

# CODE OF VIRGINIA



## Title 30

General Assembly

# **Title 30 - General Assembly**

## **Chapter 1 - GENERAL ASSEMBLY AND OFFICERS THEREOF**

### **§ 30-1. Time and place of meeting of General Assembly.**

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 Capitol at Williamsburg, Virginia, as to it may seem proper.

Code 1919, § 294; 1934, p. 99; 1971, Ex. Sess., c. 22.

### **§ 30-2. Meeting at place appointed by Governor.**

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

Code 1919, § 295.

### **§ 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 shall thereupon convene the General Assembly, at such time and place as shall be designated by the application; or, if the time and place be not so designated, then at such convenient and reasonable time and place as he shall appoint.

Code 1919, § 296.

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

Any action, suit or other civil proceeding, either in favor of or against 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, may be commenced, but shall not, unless by their consent, be prosecuted to final judgment or decree during the session of the General Assembly. In addition, no such person shall be compelled in any civil proceeding to appear or to answer or respond, in person or in writing, 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.

Code 1919, § 297; 1997, c. [471](#).

### **§ 30-5. Continuance or time for filing pleading, etc., where party or attorney is connected with General Assembly or Division of Legislative Services.**

Any party to an action or proceeding in any court, including the Court of Appeals and the Supreme Court of Virginia, commission or other tribunal having judicial or quasi-judicial powers or jurisdiction who is an officer, employee or 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 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 period beginning one day prior to the meeting date of any reconvened or veto session or of any commission, council, committee or subcommittee created by the General Assembly at which such officer, employee or member 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 in writing at least three days prior to the first day for which the continuance is sought and filed with the court. The requesting party, when practicable, shall strive to notify all other parties to the proceeding of such request.

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 session and ending 30 days after the adjournment of the session shall be extended until not less than 30 days after any such session. 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 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.

Code 1919, § 298; 1926, p. 18; 1934, p. 370; 1940, p. 363; 1952, c. 234; 1960, c. 147; 1973, cc. 242, 322; 1984, c. 703; 1987, c. 192; 2002, cc. [584](#), [617](#); 2012, c. [394](#).

**§ 30-6. Privilege of members, clerks and clerks' assistants, and Lieutenant Governor from arrest.**

During the 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 be subject to process 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.

Code 1919, § 299; 1958, c. 29; 1975, c. 427; 1997, c. [471](#).

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

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.

Code 1919, § 300; 1975, c. 427; 1997, c. [471](#).

**§ 30-8. Member must obey writ of habeas corpus.**

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

Code 1919, § 301.

**§ 30-9. 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 each house of the General Assembly has over its respective members.

Code 1919, § 302.

**§ 30-10. Attendance of witnesses; production of evidence.**

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

Code 1919, § 303; 1958, c. 608; 1971, Ex. Sess., c. 155; 2003, c. [231](#).

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

The oaths to be taken by any witness examined before such house or committee may be administered by the speaker of the house, chairman of the committee, or the clerk of the house or of the committee.

Code 1919, § 304.

**§ 30-12. Duties of officers of each house.**

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

Code 1919, § 305.

**§ 30-13. Other duties of Clerk of House of Delegates; publication of proposed amendments to Constitution.**

In addition to such duties as may be prescribed by the rules of the House of Delegates, the Clerk of the House of Delegates shall at the end of the session of the General Assembly prepare a well-

arranged index to the journal of the House and the documents printed during the session by order of the House. He shall have published, with the acts and joint resolutions proposing amendments to the Constitution: joint resolutions providing for studies for legislation of each session of the General Assembly; the unadjusted United States decennial census counts for the Commonwealth's counties, cities, and towns; and a carefully prepared and well-arranged index of the acts and joint resolutions.

The Clerk of the House of Delegates shall have published all proposed amendments to the Constitution for distribution from his office and to the clerk of the circuit court of each county and city two copies of the proposed amendments, one of which shall be posted at the front door of the courthouse and the other shall be made available for public inspection. Every clerk of the circuit court shall complete the posting required not later than three months prior to the next ensuing general election of members of the House of Delegates and shall certify such posting to the Clerk of the House of Delegates. The Clerk of the House of Delegates shall report to the General Assembly at its next regular session the action taken by him under this section, including the costs incurred in the printing and distribution of the amendments. The report shall be published in the Journal of the House of Delegates.

Code 1919, § 306; 1920, p. 396; 1927, p. 211; 1940, p. 471; 1946, p. 171; 1959, Ex. Sess., c. 84; 1969, Ex. Sess., c. 13; 1971, Ex. Sess., c. 71; 1976, c. 170; 1993, c. 399; 1994, c. [623](#); 2005, c. [839](#).

#### **§ 30-14. Clerk to be Keeper of the Rolls; other duties.**

The Clerk of the House of Delegates shall be the Keeper of Rolls of the Commonwealth. He shall 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 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.

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. If an act or part of an act of the General Assembly has been codified and assigned a section number as a part of the Code of Virginia, by the Virginia Code Commission pursuant to § [30-148](#), he may also certify that fact.

He shall, as soon as practicable after every act is passed, 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 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 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.

Code 1919, § 307; 1940, p. 472; 1959, Ex. Sess., c. 84; 1970, c. 170; 1994, c. [623](#); 2005, c. [839](#).

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

The Clerk of the House of Delegates shall charge for certifying a copy of an Act of Assembly the sum of five dollars.

Code 1950, § 14-115; 1964, c. 386, § 14.1-104; 1989, c. 186; 1998, c. [872](#).

**§ 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.

1948, p. 587.

**§ 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.

1950, p. 7; 1970, c. 170; 1971, Ex. Sess., c. 1.

**§ 30-14.3. Keeper of the Rolls authorized to correct typographical errors, etc., in legislation.**

The Keeper of the Rolls of the Commonwealth is authorized to correct typographical errors in legislation 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.

1950, p. 3; 2016, c. [188](#).

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

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, during the absence of the said Clerk or after his death, resignation or retirement, which copies, being certified by such deputy clerks, 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 to the Secretary of the Commonwealth. Any such deputies so appointed, 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 may be removed from office by the Clerk of the House of Delegates by written notice to the Secretary of the Commonwealth.

1952, c. 291; 1972, c. 5.

**§ 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.

Code 1919, § 308.

**§ 30-15.1. Deputy clerks of the Senate; certification of records.**

The Clerk of the Senate may appoint deputy clerks, for performing the duties of such Clerk and for 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, which copies, being 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 to the Secretary of the Commonwealth. Any such deputy so appointed, 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 Com-

monwealth. Any such deputy may be removed from office by the Clerk of the Senate by written notice to the Secretary of the Commonwealth.

1954, c. 1; 1972, c. 5.

**§ 30-15.1:1. Use of Senate armorial bearings; penalty.**

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

1. Only current and former members of the Senate of Virginia and the Clerk of the Senate shall have the authority to utilize such armorial bearings or any facsimile or representations of the armorial bearings.
2. Representations of such armorial bearings used by former members of the Senate shall be colored blue.
3. Such use shall not be for any commercial purpose.
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.

2005, c. [839](#).

**§ 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.

1976, c. 131.

**§ 30-16. Books and maps of committees; original bills.**

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

Code 1919, § 309; 2000, c. [373](#).

**§ 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 meaning or effect.

1975, c. 8.

**§ 30-17. Alteration, secretion or destruction of pending bills or resolutions.**

If any person shall fraudulently erase, alter, secrete or destroy 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, or shall fraudulently, or with improper intent, endeavor 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 shall be confined in the penitentiary not less than one nor more than five years.

Code 1919, § 310.

**§ 30-18. Repealed.**

Repealed by Acts 1972, c. 582.

**§ 30-19. How Constitution amended.**

Any amendment or amendments to the Constitution may be proposed in the Senate or House of Delegates by resolution, which shall contain such proposed amendment or amendments prepared in such 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 be spread at length on the journal of the house in which it is offered, and if it is agreed to by a majority of the members elected thereto 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 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. Such amendment or amendments shall thereupon 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 agreed to by a majority vote of all the members elected to each house, the same shall be submitted to the people, not sooner than ninety 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 amendment or amendments shall become a part of the Constitution.

Code 1919, § 312; 1971, Ex. Sess., c. 129; 1973, c. 57.

**§§ 30-19.01, 30-19.02. Repealed.**

Repealed by Acts 1984, c. 202.

**§ 30-19.03. Estimates to be prepared for legislation affecting local government expenditures and revenues.**

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.

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.

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 section shall not apply to a reduction in local revenues that is required 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.

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 transmittal to each patron of the legislation and to the chairman of each committee of the General Assembly to consider the same.

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

1979, c. 257; 1980, cc. 747, 749; 1995, c. [743](#); 1999, c. [1016](#); 2010, c. [410](#); 2014, c. [807](#).

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

Repealed by Acts 2010, c. [410](#), cl. 2.

**§ 30-19.03:1.2. Unemployment compensation bills affecting net revenues of the Commonwealth.**

A. 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 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 a statement prepared in accordance with subsection A as a second or final 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.

2004, c. [895](#); 2011, c. [302](#).

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

A. For the purposes of this section, "regulation" means any statement of general application, having the force of law and affecting the rights or conduct of any person, 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 Board for Professional and Occupational Regulation (the Board) shall prepare an evaluation of the legislation using the criteria outlined in § [54.1-311](#).

C. The Division of Legislative Services shall examine all bills filed during any legislative session for the purpose of identifying and forwarding to the Board those bills requiring an evaluation pursuant to this section.

As soon thereafter as may be practicable, the Board shall forward copies of such evaluations to the Clerk of the House of Delegates for House bills and to the Clerk of the Senate for Senate bills for transmittal to each patron of the legislation and to the chairman of each committee of the General Assembly to consider the same.

All departments, agencies of government, and the Division of Legislative Services are directed to make available such information and assistance as the Board may request in preparing the evaluations required by this section.

2019, c. [812](#).

**§ 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.

1997, c. [375](#).

**§ 30-19.04. Repealed.**

Repealed by Acts 2003, c. [1032](#), cl. 2, effective January 1, 2003.

**§ 30-19.05. Repealed.**

Repealed by Acts 2003, cc. [757](#) and [758](#), cl. 2, effective July 1, 2004.

**§§ 30-19.1, 30-19.1:1. Repealed.**

Repealed by Acts 2010, c. [410](#), cl. 2.

**§ 30-19.1:2. Repealed.**

Repealed by Acts 2003, c. [1032](#), cl. 2, effective January 1, 2003.

**§ 30-19.1:3. Repealed.**

Repealed by Acts 2010, c. [410](#), cl. 2.

**§ 30-19.1:4. Increase in terms of imprisonment or commitment; fiscal impact statements; appropriations for operating costs.**

A. The Virginia Criminal Sentencing Commission shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill which 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. 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. The requirement for a fiscal impact statement includes, but is not limited to, those bills which 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. 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. 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.

