolve outstanding issues or finalize legislative language. Meetings will be conducted virtually unless otherwise determined by the Commission. The objective will be to build upon the work completed during 2025, finalize recommendations, and allow sufficient time for consideration by the Virginia Code Commission at its September or October 2026 meeting (still to be scheduled) and submission of the final report by November 1, 2026.

First Meeting

- Confirm work group membership and participation
- Review work completed during 2025, including areas of consensus and unresolved issues
- Reaffirm scope of work and core code provisions under review
- Review draft organizational framework for subdivision plat and site plan provisions
- Continue discussion of procedural steps, timelines, and terminology
- Identify issues requiring further stakeholder discussion and direction for revisions

Second Meeting

- Review revised discussion draft legislation
- Continue stakeholder discussion of unresolved issues
- Review proposed revisions relating to procedures, timelines, and terminology

- Consider recommendations for eliminating duplicative or redundant provisions
- Establish consensus positions and identify any remaining areas of disagreement

Third Meeting

- Review near-final draft legislation and accompanying recommendations
- Resolve remaining policy and drafting issues
- Approve recommendations for submission to the Virginia Code Commission
- Review and approve the final report of the work group

Fourth Meeting (if necessary)

- Consider revisions resulting from stakeholder comments received after the third Meeting
- Resolve any remaining issues that prevent consensus
- Review and approve final legislative recommendations and report Virginia Code Commission Meeting – October 2026
- Authorization of final report

Report submitted to the Chairs of the House Committee on Counties, Cities and Towns and the Senate Committee on Local Government on or before November 1, 2026.

Appendix C: Proposed Summary and Bill Draft

SUMMARY

Final and preliminary plat approval by localities. Provides various changes to organize, clarify, and standardize terminology of the existing provisions of the Code of Virginia relating to the submission, review, and approval of subdivision plats and site plans. This bill is a recommendation of the Virginia Code Commission

SENATE BILL NO. _____ HOUSE BILL NO. _____

A BILL to amend and reenact §§ 15.2-2208.1, 15.2-2209.1, 15.2-2259, 15.2-2260, and 15.2-2269 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 §§ 15.2-2208.1, 15.2-2209.1, 15.2-2259, 15.2-2260, and 15.2-2269 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2208.1. Damages for unconstitutional grant or denial by locality of certain permits and approvals.

A. Notwithstanding any other provision of law, general or special, any applicant aggrieved by the grant or denial by a locality of any approval or permit, however described or delineated, including a special exception, special use permit, conditional use permit, rezoning, site plan, plan of development, and subdivision plan, where such grant included, or denial was based upon, an unconstitutional condition pursuant to the United States Constitution or the Constitution of Virginia, shall be entitled to an award of compensatory damages and to an order remanding the matter to the locality with a direction to grant or issue such permits or approvals without the unconstitutional condition and may be entitled to reasonable attorney fees and court costs.

B. In any proceeding, once an unconstitutional condition has been proven by the aggrieved applicant to have been a factor in the grant or denial of the approval or permit, the court shall presume, absent clear and convincing evidence to the contrary, that such applicant's acceptance of or refusal to accept the unconstitutional condition was the controlling basis for such impermissible grant or denial provided only that the applicant objected to the condition in writing prior to such grant or denial.

C. Any action brought pursuant to this section shall be filed with the circuit court having jurisdiction of the land affected or the greater part thereof, and the court shall hear and determine the case as soon as practical, provided that such action is filed within the time limit set forth in subsection ~~C~~ E or

~~D~~ F of § 15.2-2259, subsection ~~D~~ E or ~~E~~ F of § 15.2-2260, or subsection F of § 15.2-2285, as may be applicable.

§ 15.2-2209.1. Extension of approvals to address housing crisis.

A. Notwithstanding the time limits for validity set out in § 15.2-2260 or 15.2-2261, or the provisions of subsection ~~F~~ G of § 15.2-2260, any subdivision plat valid under § 15.2-2260 and outstanding as of January 1, 2017, and any recorded plat or final site plan valid under § 15.2-2261 and outstanding as of January 1, 2017, shall remain valid until July 1, 2020, or such later date provided for by the terms of the locality's approval, local ordinance, resolution or regulation, or for a longer period as agreed to by the locality. Any other plan or permit associated with such plat or site plan extended by this subsection shall likewise be extended for the same time period.