F. 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. The agency preparing the fiscal impact statement shall forward copies of such impact statements to the Clerk of the House of Delegates and the Clerk of the Senate for transmittal to each patron of the legislation and to the chairman of each committee of the General Assembly to consider the legislation.

H. For each law enacted which 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. 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.

1993, c. 804; 1996, c. [972](#); 2000, cc. [825](#), [833](#); 2004, c. [461](#); 2007, c. [133](#).

**§ 30-19.1:5. Repealed.**

Repealed by Acts 2000, cc. [825](#) and [833](#).

**§ 30-19.1:6. Repealed.**

Repealed by Acts 2010, c. [410](#), cl. 2.

**§ 30-19.1:7. 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, 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 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 bill will have on the various systems administered by the Board of Trustees. Such statement shall also note the potential impact any introduced bill will have on local government independent retirement systems.

1997, c. [610](#); 2001, c. [680](#); 2010, c. [410](#).

**§ 30-19.1:8. Repealed.**

Repealed by Acts 1999, c. [572](#).

**§ 30-19.1:9. Duration of state boards and commissions.**

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

2003, c. [793](#).

**§ 30-19.1:10. Repealed.**

Repealed by Acts 2005, cc. [860](#), [889](#), cl. 2.

**§ 30-19.1:11. Legislation that creates or renews tax credits.**

No 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 an expiration date of not longer than five years from the effective date of the new or renewed state tax credit.

2012, c. [265](#).

**§ 30-19.1:12. Executive orders; impact statements by the Joint Legislative Audit and Review Commission.**

A. At the request of the chairman of any committee of the Senate or House of Delegates, 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 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.

2016, c. [623](#).



**§ 30-19.1:13. Racial and ethnic impact statements for criminal justice legislation.**

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 on the Judiciary, 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 to the patron of the bill and the Chair of the House Committee for Courts of Justice or the Chair of the Senate Committee on the Judiciary, as appropriate.

D. No more than three racial and ethnic impact statements may be requested by 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 on the Judiciary 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.

2021, Sp. Sess. I, c. [183](#).

**§ 30-19.2. Inspection of certain state facilities by, or orientation for, members and future members of the 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) The Governor may arrange for such inspection in each year preceding the regular session of the General Assembly for the members of the forthcoming General Assembly. Such inspection trips shall be provided at state expense for each member of the General Assembly.

(3) Transportation, meals, lodging, and other necessary accommodations for the persons making the inspection for which this section provides 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 institutions shall be made. The Governor shall notify the persons permitted to make such inspection of the place and time of origin from which such trip shall begin and when it is expected to end; and shall make such arrangements as will be convenient to the persons desiring to make such trip of inspection.

(4) The persons making such trip shall be allowed their reasonable expenses in going to and from their homes to the point of origin of the trips. Compensation shall be paid as provided in §§ [30-19.12](#) and [30-19.15](#).

(5) Nothing contained in this section is intended to restrict in any way the right of any member of the General Assembly to visit at his expense any state 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. The Governor may arrange for such orientation in each year preceding the regular session of the General Assembly for members and members-elect of the forthcoming General Assembly.

1952, c. 102; 1960, c. 575; 1979, c. 466.

### **§ 30-19.3. 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 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 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 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 of the House of Delegates and 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, and have a sufficient number of them 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.

1969, Ex. Sess., c. 24; 1973, c. 488; 1981, c. 196; 1987, c. 124; 2001, cc. [568](#), [584](#); 2004, c. [718](#); 2007, c. [442](#); 2012, c. [670](#).

**§ 30-19.4. Secretaries and administrative assistants for officers and members of General Assembly; staff personnel for standing committees.**

The General Assembly shall provide for the employment of secretaries and administrative assistants for the Speaker of the House of Delegates, the President pro tempore of the Senate, the Majority and Minority Floor Leaders of the House of Delegates and Senate and members of the General Assembly to aid in the performance of duties incidental to the legislative process. Allowances for such secretaries and assistants shall be provided as set forth in the general appropriations 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 act. The session day per diem for each administrative assistant shall equal the amount authorized for members of the General Assembly as set forth in the general appropriations 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 of the member shall be considered a member of the immediate family.

1972, c. 822; 1973, c. 512; 1974, c. 356; 1976, c. 735; 1979, c. 475; 1980, c. 151; 1984, c. 161; 2005, c. [802](#).

**§ 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.

1973, c. 322.

**§ 30-19.6. Repealed.**

Repealed by Acts 1986, c. 156.

**§ 30-19.7. Repealed.**

Repealed by Acts 1990, c. 485.

**§ 30-19.8. Collection of information by legislative study groups; policy.**

It shall be the policy of the Commonwealth that each 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 that information within such agency is applicable to such study or investigation. Thereafter, such legislative study group may seek out all 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. Each employee within such agency shall give his full cooperation to the group and its staff in collecting the information. No member or staff member of such groups 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 legislative study groups and their staffs 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.

1977, c. 433.

#### **§ 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, unless otherwise specified. The reports may include actions taken by the General Assembly during the regular session of the current calendar year.

2005, c. [633](#).

#### **§ 30-19.8:2. Absences on legislative commissions.**

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 unless on account of sickness shall be sufficient cause for the original appointing authority to declare the position vacated and to fill such vacancy.

2014, c. [634](#).

#### **§ 30-19.9. Distribution of information on proposed constitutional amendments to voters.**

When a proposed amendment is to be submitted to the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § [30-19](#), the State Board of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety 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 election officials to be posted at the polling places on the day of the election. The State Board shall post the explanation on its site on the Internet. It also shall cause such explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, 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.

The explanation 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 amendment. The 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. The Division of Legislative Services, in consultation with such agencies of state government as may be appropriate, including the Office of Attorney General, shall prepare an explanation for any such proposal which is approved by the General Assembly on first 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.

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

1987, c. 311; 1999, c. [589](#); 2001, c. [1](#).

#### **§ 30-19.10. Distribution of information on proposed questions to be submitted to voters.**

Whenever a statewide referendum on a matter other than a constitutional amendment is submitted to the voters by the General Assembly, the State Board of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety 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 election officials to be posted at the polling places on the day of the election. The State Board of Elections also shall cause the information to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, 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 referendum.

The information shall contain the ballot question and either (i) a neutral explanation of not more than 500 words on the proposed 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. 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 as part of the legislation 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 for any bond referendum and assist the Division of Legislative Services in preparing the explanation as part of the legislation 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.

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

1996, c. [297](#); 2007, c. [402](#).

## **Chapter 1.1 - GENERAL ASSEMBLY SALARIES AND EXPENSES**

### **§ 30-19.11. Salaries of Speaker of House of Delegates and members of General Assembly.**

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

1971, Ex. Sess., c. 194, § 14.1-17.1; 1976, c. 604; 1984, c. 161; 1998, c. [872](#).

### **§ 30-19.12. Compensation of members of the General Assembly and certain commissions engaged in legislative services.**

A. Subject to the provisions of subsections B through G hereof, members of all legislative committees, legislative commissions, and councils established by the General Assembly and all committees and subcommittees of any of the foregoing 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 at a sitting of such group shall also be entitled to compensation at the same rate.

B. A legislative member shall not be entitled to compensation pursuant to this section for 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 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 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 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 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.

Code 1950, § 14-29.1; 1964, c. 386, § 14.1-18; 1966, c. 703; 1974, c. 356; 1979, c. 316; 1980, c. 718; 1984, c. 161; 1998, cc. [790](#), [872](#); 2006, c. [272](#).

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

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 one round trip each week between the City of Richmond and such person's home.

1971, Ex. Sess., c. 240, § 14.1-18.1; 1972, cc. 510, 719; 1974, c. 356; 1975, c. 132; 1984, c. 161; 1998, c. [872](#).

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

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

B. Notwithstanding any provision of law, all 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.

1976, c. 735, § 14.1-18.2; 1984, c. 161; 1998, c. [872](#); 2001, c. [785](#).

#### **§ 30-19.15. Mileage of members of the General Assembly, legislative committees, etc.**

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

Code 1950, § 14-30; 1954, c. 709; 1964, c. 386, § 14.1-19; 1969, Ex. Sess., c. 4; 1972, cc. 719, 749; 1975, c. 132; 1998, c. [872](#); 1999, c. [930](#).

#### **§§ 30-19.16, 30-19.17. Repealed.**

Repealed by Acts 1999, c. [930](#).

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

For the purpose of this chapter and Chapter 1 (§ [2.2-100](#) et seq.) 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 other than the courthouse thereof, 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 miles as such place may be farther from or nearer to the City of Richmond than such courthouse may be.

Code 1950, § 14-7; 1964, c. 386, § 14.1-21; 1998, c. [872](#).

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

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

Code 1950, § 14-31; 1954, c. 443; 1964, c. 386, § 14.1-22; 1998, c. [872](#).

#### **§ 30-19.20. Employment and compensation of personnel.**

The House of Delegates and the Senate and the clerks thereof are authorized to employ such personnel as may be deemed necessary for the efficient operation of the General Assembly as prescribed by the rules or resolutions of the respective houses.

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

Code 1950, § 14-32; 1964, c. 386, § 14.1-23; 1966, c. 703; 1998, c. [872](#).

## **Chapter 2 - LOBBYING [Repealed]**

#### **§§ 30-20 through 30-28. Repealed.**

Repealed by Acts 1964, c. 511.

## **Chapter 2.1 - LOBBYING [Repealed]**

### **§§ 30-28.01 through 30-28.9:1. Repealed.**

Repealed by Acts 1994, c. [857](#), effective April 20, 1994, and c. [937](#).

## **Chapter 2.2 - DIVISION OF LEGISLATIVE SERVICES**

### **§ 30-28.12. Creation of Division; appointment, term and qualifications of Director.**

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 shall be in the charge of a Director, who shall be appointed by, subject to confirmation of the General Assembly, and serve at the pleasure of the Committees on Rules of the House of Delegates and the Senate.

The Director shall be an experienced lawyer and a graduate of the school of law of an approved institution of higher education.

1966, c. 676; 1970, c. 478; 1973, c. 322.

### **§ 30-28.13. Assistants, draftsmen and clerks.**

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

1966, c. 676; 1970, c. 478; 1973, c. 322.

### **§ 30-28.14. Repealed.**

Repealed by Acts 1978, c. 128.

### **§ 30-28.15. Use of state libraries; withdrawal of books; charges.**

A. The Division, through its Director and employees, 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, 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 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.

1966, c. 676; 1989, c. 412; 1994, c. [64](#).

### **§ 30-28.16. Duties of Division and of Director.**

A. The Division shall:

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

2. Keep on file copies of all bills, resolutions, amendments thereto, reports of committees and other documents printed by order of either house of the General Assembly;
  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 research and obtain and analyze information 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 the request of 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:
1. Draft or aid in drafting legislative bills or resolutions and amendments thereto;
  2. Advise as to the constitutionality or probable legal effect of proposed legislation;
  3. 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 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.