B. Notwithstanding any other provision of this chapter, for any valid special exception, special use permit, or conditional use permit outstanding as of January 1, 2017, and related to new residential or commercial development, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or to incur significant expenses related to improvements for the project within a certain time, shall be extended until July 1, 2020, or longer as agreed to by the locality. The provisions of this subsection shall not apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit, or other agreement or zoning action be terminated or ended by a certain date or within a set number of years.

C. Notwithstanding any other provision of this chapter, for any rezoning action approved pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303, valid and outstanding as of January 1, 2017, and related to new residential or commercial development, any proffered condition that requires the landowner or developer to incur significant expenses upon an event related to a stage or level of development shall be extended until July 1, 2020, or longer as agreed to by the locality. However, the extensions in this subsection shall not apply (i) to land or right-of-way dedications pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303, (ii) when completion of the event related to the stage or level of development has occurred, or (iii) to events required to occur on a specified date certain or within a specified time period. Any proffered condition

included in a special exception, special use permit, or conditional use permit shall only be extended if it satisfies the provisions of this subsection.

D. The extension of validity provided in subsection A and the extension of certain deadlines as provided in subsection B shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force; however, if the locality has enacted a bonding moratorium or deferral option, the performance bonds and agreements or other financial guarantees of completion may be waived or modified by the locality, in which case the extension of validity provided in subsection A and the extension of certain deadlines provided in subsection B shall apply. The landowner or developer must comply with the terms of any bonding moratorium or deferral agreement with the locality in order for the extensions referred to in this subsection to be effective.

§ 15.2-2259. Designated agent to act on proposed final 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.

"Plat or plan" means a proposed subdivision plat, site plan, or plan of development. "Plat or plan" does not mean a conceptual plan.

"Public authority" means an authority authorized by Chapter 51 (§ 15.2-5100 et seq.).

"Residential real estate" means all real property proposed for single-family or multifamily use. "Residential real estate" does not include mixed use.

"State agency" means a state agency authorized by state law. "State agency" includes the Department of Transportation and the Department of Health.

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 or public authority 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 or public authority for review. The state agency or public authority shall complete its review within 30 days of receipt of the submitted or resubmitted plat or plan, except as otherwise provided by general law. If a state agency or public authority does not approve a plat or plan, such state agency or public authority shall comply with the requirements and restrictions applicable to the local designated agent except for time periods for review.

3. State agencies and public authorities 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 plat or plan and make a good faith effort to identify all deficiencies. If the plat or plan is not approved upon the initial 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 designated agent, with the concurrence of applicable local reviewing agencies, may approve any resubmitted plat or 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 solely commercial real estate or solely 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 the official submission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies and public authorities.

2. The designated agent shall act on any resubmitted plat or plan within the later of (i) 30 days after the official resubmission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies and public authorities. 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; (d) deficiencies identified as a result of a state agency or public authority review; and (e) deficiencies that, if left uncorrected, would violate local, state, or federal law, regulations, or mandatory Department of Transportation engineering and safety requirements.

3. Except in localities where the planning commission is the designated agent, if the designated agent disapproves a third or subsequent resubmission of any plat or plan, the designated 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 approval. If all of the identified minor deficiencies have been appropriately addressed, the supervisory official shall complete the 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 subject to the provisions of 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 the official submission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies and public authorities.

2. The designated agent shall act on any resubmitted plat or plan within the later of (i) 45 days after the official resubmission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies and public authorities.

~~C.~~ E. If the designated agent fails to approve or disapprove the plat or plan within the timeframes prescribed in this section, the ~~subdivider~~ applicant, after 10 days' written notice to the designated agent, may petition the circuit court for the locality in which all or most of the land ~~involved, or the major part thereof,~~ subject to the plat or plan 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 applicable 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 practicable.

§ 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid.

A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its ordinance for the mandatory submission of preliminary subdivision plats for tentative approval for plats 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 involving 50 or fewer lots. ~~The designated agent shall complete action on the preliminary subdivision plats within 45 days of submission. However, if~~

B. 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 those terms are 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 public 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 subdivision plat, ~~it~~ such state agency or public authority 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 for time periods for review.