1966, c. 676; 1973, c. 322; 1977, c. 672; 1979, c. 311; 1980, cc. 687, 723; 1984, c. 202; 1989, c. 412; 1990, c. 485; 2006, c. [662](#); 2008, c. [677](#); 2011, c. [765](#).

**§ 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.

1966, c. 676.

**§ 30-28.18. Requests for drafting bills or resolutions; bills to conform to request; public access.**

A. All requests for the drafting of bills or resolutions by the Division shall be submitted in person, in writing, or by voice transmission. Each request shall contain a general statement respecting the policies and purposes that the requester desires incorporated in and accomplished by the bill. All written requests shall be signed by the person submitting them. 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 contents or nature of any request or statements except with the consent of the person signing such request. Exceptions to this general rule are as follows:

1. When the Director or an 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. 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 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.

1966, c. 676; 1976, c. 112; 1988, c. 214; 1989, cc. 412, 512; 2001, cc. [568](#), [584](#); 2002, c. [2](#); 2005, c. [839](#); 2017, c. [489](#).

#### **§ 30-28.19. Repealed.**

Repealed by Acts 1983, c. 62.

#### **§ 30-28.20. Repealed.**

Repealed by Acts 1976, c. 746.

## **Chapter 3 - VIRGINIA ADVISORY LEGISLATIVE COUNCIL [Repealed]**

**§§ 30-29 through 30-34. Repealed.**

Repealed by Acts 1980, c. 237.

### **Chapter 3.1 - LEGISLATIVE SUPPORT COMMISSION**

#### **§ 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.

1980, c. 687; 2004, c. [1000](#).

#### **§ 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.

1980, c. 687; 1982, c. 243; 2003, c. [692](#).

**§ 30-34.2:1. Powers, duties and functions of Capitol Police.**

A. The Capitol Police 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 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 of the county within which such property is located.

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

C. The Capitol Police shall also have concurrent jurisdiction with 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 that has requested the assistance of the Capitol Police 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 shall have concurrent jurisdiction with law-enforcement officers of any county contiguous to the City of Richmond. Members of the Capitol Police 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, or any committee of either house, shall be vested with all the powers and authority of a law-enforcement officer of any city or county in which they are required to be. All members of the Capitol Police 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.

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.

1982, c. 243; 1984, c. 149; 1988, c. 329; 1995, cc. [770](#), [818](#); 2003, cc. [231](#), [588](#); 2008, c. [437](#); 2012, cc. [803](#), [835](#); 2015, cc. [448](#), [455](#); 2018, cc. [579](#), [580](#); 2020, cc. [754](#), [897](#).

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

Subject to the provisions of § [19.2-386.29](#), the Division of Capitol Police may destroy unclaimed firearms and other weapons, and may lawfully dispose of other unclaimed personal property, that have 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 the discretion of the chief of police or his designee, the Division of Capitol Police may destroy unclaimed firearms or other weapons by any means that renders the firearms or other weapons permanently inoperable and may lawfully dispose of other unclaimed personal property. Prior to the destruction of such unclaimed firearms or 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 and (ii) obtain 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. 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](#).

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

2012, c. [209](#); 2015, c. [220](#); 2018, c. [581](#).

### **§ 30-34.3. Printing of bills, joint resolutions, etc.**

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

1980, c. 687.

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

The Commission shall furnish to such persons, firms, or corporations 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.

1980, c. 687.

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

A. The Commission, through the Division of Legislative Automated Systems, shall distribute to each member of the General Assembly a request form containing a checklist for selection of the Acts of Assembly, the Journals of the Senate and House of Delegates, 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 Division of Legislative Automated Systems shall notify each individual entitled to receive state publications listed in subsection A 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.

1987, c. 128; 1992, c. 857; 2003, c. [264](#); 2004, c. [650](#); 2020, c. [421](#).

#### **§ 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.

1980, c. 687; 1983, c. 108; 1987, c. 128; 1992, c. 857; 1994, c. [64](#); 2020, c. [958](#).

**§ 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.

1980, c. 687; 1987, cc. 123, 128; 1994, c. [64](#); 2003, c. [264](#).

#### **§ 30-34.7. Repealed.**

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.

1980, c. 687.

#### **§ 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.

1980, c. 687.

#### **§ 30-34.10. Fees and mailing costs.**

For the services rendered under §§ [30-34.3](#) through [30-34.6](#), the Commission 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 shall also charge and collect an amount necessary to cover the cost of mailing, if such bills, calendars and resolutions are 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](#).

1980, c. 687; 1987, c. 214.

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

The Commission, through the Division of Legislative Automated Systems, shall establish and maintain a legislative electronic 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.

1987, c. 214.

#### **§ 30-34.10:2. Access to Code of Virginia, Virginia Administrative Code, and Virginia Register of Regulations.**

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](#). 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.

1987, c. 214; 1996, c. [338](#); 2003, c. [212](#).

#### **§ 30-34.10:3. Fees.**

For the services rendered in providing access to the legislative electronic information system, the Commission 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.

No person, firm, corporation or other entity shall receive access from the 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 percent of the resale charge is paid which shall be in addition to the other fees provided for in this section.

1987, c. 214.

## **Chapter 3.2 - DIVISION OF LEGISLATIVE AUTOMATED SYSTEMS**

### **§ 30-34.11. Division created; appointment and tenure of Director.**

There shall be a legislative agency known and designated as the Division of Legislative Automated Systems. The Division shall be in the charge of a Director, who shall be appointed by, subject to confirmation by the General Assembly, and serve at the pleasure of the Committees on Rules of the House of Delegates and the Senate acting jointly.

1980, c. 725.

### **§ 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 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.

1980, c. 725.

### **§ 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.

1980, c. 725.

### **§ 30-34.14. Duties of Division.**

The Division shall have the following duties:

1. Operate an automated data processing center and perform computing and programming services for the House of Delegates, Senate of Virginia, and the Division of Legislative Services.
2. To provide technical assistance to the General Assembly of Virginia, and to the agencies which 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. 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. Such officers or designated alternates shall (i) serve as 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 other duties as directed by the Committees on Rules of the House of Delegates and the Senate of Virginia acting jointly.

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 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.

1980, c. 725; 2002, c. [2](#); 2006, c. [662](#).

**§ 30-34.15. 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 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. 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 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. 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. Nothing in this section shall be construed to require the release of information otherwise held confidential by law.

2003, c. [941](#); 2004, c. [650](#); 2005, c. [633](#); 2012, c. [434](#).

## **Chapter 4 - COMMITTEE TO INVESTIGATE RACIAL ACTIVITIES [Repealed]**

**§§ 30-35 through 30-41. Repealed.**

Repealed by Acts 1958, c. 373.

## **Chapter 5 - COMMITTEE ON OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE [Repealed]**

**§§ 30-42 through 30-51. Repealed.**

Repealed by Acts 1973, c. 267.

## **Chapter 6 - VIRGINIA GENERAL ACCOUNTING OFFICE [Repealed]**

**§§ 30-52 through 30-55. Repealed.**

Repealed by Acts 1973, c. 452.

## **Chapter 7 - Joint Legislative Audit and Review Commission**

**§ 30-56. Joint Legislative Audit and Review Commission; composition; terms; compensation and expenses; office space; quorum; voting on recommendations.**

There is hereby created the Joint Legislative Audit and Review Commission in the legislative branch of state government. The Commission shall consist of nine members of the House of Delegates appointed by the Speaker thereof, of whom at least five shall be members of the House Committee on Appropriations, and five members from the Senate appointed by the Rules Committee of the Senate, of whom at least two shall be members of the Senate Committee on Finance and Appropriations, and the Auditor of Public Accounts, who shall serve as a nonvoting ex officio member. Members shall serve terms coincident with their terms of office. 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 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.

The Commission shall elect a chairman and vice-chairman 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 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.

1973, c. 452; 1979, c. 316; 1988, c. 172; 2004, c. [1000](#).

#### **§ 30-57. 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 to make the studies and research and budget analyses required by this chapter. 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, management 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 employees may be engaged upon such terms and conditions as set forth by the Commission.

1973, c. 452.

#### **§ 30-58. Repealed.**

Repealed by Acts 1975, c. 324.

#### **§ 30-58.1. Powers and duties of Commission.**

The Commission shall have the following powers and duties:

1. Make performance reviews of operations of state agencies 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;
3. Make such special studies and reports of the operations and functions of state agencies as it deems appropriate and as may be requested by the General Assembly;
4. Assess, analyze, and evaluate the social and economic costs and benefits 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, including the mandate's predicted effect on health care coverage premiums and related costs, net costs or savings to the health care system, and other relevant issues, and report its findings with respect to the proposed mandate to the Health Insurance Reform Commission; and
5. Make such reports on its findings and recommendations at such time and in such manner as the Commission deems proper submitting same to the agencies concerned, to the Governor and to the General Assembly. Such reports as are submitted shall relate to the following matters:

- a. Ways in which the agencies may operate more economically and efficiently;
- b. Ways in which agencies can provide better services to the Commonwealth and to the people; and
- c. Areas in which functions of state agencies are duplicative, overlapping, or failing to accomplish legislative objectives or for any other reason should be redefined or redistributed.

1975, c. 324; 2006, c. [413](#); 2013, c. [709](#).

#### **§ 30-58.2. 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](#) 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 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, agencies involved in matters which have been studied under the provisions of § [30-58.1](#) or § [30-67](#) 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 result in the misuse of public funds, a supplementary report shall be made at such time as the Commission deems appropriate, which provides the General Assembly: (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 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, agencies concerned, and members of the General Assembly.

1980, c. 239.

#### **§ 30-58.3. Annual report on state spending.**

A. No later than November 15 of each year, the Commission shall provide to the Governor and the General Assembly 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 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 programs growing the fastest in percentage terms; (v) for the 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 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.

2001, c. [304](#); 2004, c. [1000](#).

#### **§ 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.

2007, c. [803](#).

#### **§ 30-59. 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 to afford the Commission's staff ample opportunity to observe agency operations.

1973, c. 452.

##### **§ 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.

1979, c. 731.

**§ 30-60. 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.

1973, c. 452.

**§ 30-61. Advisory committees.**

The Commission may associate with itself such advisory committees of businessmen and others as it may deem 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.

1973, c. 452.

**§ 30-61.1. 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](#) 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 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.

2017, c. [726](#).

**§ 30-62. Repealed.**

Repealed by Acts 1979, c. 731.

**§ 30-63. 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.

1973, c. 452.

## **Chapter 8 - LEGISLATIVE PROGRAM REVIEW AND EVALUATION ACT**

**§ 30-64. Reserved.**

Reserved.

**§ 30-65. Definitions.**

As used in this chapter, the terms below shall be interpreted as follows:

1. The term "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" means that grouping of state governmental activities, programs, and agencies which 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.

1978, c. 388.

**§ 30-66. 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 as specified in subsection B, on a seven-year cycle, and beginning in the 1979-80 fiscal year.

B. From time to time as may be required, the Senate and House of Delegates shall by joint resolution establish a schedule for the review of the 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.

1978, c. 388; 1986, c. 302.

**§ 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 res-



olution 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.

1978, c. 388; 1986, c. 302.

#### **§ 30-68. Evaluation criteria; self-studies.**

A. Each study carried out pursuant to this chapter shall consider, as required: that there is a valid public need for the program or agency; that legislative intent is being carried out; that program and agency performance has been in the public interest; that program objectives have been defined; that intended program outcomes are measurable and have been accomplished; that program and agency operations are managed efficiently, economically, and effectively; or such other specific criteria as the Commission or standing committees deem 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](#).

1978, c. 388.

#### **§ 30-69. Access to information.**

For the purpose of carrying out its duties under this chapter 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.

1978, c. 388.

#### **§ 30-70. 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](#).

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.

1978, c. 388; 1986, c. 302.

### **§ 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?

1978, c. 388; 1986, c. 302.

### **§ 30-72. Operation and construction of chapter; subcommittees.**

- A. The operation of this chapter 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 shall not imply or require the termination of any state agency or program.
- C. Nothing in this chapter 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 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 sub-committees.

1978, c. 388.

#### **§ 30-73. Repealed.**

Repealed by Acts 1986, c. 302.

## **Chapter 8.1 - JOINT COMMISSION ON ADMINISTRATIVE RULES**

### **§ 30-73.1. 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 review (i) existing agency rules, regulations and practices and (ii) agency rules or regulations during the promulgation or final adoption process and make recommendations to the Governor and General Assembly.

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.

2002, c. [677](#).

### **§ 30-73.2. Membership; terms; compensation.**

A. The Commission shall be composed of 12 members as follows: five members of the Senate to be appointed by the Senate Committee on Rules, and seven members of the House of Delegates to be appointed by the Speaker of the House, in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. 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 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.

D. 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 expense payments shall come from existing appropriations to the Commission.

2002, c. [677](#); 2005, c. [758](#).

### **§ 30-73.3. Powers and duties of Commission.**

A. The Commission shall have the 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 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) 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 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 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 that a rule be modified, repealed, or adopted.
  7. Beginning November 1, 2017, the Joint Commission on Administrative Rules shall 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 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 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 enacted a law or to correct any misapplication of a law by an agency.

2002, c. [677](#); 2013, c. [140](#); 2015, cc. [337](#), [608](#); 2017, c. [678](#).

### **§ 30-73.4. Staff; cooperation and assistance.**

Staff assistance shall be provided to the Commission by the Division of Legislative Services. All agencies, authorities, and institutions of the Commonwealth shall cooperate and provide such assistance to the Commission as the Commission may request.

2002, c. [677](#); 2004, c. [777](#).

## **Chapter 9 - LEGISLATIVE HEARINGS ON REGULATORY ACTIVITY [Repealed]**

**§§ 30-74 through 30-77. Repealed.**

Repealed by Acts 1984, c. 5.

## **Chapter 10 - VIRGINIA RETIREMENT SYSTEM OVERSIGHT ACT**

**§ 30-78. Title of chapter.**

This chapter may be referred to as the "Virginia Retirement System Oversight Act."

1994, cc. [3](#), [732](#).

**§ 30-79. Purpose.**

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 ("Commission") to oversee and evaluate the Virginia 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.

1994, cc. [3](#), [732](#).

**§ 30-80. Duties and powers.**

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 and notwithstanding any contrary provision of law, the Commission shall have the following powers, including but not limited to:

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

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

3. Access to the 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. The chairman 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. Confidential or proprietary records of the Virginia Retirement System or its subsidiary corporations provided to the Commission shall be exempted from the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.).

1994, cc. [3](#), [732](#).

#### **§ 30-81. Required reports.**

A. The Virginia Retirement System shall submit to the General Assembly, through its Commission, both semi-annual and annual reports on the investment programs of the Retirement System. The report 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 System shall also submit a biennial report on the actuarial soundness of its trust funds, which 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 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 is the basis of such committee's inquiry.

D. The Commission shall publish the following reports concerning the Retirement System: (i) a biennial status report which 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 shall report the findings of his audit to the Governor, the General Assembly, the Joint Legislative

Audit and Review Commission, and the Board of Trustees of the Virginia Retirement System. Such audit shall be submitted on or before the first day of the General Assembly session.

1994, cc. [3](#), [732](#).

**§ 30-82. 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. 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.

1994, cc. [3](#), [732](#).

**§ 30-83. 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.

1994, cc. [3](#), [732](#).

**§ 30-84. Funding for Commission's oversight activities.**

The Commission's reasonable and necessary expenses related to its duties under this chapter shall be paid by the Retirement System and shall be borne by each trust fund in the 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 System on that date. On or before September 30 of each year, the Commission shall submit to the Board of 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 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.

1994, cc. [3](#), [732](#); 2005, c. [633](#).

## **Chapter 11 - JOINT COMMISSION ON TECHNOLOGY AND SCIENCE**

**§ 30-85. Commission established; powers and duties.**

The Joint Commission on Technology and Science (JCOTS) is hereby established as a permanent legislative agency of the Commonwealth. JCOTS shall generally 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.

1997, c. [847](#); 2005, c. [322](#).

**§ 30-86. Membership; terms; vacancies; chairman and vice-chairman; expenses; quorum.**

A. JCOTS shall be composed of 12 members, seven of whom shall 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 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 and vice-chairman 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.



1997, c. [847](#); 2000, c. [1046](#); 2005, c. [322](#).

**§ 30-87. Staff; cooperation and assistance.**

The Division of Legislative Services shall provide staff support to JCOTS. All agencies, authorities, and institutions of the Commonwealth shall cooperate and provide assistance to JCOTS upon request.

1997, c. [847](#); 2005, c. [322](#).

**§ 30-88. 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.

1997, c. [847](#); 2005, c. [322](#).

**§ 30-89. Reserved.**

Reserved.

## **Chapter 12 - JOINT COMMISSION ON WORKFORCE DEVELOPMENT**

### **[Repealed]**

**§§ 30-90 through 30-93. Repealed.**

Repealed by Acts 2001, c. [577](#).

## **Chapter 13 - GENERAL ASSEMBLY CONFLICTS OF INTERESTS ACT**

### **Article 1 - General Provisions**

**§ 30-100. Declaration of legislative policy; construction.**

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers, finds and declares that the citizens are entitled to be assured that the judgment of the members of the General Assembly will not be compromised or affected by inappropriate conflicts.

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.

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

This chapter shall be liberally construed to accomplish its purpose.

1987, Sp. Sess., c. 1, § 2.1-639.30; 2001, c. [844](#); 2014, cc. [792](#), [804](#).

## § 30-101. Definitions.

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

"Advisory agency" means any board, commission, committee or post which 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, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or 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 candidate shall become subject to the provisions of this section 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. "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](#).

"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 Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or 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 (§ [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 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 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 (§ [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 or the Senate Committee on Rules or its Chairman; (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, 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, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include any person that the filer 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 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 interest shall exist 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 personal interest 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.

1987, Sp. Sess., c. 1, § 2.1-639.31; 1994, c. [724](#); 1996, c. [77](#); 2001, c. [844](#); 2014, cc. [792](#), [804](#); 2015, cc. [763](#), [777](#); 2016, cc. [773](#), [774](#); 2017, cc. [829](#), [832](#).

## **Article 2 - GENERALLY PROHIBITED AND UNLAWFUL CONDUCT**

### **§ 30-102. Application.**

This article applies to generally prohibited conduct which shall be unlawful.

1987, Sp. Sess., c. 1, § 2.1-639.32; 2001, c. [844](#).

### **§ 30-103. 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 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 he has acquired by reason of his public position and which 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 shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9.3 (§ [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 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 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](#), or the Attorney General, as provided in § [30-122](#), for an advisory opinion as to the application of the restriction imposed by this subdivision 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 not include any payment for or reimbursement to such person 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, vested with the management of the corporation, company or entity, and on which two other members of the General Assembly already serve, which 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 (§ [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.

1987, Sp. Sess., c. 1, § 2.1-639.33; 1994, cc. [633](#), [727](#), [776](#), [815](#), [851](#); 2001, c. [844](#); 2006, cc. [787](#), [892](#); 2020, c. [111](#).

### **§ 30-103.1. Certain gifts prohibited.**

A. For purposes of this section:

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event 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](#) 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 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 \$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](#).

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. Such gift shall be accepted on behalf of the Commonwealth and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth, but the value of such gift shall not be required to be disclosed.

E. Notwithstanding the provisions of subsection B, a legislator or candidate 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 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](#).

F. Notwithstanding the provisions of subsection B, a legislator or candidate 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](#). Such gifts shall be reported on the disclosure form prescribed in § [30-111](#).

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.

2014, cc. [792](#), [804](#); 2015, cc. [763](#), [777](#); 2017, cc. [829](#), [832](#).

#### **§ 30-103.2. Return of gifts.**

No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if 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](#).

2015, cc. [763](#), [777](#).

### **Article 3 - PROHIBITED CONDUCT REGARDING CONTRACTS**

#### **§ 30-104. Application.**

This article proscribes certain conduct relating to contracts.

1987, Sp. Sess., c. 1, § 2.1-639.34; 2001, c. [844](#).

#### **§ 30-105. 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 accrues to him solely because he has authored or otherwise created such textbooks or materials.

1987, Sp. Sess., c. 1, § 2.1-639.35; 2001, c. [844](#); 2013, c. [583](#); 2017, cc. [829](#), [832](#).

### **§ 30-106. Further exceptions.**

A. The provisions of § [30-105](#) shall not apply to:

1. The sale, lease or exchange of real property between a legislator and a governmental agency, provided 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. The legislator shall disclose any lease with a state governmental agency in his statement of economic interests as provided in § [30-111](#);

2. The publication of official notices;

3. A legislator whose sole personal interest in a contract with an 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 the legislator or member of his immediate family does not participate and has no authority to participate in the procurement or letting of the contract on behalf of the contracting firm and the legislator either does not have authority to participate in the procurement or letting of the contract on behalf of the agency or he disqualifies himself as a matter of public record and does not participate on behalf of the agency in negotiating the contract or in approving the 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 he disqualifies himself as a matter of public record and does not participate on behalf of the 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 shall apply to those employment contracts or renewals thereof or to any other contracts entered into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) 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 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, and the annual salary of such subordinate is \$15,000 or more.

1987, Sp. Sess., c. 1, § 2.1-639.36; 1994, c. [735](#); 2001, c. [844](#); 2017, cc. [829](#), [832](#).

## **Article 4 - CONDUCT REGARDING TRANSACTIONS**

### **§ 30-107. Application.**

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

1987, Sp. Sess., c. 1, § 2.1-639.37; 2001, c. [844](#).

### **§ 30-108. 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 (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.

1987, Sp. Sess., c. 1, § 2.1-639.38; 2001, c. [844](#).

## **Article 5 - DISCLOSURE STATEMENTS REQUIRED TO BE FILED**

### **§ 30-109. Application.**

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

1987, Sp. Sess., c. 1, § 2.1-639.39; 2001, c. [844](#).