C. ~~The designated agent shall act on the plat within 30 days after receiving approval from all state agencies.~~ For any preliminary subdivision plat that is not forwarded to a state agency or public authority under subsection B, the designated agent shall review and complete action on a preliminary subdivision plat within 45 days of official submission. For any preliminary subdivision plat that is forwarded to a state agency or public authority pursuant to subsection B, the designated agent shall complete action within the later of (i) 45 days after the official submission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies and public authorities. Notwithstanding the deadlines established in clauses (i) and (ii), action on a preliminary subdivision plat shall be completed by the designated agent and all state agencies within no more than 90 days of the official submission or resubmission to the designated agent.

D. 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 subdivision 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 subdivision plat. ~~With regard to plats~~ For any preliminary subdivision plat involving one or more parcels of solely commercial real estate or solely 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.~~ E. If the designated agent fails to approve or disapprove ~~the~~ a preliminary subdivision plat within 90 days after it has been officially submitted or resubmitted for approval, the ~~subdivider~~ applicant, after 10 days' written notice to the designated agent, may petition the circuit court for the locality in which all or most of the land ~~involved, or the major part thereof,~~ subject to the preliminary subdivision plat is

located to enter an order ~~with respect thereto~~ as it deems proper, which may include directing approval of the preliminary subdivision plat.

~~E.~~ F. 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~~ 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 subdivision 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 practicable.

~~F.~~ G. 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 subdivision 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.~~ H. 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~~ five-year period of validity shall extend from the date of the last recorded plat.

§ 15.2-2269. Plans and specifications for utility fixtures and systems to be submitted for approval.

A. If the owners of any such subdivision desire to construct in, on, under, or adjacent to any streets or alleys located in such subdivision any gas, water, sewer or electric light or power works, pipes, wires, fixtures or systems, they shall present plans or specifications therefor to the designated agent, for approval. If the subdivision is located beyond the corporate limits of a municipality but within the limits set forth in § 15.2-2248, such plans and specifications shall be presented for approval to the designated agent, if the county has not adopted a subdivision ordinance. The designated agent, shall have 45 days in which to approve or disapprove the same. In event of the failure of any designated agent, to act within such period, such plans and specifications may be submitted, after ten days' notice to the locality, to the circuit court for such locality for its approval or disapproval, and its approval thereof shall, for all purposes of this article be treated and considered as approval by the designated agent.

B. Any state agency or public authority authorized by state law making a review of any 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 45 days of receipt of the plans, 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 plan approval. If a state agency or public authority by state law does not approve the plan, it shall comply with the requirements~~,~~ and ~~be subject to the~~ restrictions~~,~~ applicable to the designated agent except for time periods for review set forth in subsection ~~A~~ B of § 15.2-2259~~, with respect to 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 35 days.

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Commonwealth of Virginia

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Administrative Law Advisory Committee

Administrative Law Advisory Committee

2026 New Appointments

Brooke Weedon	Office of the Executive Secretary of the Supreme Court
Charis Mitchell	Office of the Attorney General

Brooke Weedon – Brooke Weedon earned her undergraduate degree from the University of Virginia and her juris doctor from Washington and Lee University School of Law. Following law school, Brooke served as a law clerk for the Honorable Frederick P. Stamp, Jr., in the U.S. District Court for the Northern District of West Virginia. From 2018 through 2025, Brooke was an associate at McGuireWoods LLP in Richmond, practicing commercial litigation. Brooke joined the Office of the Executive Secretary in January 2026, where she works as a staff attorney in the Department of the Assistant Executive Secretary and Legal Counsel, providing legal advice and assistance with the administration of the hearing officer system, among other responsibilities.

Charis Mitchell - Charis Mitchell has a total of 14 years of dedicated service in the Virginia Office of the Attorney General. During her tenure, she has represented offices and boards within the Department of Health, the Department of Health Professions, and the Department for Aging and Rehabilitative Services. Charis has successfully defended state agencies in administrative appeals through each level of appeal in Virginia's Court System. She has also reviewed numerous regulatory proposals and guided agencies through complex case decisions. Currently, Charis is chair of the Office's Administrative Process Act committee, where she leads and advises colleagues on complex administrative law matters. Her broader legal experience includes working as a registered lobbyist in the Commonwealth and serving as a judicial clerk in the United States Court of Federal Claims. Charis graduated first in her class from Liberty University School of Law.

Thomas A. Lisk, Chair
John Daniel
Michelle Gowdy
Paul Kugelman
Craig Maxey
Jeffrey S. Palmore
Mike Quinan
Brooks Smith
Noah P. Sullivan
Holly Trice

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