### **§ 30-110. Disclosure.**

A. In accordance with the requirements set forth in § [30-111.1](#), 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](#) 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](#). The 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](#) and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

1987, Sp. Sess., c. 1, § 2.1-639.40; 2001, c. [844](#); 2006, c. [779](#); 2014, cc. [792](#), [804](#); 2015, cc. [763](#), [777](#); 2016, cc. [773](#), [774](#); 2017, cc. [829](#), [832](#).

#### **§ 30-110.1. 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](#). 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](#).

2016, cc. [773](#), [774](#).

#### **§ 30-111. Disclosure form.**

A. The disclosure form to be used for filings required by subsections A and B of § [30-110](#) 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](#).

B. Any legislator who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests 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 all members of each house shall be reviewed by the Council. If a legislator's Statement is found 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.

1987, Sp. Sess., c. 1, § 2.1-639.41; 1988, c. 849; 1994, cc. [724](#), [733](#), [735](#), [777](#), [793](#); 1995, c. [763](#); 1996, c. [77](#); 1997, cc. [577](#), [844](#); 1998, c. [732](#); 2001, c. [844](#); 2003, c. [610](#); 2006, cc. [779](#), [787](#), [892](#); 2007, cc. [620](#), [627](#); 2010, cc. [418](#), [474](#), [670](#); 2014, cc. [792](#), [804](#); 2015, cc. [763](#), [777](#); 2016, cc. [773](#), [774](#).

#### **§ 30-111.1. 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.

2017, cc. [829](#), [832](#).

#### **§ 30-112. 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](#) through [30-119](#) shall be applicable to each panel.

B. The Senate Ethics Advisory Panel shall be composed of five nonlegislative citizen members: three of whom shall be former members of the Senate; and two of whom shall be citizens of the Commonwealth at large who have not previously held such office. All members of the 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 Panel.

The members shall be nominated by the 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 Panel.

C. The House Ethics Advisory Panel shall be composed of five nonlegislative citizen members: 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, at least one of whom shall not have previously held such office. All members of the 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 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 Panel.

D. Each panel shall elect its own chairman and vice-chairman 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. Meetings of each panel shall be held at the call of the chairman or whenever the majority of the members so request.

G. The members of each panel, while serving on the business of the Panel, are performing legislative duties and shall be entitled to the compensation and reimbursement of expenses to which members of the General Assembly are entitled when performing legislative duties pursuant to §§ [2.2-2813](#), [2.2-2825](#), and [30-19.12](#). 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.

1987, Sp. Sess., c. 1, §§ 2.1-639.42, 2.1-639.43, 2.1-639.44, 2.1-639.51; 1992, c. 443; 2001, c. [844](#); 2004, c. [1000](#); 2010, c. [876](#); 2014, cc. [792](#), [804](#).

### **§ 30-113. Powers and duties of Panel.**

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

1987, Sp. Sess., c. 1, § 2.1-639.45; 2001, c. [844](#); 2010, c. [876](#).

#### **§ 30-113.1. Records.**

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.).

2010, c. [876](#).

### **§ 30-114. Filing of complaints; procedures; disposition.**

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 Panel, the Panel shall inquire into any alleged violation of Articles 2 (§ [30-102](#) et seq.) through 5 (§ [30-109](#) et seq.) by any member 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 of the appropriate Panel and (ii) forward a copy of the complaint to the legislator named in the complaint. The chairman shall promptly notify the Panel of the complaint. No complaint shall be filed with the 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 shall not accept or act on any complaint received during this period.

B. The 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](#) 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 the Panel 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.

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 § [30-116](#) notwithstanding the resignation of the legislator during the course of the Panel's proceedings.

1987, Sp. Sess., c. 1, § 2.1-639.46; 2001, c. [844](#); 2003, c. [649](#); 2010, c. [876](#); 2014, cc. [792](#), [804](#).

#### **§ 30-115. Subpoenas.**

The Panel may issue subpoenas to compel the attendance of witnesses or the production of documents, books or other records. The 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 thereof shall make available to the Panel any documents, records, data, statements or other information, except tax returns or information relating thereto, which the Panel designates as being necessary for the exercise of its powers and duties.

1987, Sp. Sess., c. 1, § 2.1-639.47; 2001, c. [844](#).

#### **§ 30-116. Disposition of cases.**

Within 120 days of the chairman's forwarding the signed and sworn complaint to the Panel, 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, so advise 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.
- 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 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, which are advisory only, shall be delivered to the Clerk of the appropriate house, who shall refer the report to the Committee on Privileges and Elections in accordance with the rules of the appropriate house. Said Committee 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 Committee deems disciplinary action 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 Article 2 (§ [30-102](#) et seq.), 3 (§ [30-104](#) et seq.), 4 (§ [30-107](#) et seq.) or 5 (§ [30-109](#) et seq.) of this chapter, except § [30-108](#) or subsection C of § [30-110](#), it shall refer the matter by a written report setting forth its findings and the reasons therefor to the Attorney General for such action 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 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 § [30-108](#) or subsection C of § [30-110](#), 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 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; (iii) sustain the complaint, censure the member, and strip the member of his seniority; (iv) sustain the complaint and expel the member by a two-thirds vote of the elected members; (v) in the event the house finds a knowing violation, it shall refer the matter to the Attorney General pursuant to subdivision 3.

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

1987, Sp. Sess., c. 1, § 2.1-639.48; 2001, c. [844](#); 2003, c. [649](#); 2010, cc. [427](#), [876](#).

#### **§ 30-117. Confidentiality of proceedings.**

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

1987, Sp. Sess., c. 1, § 2.1-639.49; 2001, c. [844](#); 2014, cc. [792](#), [804](#).

#### **§ 30-118. Staff for Panel.**

The 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.

1987, Sp. Sess., c. 1, § 2.1-639.50; 2001, c. [844](#); 2010, c. [876](#); 2014, cc. [792](#), [804](#).

#### **§ 30-119. Jurisdiction of Panel.**

The Senate and House Ethics Advisory Panels shall have jurisdiction over any complaint alleging a violation of Articles 2 (§ [30-102](#) et seq.) through 5 (§ [30-109](#) et seq.) of this chapter that occurs on or after August 1, 1987, and over any complaint alleging a violation of the Comprehensive Conflict of Interests Act occurring after July 1, 1984, and prior to August 1, 1987.

1987, Sp. Sess., c. 1, § 2.1-639.52; 2001, c. [844](#).

#### **§ 30-120. 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 members, one of whom shall be a member of the minority party. The Committee shall consider any request by a member 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.

1987, Sp. Sess., c. 1, § 2.1-639.53; 2001, c. [844](#).

#### **§ 30-121. Adoption of rules governing procedures and disciplinary sanctions.**

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

1987, Sp. Sess., c. 1, § 2.1-639.53:1; 2001, c. [844](#).

#### **§ 30-122. 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.

1987, Sp. Sess., c. 1, § 2.1-639.59; 2001, c. [844](#).

#### **§ 30-123. 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](#)) of this chapter shall be guilty of a Class 1 misdemeanor. A knowing violation under this section is one in which the person 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](#) or subsection C of § [30-110](#) unless the house in which the member sits has referred the matter to the Attorney General as provided in subdivision 4 of § [30-116](#).

1987, Sp. Sess., c. 1, § 2.1-639.54; 2001, c. [844](#).

#### **§ 30-124. Advisory opinions.**

A legislator shall not be prosecuted or disciplined for a violation of this chapter if his alleged violation resulted from his good faith reliance on a written opinion of a committee on standards of conduct established pursuant to § [30-120](#), an opinion of the Attorney General as provided in § [30-122](#), or a formal opinion or written informal advice of the Council established pursuant to § [30-355](#), and the opinion or advice was made after his full disclosure of the facts regardless of whether such opinion or advice is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion or advice.

1987, Sp. Sess., c. 1, § 2.1-639.55; 2001, c. [844](#); 2014, cc. [792](#), [804](#); 2015, cc. [763](#), [777](#); 2017, cc. [829](#), [832](#).

#### **§ 30-125. Invalidation of contract; rescision of sales.**

A. Any contract made in violation of § [30-103](#) or § [30-105](#) may be declared void and may be rescinded by the contracting or selling governmental authority within five years of the date of the contract. In cases in which the contract is invalidated, the contractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or services furnished prior to the date of receiving notice that the contract has been voided. In cases of rescision of a contract of sale, any refund or restitution shall be made to the contracting or selling governmental agency.

B. Any purchase made in violation of § [30-103](#) or § [30-105](#) may be rescinded by the contracting or selling governmental agency within five years of the date of the purchase.

1987, Sp. Sess., c. 1, § 2.1-639.56; 2001, c. [844](#).

#### **§ 30-126. 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](#) through [30-108](#) shall be forfeited and, in the event of a knowing violation, there may also be imposed 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 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 to file the disclosure form required by § [30-111](#) 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.

1987, Sp. Sess., c. 1, § 2.1-639.57; 2001, c. [844](#); 2012, cc. [283](#), [756](#); 2015, cc. [763](#), [777](#).

### **§ 30-127. Criminal prosecutions.**

A. Violations of this chapter may be prosecuted notwithstanding the jurisdiction of, or any pending proceeding before, the House or Senate 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 (§ [24.2-945](#) et seq.) of Title 24.2.

1987, Sp. Sess., c. 1, § 2.1-639.61; 2001, c. [844](#); 2006, cc. [787](#), [892](#).

### **§ 30-128. 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.

1987, Sp. Sess., c. 1, § 2.1-639.58; 2001, c. [844](#).

### **§ 30-129. 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.

1987, Sp. Sess., c. 1, § 2.1-639.60; 2001, c. [844](#).

## **Article 6 - ETHICS ORIENTATION SESSIONS**

### **§ 30-129.1. Orientation sessions on ethics and conflicts of interests.**

The Council shall conduct an orientation session (i) for new and returning General Assembly members preceding each even-numbered year regular session and (ii) for any new General Assembly member 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. Attendance at a refresher session shall be mandatory for returning members and may be accomplished by online participation. There shall be no penalty for the failure of a member to attend the full or refresher orientation session, but the member must disclose his attendance pursuant to § [30-111](#).

2014, cc. [792](#), [804](#); 2017, cc. [829](#), [832](#).

### **§ 30-129.2. Content of orientation sessions.**

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

2014, cc. [792](#), [804](#).

### **§ 30-129.3. Orientation session preparations.**

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

2014, cc. [792](#), [804](#).

## **Chapter 14 - AUDITOR OF PUBLIC ACCOUNTS**

### **§ 30-130. 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, 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. In the event the office 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 days after the commencement of the next session of the General Assembly.

Code 1950, § 2-125; 1966, c. 677, § 2.1-153; 1971, Ex. Sess., c. 43; 1976, c. 697; 2001, c. [844](#).

### **§ 30-131. Official bonds.**

The Auditor of Public Accounts and the 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.

Code 1950, § 2-126; 1966, c. 677, § 2.1-154; 2001, c. [844](#); 2021, Sp. Sess. I, c. [152](#).

### **§ 30-132. Employment of assistants; 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 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 he shall be provided with suitable offices for the conduct of the business of his department.

Code 1950, §§ 2-142, 2-143; 1966, c. 677, §§ 2.1-171, 2.1-172; 1972, c. 582; 1973, c. 507; 2001, c. [844](#).

### **§ 30-133. Duties and powers 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 shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office.

B. The Auditor of Public Accounts shall review the information required in § [2.2-1501](#) to determine that state agencies are providing and reporting appropriate information on financial and performance

measures, and the Auditor shall review the accuracy of the management systems used to accumulate and report the results. The Auditor 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. 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 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 of the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, or the House Committee on Finance at one of their committee meetings prior to the meeting above.

D. 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 of 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. 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, shall examine the accounts of any officer required to settle his accounts with him; and upon the direction of any other state officer at the seat of government he shall examine the accounts of any person required to settle his accounts with such officer.

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

H. 1. 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. 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 October 15 to provide the information required in this subsection for the 10 most recently ended fiscal years of the Commonwealth.

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.

For purposes of reporting information and implementing the database pursuant to this subsection, 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. The database shall contain the following for each of the 10 most recently ended fiscal years of the Commonwealth:

- a. 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. 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. 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. Total fiscal year spending from federal sources broken down by major category;
- e. Population estimates for the Commonwealth by locality;
- f. Student enrollment in grades K through 12 by locality;
- g. Enrollment in public institutions of higher education of the Commonwealth by institution;
- h. Enrollment in private institutions of higher education in the Commonwealth by institution;
- i. The annual prison population;
- j. Virginia adjusted gross income and Virginia taxable income by locality;
- k. The number of citizens in the Commonwealth receiving benefits from the Supplemental Nutrition Assistance Program;
- l. The number of driver's licenses issued;

- m. The number of registered motor vehicles;
  - n. The number of full-time private sector employees;
  - o. 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. Any state audit or report relating to the programs or activities of an agency;
  - q. Information on capital outlay payments including project title, funding date, completion date, appropriations, year-to-date expenditures, and unexpended appropriations;
  - r. 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. Other data as the Auditor deems appropriate relating to the Commonwealth of Virginia.
3. 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. Commodities including line item expenditures;
  - b. Virginia Performs data as it directly relates to funding actions or expenditures;
  - c. Descriptive purpose for funding action or expenditure;
  - d. Statute or act of General Assembly authorizing the issuance of bonds; and
  - e. Copies of actual grants and contracts.
4. The Auditor of Public Accounts shall incorporate in the database the following enhancements:
- a. 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, including display of available line item expenditures; and
  - b. 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.).

Code 1950, §§ 2-127, 2-132, 2-135; 1950, p. 664; 1966, c. 677, §§ 2.1-155, 2.1-160, 2.1-163; 1972, c. 582; 1973, c. 507; 1985, c. 315; 1998, Sp. Sess., c. [2](#); 2001, c. [844](#); 2002, c. [727](#); 2003, c. [270](#); 2004,

Sp. Sess. I, c. [1](#); 2005, c. [494](#); 2007, c. [577](#); 2008, c. [637](#); 2009, cc. [758](#), [812](#); 2010, c. [671](#); 2016, c. [547](#); 2017, cc. [679](#), [681](#); 2018, cc. [57](#), [307](#), [601](#); 2019, c. [731](#); 2020, c. [646](#).

**§ 30-133.1. Additional certifications for public institutions of higher education.**

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 of the Board of Visitors or other governing body of the institution, the Secretaries of Education, Finance, and Administration, and the Chairmen 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 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 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](#).

2005, cc. [933](#), [945](#).

**§ 30-133.2. 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 of the House Committee on Appropriations, the House Committee on Finance, the Senate Committee on Finance and Appropriations, and the 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](#).

2011, c. [614](#).

**§ 30-134. 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, 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 to the Governor, the Joint Legislative Audit and Review Commission, and appropriate local officials within thirty days after each audit. Reports so made 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.

Code 1950, §§ 2-136, 2-137; 1966, c. 677, §§ 2.1-165, 2.1-166; 2001, c. [844](#).

#### **§ 30-135. Inspection of accounts and vouchers.**

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

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

C. Every inspection authorized by this section may be made without notice to the official whose accounts are to be inspected, and it shall be the duty of the official whose books and accounts and vouchers are being inspected to produce such books, vouchers and accounts 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 guilty of a Class 1 misdemeanor.

Code 1950, §§ 2-132, 2-133; 1950, p. 664; 1966, c. 677, §§ 2.1-160, 2.1-161; 2001, c. [844](#).

#### **§ 30-136. 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 necessary to such examination. If any person willfully swears falsely in such examination he shall be guilty of perjury.

Code 1950, § 2-140; 1966, c. 677, § 2.1-169; 2001, c. [844](#).

#### **§ 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 divi-



sions 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.

Code 1950, §§ 2-128, 2-138, 2-139; 1950, pp. 247, 692; 1958, c. 615; 1960, c. 237; 1966, c. 677, §§ 2.1-156, 2.1-167, 2.1-168; 1972, cc. 73, 582; 1973, c. 507; 1975, c. 323; 1979, c. 318; 1985, c. 315; 2001, c. [844](#).

**§ 30-138. State agencies, courts, and local constitutional officers to report certain fraudulent transactions; penalty.**

A. 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, as to which one or more officers or employees of state or local government may be 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 (Superintendent).

B. The Auditor, the State Inspector General, or the Superintendent shall review the information reported pursuant to subsection A and individually determine the most appropriate method to investigate the information. In the event that the Auditor, 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, the State Inspector General, or the Superintendent.

C. 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, 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 without obtaining the prior written approval from the Auditor and the Superintendent. Pending acknowledgement of the report and receipt of the 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, may use their employees to audit the circumstances reported in subsection A to prevent the loss of assets.

D. 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, shall cooperate to the fullest extent in any investigation or audit which may occur at the direction of the Auditor or the Superintendent or both as a result of information reported pursuant to subsection A.

E. The willful failure to make the report as required by this section shall constitute a Class 3 misdemeanor.

F. Nothing herein shall affect the requirements of § [52-8.2](#).

1984, c. 421, § 2.1-155.3; 1997, c. [825](#); 2001, c. [844](#); 2011, cc. [798](#), [871](#).

**§ 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.

Code 1950, § 2-141; 1966, c. 677, § 2.1-170; 2001, c. [844](#).

**§ 30-140. 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. 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.

Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote and which is reported in the Commonwealth's Comprehensive Annual 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.

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

B. No audit, however, shall be required for 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 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 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.

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.

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 is located, a summary statement reflecting the financial condition of the authority, commission, district, or other political subdivision, which shall include a reference to where the detailed statement may be found.

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

Code 1950, § 2-135.1; 1956, c. 298; 1958, c. 534; 1966, c. 677, § 2.1-164; 1978, c. 617; 1981, c. 547; 1982, c. 631; 2001, c. [844](#); 2014, c. [509](#); 2021, Sp. Sess. I, c. [127](#).

#### **§ 30-141. Annual report.**

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

Code 1950, § 2-144; 1966, c. 677, § 2.1-172.1; 2001, c. [844](#).

#### **§ 30-142. Assumption of duties by Joint Legislative Audit and Review Commission upon failure of Auditor to perform; procedure.**

Whenever the General Assembly is not in session, the Joint Legislative Audit and Review Commission may perform any of the duties of the Auditor of Public Accounts upon its determination that the

Auditor is unable or unwilling to perform any of his duties by reason of incapacity, malfeasance in office, neglect of duty, conflict of interest, or criminal activity relating to the performance of his duties. Such action shall, after notice to the Auditor of Public Accounts and an opportunity to be heard, require a three-fifths vote of all Commission members and 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, 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 Commission may continue to perform such duties until the conclusion of impeachment proceedings.

1979, c. 441, § 2.1-155.2; 2001, c. [844](#).

## **Chapter 15 - VIRGINIA CODE COMMISSION**

### **§ 30-145. Virginia Code Commission; membership, terms; compensation; staff; quorum.**

A. The Virginia Code Commission (the Commission) is established in the legislative branch of state government. The Commission shall consist of not less than 11 members nor more than 13 members 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 appointed by the Speaker of the House of Delegates for terms coincident with their terms as members of the House of Delegates;
2. Two circuit court judges, both of whom may be retired or inactive, one appointed by the Speaker of the House of Delegates and one appointed by the Senate Committee on Rules, for terms of four years each;
3. One former member of the House of Delegates appointed by the Speaker and one former member of the Senate appointed by the Senate Committee on Rules, both for four-year terms, who shall be entitled to all the rights granted under § [30-5](#);
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, for a four-year term who has 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](#).

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 shall be filled for the unexpired terms in the manner of the original appointments.

C. Current legislative members of the Commission shall receive compensation as provided in § [30-19.12](#). 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.

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

E. 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 or whenever the majority of the members so request.

1983, c. 260, §§ 9-77.4, 9-77.5, 9-77.6; 1988, c. 238; 1990, c. 457; 1993, c. 607; 2001, c. [844](#); 2004, c. [1000](#); 2010, c. [413](#); 2011, c. [848](#).

**§ 30-146. Publication of Code of Virginia, Administrative Code, and 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.

1983, c. 260, § 9-77.7; 1992, c. 216; 2001, c. [844](#); 2003, c. [212](#).

**§ 30-147. 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 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.

1983, c. 260, § 9-77.8; 1992, c. 216; 1993, c. 505; 1994, c. [820](#); 2001, c. [844](#).

**§ 30-148. 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 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.

1983, c. 260, § 9-77.9; 2001, c. [844](#).

**§ 30-149. Authority for minor changes to the Code of Virginia.**

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

The Commission may renumber, rename, and rearrange 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, 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 cross-references to Code of Virginia sections and may change cross-references to Code of Virginia 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 statutes incorporated into the Code of Virginia provisions which, in the judgment of the Commission, are inappropriate in a code, such as emergency clauses, clauses providing for specific nonrecurring appropriations and general repealing clauses.

1983, c. 260, § 9-77.10; 1992, c. 216; 2001, c. [844](#).

### **§ 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](#).

1993, c. 669, § 9-77.10:1; 2001, c. [844](#).

### **§ 30-151. Ongoing responsibility for repeal of obsolete statutes and Acts of Assembly.**

The Commission shall 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 to the General Assembly through legislation amending or repealing such statutes or acts as the Commission deems appropriate.

2000, c. [153](#), § 9-77.10:2; 2001, c. [844](#); 2007, c. [614](#).

**§ 30-152. Revision of the Code of Virginia; construction of statutes relating to titles amended.**

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. 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. 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.

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.

1968, c. 124, § 9-77.11; 1983, c. 260; 1992, c. 216; 1999, c. [121](#); 2000, c. [154](#); 2001, c. [844](#); 2007, c. [614](#).

**§ 30-153. Repealed.**

Repealed by Acts 2012, cc. [688](#) and [708](#), cl. 2.

**§ 30-154. 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 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.

1991, c. 564, § 9-77.11:02; 2001, c. [844](#); 2002, c. [306](#).

**§ 30-154.1. 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](#).

2001, c. [100](#), § 9-77.11:03.

**§ 30-155. 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 § [30-146](#), 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 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 such changes as it deems appropriate.

B. The Commission may appoint an Administrative Law 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 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.

3. Staff assistance shall be provided to the Advisory Committee by the Division of Legislative Services.

1983, c. 260, § 9-77.12; 1992, c. 216; 1994, c. [318](#); 2001, c. [844](#); 2006, c. [157](#).

## Chapter 16 - VIRGINIA CRIME COMMISSION

### **§ 30-156. 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 to study, report and make recommendations on all areas of public safety and protection. In so doing it 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 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 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.

B. The Commission shall consist of 13 members that include nine legislative members, three non-legislative citizen members, and one state official as follows: 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 members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members to be appointed by the Governor; and the Attorney General or his designee. 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. 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.

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 com-

pensation 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.

1972, c. 766, §§ 9-125, 9-126; 1974, c. 527; 1979, c. 316; 1993, c. 438; 2001, c. [844](#); 2003, c. [885](#); 2004, c. [1000](#).

#### **§ 30-157. Executive director, counsel and other personnel.**

The Commission may appoint and employ and, at pleasure remove, an executive director, counsel, and such other persons as it deems necessary; and to determine their duties and fix their salaries or compensation within the amounts appropriated therefor.

1972, c. 766, § 9-131; 2001, c. [844](#).

#### **§ 30-158. Powers and duties of Commission.**

A. The Commission shall have the power and duty to:

1. Maintain offices, hold meetings and 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](#), and in connection with the faithful execution and effective enforcement of the laws of the Commonwealth with particular reference but not limited to organized crime and racketeering, and formulate its recommendations to the Governor and the General Assembly.

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.

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.

1972, c. 766, §§ 9-127, 9-128, 9-132, 9-134; 2001, c. [844](#); 2004, c. [1000](#).

**§ 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.

1972, c. 766, §§ 9-129, 9-136; 2001, c. [844](#).

**§ 30-160. Commission to refer cases of crime or official misconduct to appropriate authorities.**

Whenever it appears to the Commission that there is reasonable cause, for 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 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 the judge of an appropriate court of record with recommendation that a special grand jury be convened.

1972, c. 766, § 9-130; 2001, c. [844](#).

**§ 30-161. 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.

1972, c. 766, § 9-133; 2001, c. [844](#).

**§ 30-162. Disclosure of certain information by employee a misdemeanor.**

Any employee of the Commission who discloses to any person other than the Commission or an officer having the power to appoint one or more of the Commissioners the name of any witness appearing before the Commission in a private hearing or discloses any information obtained or given in a private hearing except as directed by the Governor, a court of record or the Commission, shall be guilty of a Class 1 misdemeanor.

1972, c. 766, § 9-137; 2001, c. [844](#).

#### **§ 30-163. Impounding of certain documents.**

Upon the application of the Commission or 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.

1972, c. 766, § 9-138; 2001, c. [844](#).

#### **§ 30-164. Construction of chapter.**

Nothing contained in this chapter 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.

1972, c. 766, § 9-135; 2001, c. [844](#).

### **Chapter 17 - JOINT COMMISSION ON BEHAVIORAL HEALTH CARE [Expired]**

#### **§§ 30-165 through 30-167. Expired.**

Expired.

### **Chapter 18 - JOINT COMMISSION ON HEALTH CARE**

#### **§ 30-168. 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 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 receive quality health care. Further, the Commission shall 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.

1992, cc. 799, 818, §§ 9-311, 9-312, 9-314; 2001, c. [844](#); 2003, c. [633](#).

#### **§ 30-168.1. Membership; terms; vacancies; chairman and vice-chairman; quorum; meetings.**

The Commission shall consist of 18 legislative members. Members shall be appointed as follows: 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, 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 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.

2003, c. [633](#); 2005, c. [758](#).

#### **§ 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.

2003, c. [633](#).

#### **§ 30-168.3. Powers and duties of the Commission.**

The Commission shall have the following powers and duties:

1. To study and gather information and data to accomplish its purposes as set forth in § [30-168](#);
2. To 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 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;
4. To maintain offices and hold meetings and functions at any place within the Commonwealth that it deems necessary;
5. To invite other interested parties to sit with the Commission and participate in its deliberations;
6. 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

7. To 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.

2003, c. [633](#).

#### **§ 30-168.4. Staffing.**

The Commission may appoint, employ, and remove an executive director and such other persons as it deems necessary, and determine their duties and fix their salaries or compensation within the amounts appropriated therefor. 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.

2003, c. [633](#).

#### **§ 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.

2003, c. [633](#).

#### **§ 30-169. Repealed.**

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.

2004, c. [296](#).

#### **§ 30-170. Repealed.**

Repealed by Acts 2021, Sp. Sess. I, c. [315](#), cl. 1, effective July 1, 2021.

## **Chapter 19 - VIRGINIA COMMISSION ON INTERGOVERNMENTAL COOPERATION**

#### **§ 30-171. 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 of the following 14 members: (i) the six members of the Commission on Interstate Cooperation of the Senate, (ii) the six members of

the Commission on Interstate Cooperation of the House of Delegates, and (iii) the Clerk of the Senate and the Clerk of the House of Delegates who shall serve as ex officio, nonvoting members of the Commission.

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

E. 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](#). 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 or whenever the majority of the members so request.

1936, pp. 369, 370; Michie Code 1942, § 311a; 1973, c. 538, §§ 9-55, 9-55.1; 1976, c. 61, § 9-53; 1978, c. 198; 1981, cc. 308, 315; 1983, c. 84; 1999, cc. [850](#), [879](#); 2001, c. [844](#); 2002, c. [365](#); 2004, c. [1000](#).

#### **§ 30-172. Powers and duties of Commission.**

The Commission shall have the power and duty to:

1. Encourage and arrange conferences with officials of other states and other units of government;
2. Carry forward the participation of Virginia as a member of the Council of State Governments, both regionally and nationally;
3. Formulate proposals for cooperation between Virginia 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 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 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 Committee on Rules; and

b. If an appointment be 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.

1936, p. 369; Michie Code 1942, § 311a; 1976, c. 61, § 9-53; 1978, c. 198; 1981, c. 308; 1999, c. [850](#); 2001, c. [844](#); 2002, c. [365](#); 2005, c. [758](#); 2016, c. [194](#); 2018, c. [525](#).

**§ 30-173. Commission of Senate and Commission of House of Delegates on Interstate Cooperation; membership; compensation and expenses; quorum.**

A. There is established a Commission on Interstate Cooperation of the Senate in the legislative branch of state government, to consist of six senators as follows: the Chair of the Committee on Rules of the Senate, who shall serve as Chairman of the 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 in the legislative branch of state government, also to consist of six members; and the members shall be appointed and the chairman of the Commission shall be designated from among the membership of the 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 Senate and of the House of Delegates 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 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 pursuant to § [30-171](#) 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 or whenever a majority of the members so request.

1936, p. 369; Michie Code 1942, § 311a; 1973, c. 538, § 9-54; 1999, c. [850](#); 2001, c. [844](#); 2002, c. [365](#); 2003, c. [885](#); 2004, c. [1000](#); 2016, c. [194](#).

## Chapter 20 - VIRGINIA COMMISSION ON YOUTH

### **§ 30-174. 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 to study and provide recommendations addressing the needs of and services to the Commonwealth's youth and their families. In so doing, it 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.

B. The Commission shall consist of 12 members to be appointed as follows: six members of the House of Delegates to be appointed by the Speaker of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; and 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. 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.

1989, c. 189, §§ 9-292, 9-293; 1992, c. 778; 2001, c. [844](#); 2004, c. [1000](#).

#### **§ 30-175. Powers and duties of the Commission.**

The Commission shall have the power and duty to:

1. Undertake studies and to gather information and data in order to accomplish its purposes as set forth in § [30-174](#), 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 has responsibility for services to youth.

1989, c. 189, § 9-294; 1992, c. 778; 2001, c. [844](#); 2004, c. [1000](#).

#### **§ 30-176. Executive director; staff; compensation.**

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.

The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated therefor.

1989, c. 189, § 9-295; 2001, c. [844](#).

#### **§ 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.

1989, c. 189, § 9-296; 2001, c. [844](#).

## **Chapter 21 - VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL**

**§ 30-178. Virginia Freedom of Information Advisory Council; membership; terms; quorum; expenses.**

A. The Virginia Freedom of Information Advisory Council (the Council) is hereby created as an advisory council in the legislative branch to encourage and facilitate compliance with the Freedom of Information Act (§ [2.2-3700](#) et seq.).

B. The Council shall consist of 14 members 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 members 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 members 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 nonlegislative citizen members 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 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 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. The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position.

E. The Council shall hold meetings quarterly or upon the call of the chairman. A majority of the Council shall constitute a quorum. Notwithstanding the provisions of subsection C, 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.

2000, cc. [917](#), [987](#), § 2.1-346.2; 2001, c. [844](#); 2004, c. [1000](#); 2017, cc. [141](#), [644](#).

### **§ 30-179. Powers and duties of the Council.**

The Council shall:

1. Furnish, upon request, advisory opinions or guidelines, and other appropriate information regarding the 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 Freedom of Information Act (§ [2.2-3700](#) et seq.);
3. Publish such educational materials as it deems appropriate on the provisions of the 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 the public comment form for use by designated public bodies in accordance with subdivision D 6 of § [2.2-3708.2](#);
7. Develop an online public comment form to be posted on the Council's official public government website to enable any requester to comment on the quality of assistance provided to the requester by a public body; and
8. Report annually on or before December 1 of each year on its activities and findings regarding the Freedom of Information Act (§ [2.2-3700](#) et seq.), including recommendations for changes in the law, to the General Assembly and the Governor. The annual report shall be published as a state document.

2000, cc. [917](#), [987](#), § 2.1-346.3; 2001, c. [844](#); 2004, cc. [730](#), [1000](#); 2013, c. [694](#); 2017, c. [645](#); 2018, cc. [55](#), [56](#); 2019, c. [354](#).

### **§ 30-180. Staff.**

Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall perform those duties assigned to it by the Council.

2000, cc. [917](#), [987](#), § 2.1-346.4; 2001, c. [844](#).

### **§ 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.

2000, cc. [917](#), [987](#), § 2.1-346.5; 2001, c. [844](#).

## Chapter 22 - SMALL BUSINESS COMMISSION

### **§ 30-182. 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 to study, report and make recommendations on issues of concern to small businesses in the Commonwealth.

B. The Commission shall consist of 16 members that include 10 legislative members and six non-legislative citizen members. Members shall be appointed as follows: 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 members of the Senate to be appointed by the Senate Committee on Rules; and 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.

1995, cc. [735](#), [783](#), §§ 9-336, 9-337, 9-339; 2001, c. [844](#); 2003, c. [885](#); 2004, c. [1000](#); 2012, cc. [803](#), [835](#).

### **§ 30-183. Powers and duties of the Commission.**

The Commission shall have the power and duty to:

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 advocates with a forum to address their concerns.
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.

1995, cc. [735](#), [783](#), § 9-338; 2001, c. [844](#); 2004, c. [1000](#).

## **Chapter 23 - VIRGINIA CHESAPEAKE BAY PARTNERSHIP COUNCIL**

### **[Repealed]**

### **§§ 30-184, 30-185. Repealed.**

Repealed by Acts 2001, c. [577](#).

## **Chapter 24 - STATE WATER COMMISSION**

### **§ 30-186. State Water Commission; membership; terms; compensation and expenses; staff; quorum; voting on recommendations.**

A. The State Water Commission (the Commission) is established in the legislative branch of state government. The Commission shall consist of 15 members to be appointed as follows: the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources; seven members of the House of Delegates appointed by the Speaker of the House of Delegates; four members of the Senate appointed by the Committee on Rules; and 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 shall serve 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.

1990, c. 122, §§ 9-145.9, 9-145.10; 2001, c. [844](#); 2004, c. [1000](#).

#### **§ 30-187. Powers and duties of the Commission.**

The Commission shall have the power and duty to:

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.

1990, c. 122, § 9-145.8; 2001, c. [844](#); 2004, c. [1000](#).

## **Chapter 25 - VIRGINIA COAL AND ENERGY COMMISSION**

#### **§ 30-188. Virginia Coal and Energy Commission; membership; terms; compensation and expenses; staff; quorum; voting on recommendations.**

A. The Virginia Coal and Energy Commission (the Commission) is established in the legislative branch of state government. The Commission shall consist of 20 members to be appointed as follows: five members of the Senate to be appointed by the Senate Committee on Rules; eight members of the House of Delegates to be appointed by the Speaker of the House of Delegates; and seven



nonlegislative citizen members 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 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.

1979, c. 330, §§ 9-145.2, 9-145.3; 1996, c. [535](#); 2001, c. [844](#); 2004, c. [1000](#).

### **§ 30-189. (Effective until October 1, 2021) Powers and duties of 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 Commission shall also perform the following functions:

1. Act in an advisory capacity to the Governor and executive branch agencies upon 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 on its 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 the coal as well as alternative and renewable energy resources of the Commonwealth;
6. Effectively disseminate any such proposals to groups and organizations, both state and local, so as to stimulate local governing bodies and private business initiative in the field of energy related matters;
7. Coordinate its efforts with those of the Virginia Solar Energy Center established pursuant to § [45.1-391](#) 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 functions;
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 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) the storage of nuclear waste, (iv) the transportation of nuclear waste, (v) security needs of nuclear power plants, and (vi) on-site temporary storage facilities for spent nuclear fuel.

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.

1979, c. 330, §§ 9-145.1, 9-145.4; 1980, c. 214; 2001, c. [844](#); 2002, c. [559](#); 2004, c. [1000](#).

**§ 30-189. (Effective October 1, 2021) Powers and duties of 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 Commission shall also perform the following functions:

1. Act in an advisory capacity to the Governor and executive branch agencies upon 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 on its 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 the coal as well as alternative and renewable energy resources of the Commonwealth;
6. Effectively disseminate any such proposals to groups and organizations, both state and local, so as to stimulate local governing bodies and private business initiative in the field of energy related matters;
7. Coordinate its efforts 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 functions;
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 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) the storage of nuclear waste, (iv) the transportation of nuclear waste, (v) security needs of nuclear power plants, and (vi) on-site temporary storage facilities for spent nuclear fuel.

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.

1979, c. 330, §§ 9-145.1, 9-145.4; 1980, c. 214; 2001, c. [844](#); 2002, c. [559](#); 2004, c. [1000](#).

## **Chapter 26 - COMMISSION ON EARLY CHILDHOOD AND CHILD DAY CARE PROGRAMS [Repealed]**

§§ 30-190, 30-191. **Repealed.**

Repealed by Acts 2001, c. [577](#).

## **Chapter 27 - DR. MARTIN LUTHER KING, JR. MEMORIAL COMMISSION**

§ 30-192. **Dr. Martin Luther King, Jr. Memorial Commission.**

There is hereby established within the legislative branch, the Dr. Martin Luther King, Jr. Memorial Commission, hereinafter referred to as the "Commission," 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 King 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.

1992, c. 741, § 9-145.45; 1997, c. [490](#); 2001, c. [844](#); 2002, c. [679](#); 2003, cc. [1035](#), [1037](#).

#### **§ 30-192.1. Membership; terms.**

The Commission shall be composed of 18 members that consist of 10 legislative members and eight nonlegislative citizen members. Members shall be appointed as follows: four members of the Senate, to be appointed by the Senate Committee on Rules; six members of the House of Delegates, to be appointed by the Speaker of the House, 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 nonlegislative citizen at-large members, to be appointed by the Speaker of the House of Delegates. 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.

2003, cc. [1035](#), [1037](#); 2004, c. [1000](#).

#### **§ 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.

2003, cc. [1035](#), [1037](#); 2004, c. [1000](#).

### **§ 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.

2003, cc. [1035](#), [1037](#).

### **§ 30-192.4. Powers and duties of the Commission.**

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. King;
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 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, and in initiatives designed to perpetuate the 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 King Holiday, (ii) present his 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 to maintain progress towards social and economic justice and equal opportunity for all citizens;

9. Apply for and expend such gifts, donations, grants, bequests, and 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;

10. Seek, accept, and direct the expenditure of public and private contributions to enable it to carry out the purposes of this chapter and to enhance its fiscal stability, financial management, and fund-raising abilities; and

11. Perform such other functions and activities as may be necessary to facilitate or implement the Commission's objectives.

2003, cc. [1035](#), [1037](#).

#### **§ 30-192.5. Staffing.**

The Office of the Clerk of the chairman of the Commission shall provide administrative staff support. 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.

2003, cc. [1035](#), [1037](#).

#### **§ 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.

2003, cc. [1035](#), [1037](#).

#### **§ 30-192.7. 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 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 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, upon the approval of a majority of the members of the Commission.

2003, cc. [1035](#), [1037](#); 2005, c. [731](#).

**§§ 30-192.8 through 30-192.14. Repealed.**

Repealed by Acts 2005, c. [731](#), cl. 2.

## **Chapter 28 - Capitol Square Preservation Council**

**§ 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.

2002, c. [491](#); 2004, c. [1000](#); 2012, cc. [803](#), [835](#); 2018, cc. [526](#), [527](#).

**§ 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; and
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.

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.

2002, c. [491](#); 2018, cc. [526](#), [527](#).

#### **§ 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.

2002, c. [491](#); 2018, cc. [526](#), [527](#).

## **Chapter 29 - Commissioners for Promotion of Uniformity of Legislation**

#### **§ 30-196. Appointment of Commissioners; terms; compensation.**

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 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 of the Senate Committee on Rules, and shall be paid out of any funds that may be appropriated for such purposes.

2002, c. [491](#); 2006, c. [661](#); 2019, c. [528](#).

#### **§ 30-197. Duties; staff.**

A. It shall be the duty of such 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.

B. The Commissioners shall, on or before July 1 of each year, make a detailed report to the General Assembly on their work and activities. Staff support shall be provided by the Division of Legislative Services.

2002, c. [491](#).

## **Chapter 30 - ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION [Expired]**

**§§ 30-198 through 30-200.1. Expired.**

Expired.

## **Chapter 31 - COMMISSION ON ELECTRIC UTILITY REGULATION**

**§ 30-201. (Expires July 1, 2022) Commission on Electric Utility Restructuring continued as Commission on Electric Utility Regulation; purpose.**

The Commission on Electric Utility Restructuring established pursuant to Chapter 885 of the Acts of Assembly of 2003, is continued, effective July 1, 2008, as the Commission on Electric Utility Regulation (the Commission) within 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.).

2003, c. [885](#); 2008, c. [883](#).

**§ 30-202. (Expires July 1, 2022) Membership; terms.**

The Commission shall consist of 10 legislative members. Members shall be appointed as follows: four members of the Senate to be appointed by the Senate Committee on Rules and 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.

Members of the Commission shall serve terms coincident with their terms of office. 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 elect a chairman and vice-chairman from among its membership. The chairman of the Commission shall be 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. Members participating in such discussions shall be entitled to compensation and reimbursement provided in § [30-204](#), if approved by the Joint Rules Committee or its Budget Oversight Subcommittee.

2003, c. [885](#); 2004, c. [1000](#); 2008, c. [883](#).

**§ 30-203. (Expires July 1, 2022) 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.

2003, c. [885](#); 2004, c. [1000](#).

**§ 30-204. (Expires July 1, 2022) Compensation; expenses.**

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](#). 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.

2003, c. [885](#).

**§ 30-205. (Expires July 1, 2022) Powers and duties of the Commission.**

The Commission shall have the following powers and duties:

1. Monitor the work of the State Corporation Commission in implementing Chapter 23 (§ [56-576](#) et seq.) of Title 56, receiving such reports as the Commission may be required to make pursuant thereto, 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 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; and
4. 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.

2003, c. [885](#); 2006, c. [812](#); 2008, c. [883](#).

**§ 30-206. (Expires July 1, 2022) Staffing.**

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 provide assistance to the Commission, upon request.

2003, c. [885](#).

**§ 30-207. (Expires July 1, 2022) 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.

2003, c. [885](#).

**§ 30-208. Repealed.**

Repealed by Acts 2008, c. [883](#), cl. 2.

**§ 30-209. (Expires July 1, 2022) Sunset.**

This chapter shall expire on July 1, 2022.

2003, c. [885](#); 2008, c. [883](#); 2010, c. [388](#); 2012, Sp. Sess. I, c. [1](#); 2015, c. [628](#); 2018, c. [633](#); 2020, c. [627](#).

## **Chapter 32 - VIRGINIA DELEGATION TO MULTISTATE TAX ADMINISTRATION DISCUSSIONS [Expired]**

**§§ 30-210 through 30-217. Expired.**

Expired.

## Chapter 33 - COMMISSION ON UNEMPLOYMENT COMPENSATION

### § 30-218. 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 unemployment compensation system relative to the economic health of the Commonwealth.

2003, c. [1038](#).

### § 30-219. Membership; terms; vacancies; chairman and vice-chairman.

The Commission shall consist of eight legislative members. Members shall be appointed as follows: three members of the Senate, to be appointed by the Senate Committee on Rules and 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.

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.

2003, c. [1038](#); 2004, c. [1000](#).

### § 30-220. Quorum; meetings; voting on recommendations.

A majority of the members shall constitute a quorum. 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.

2003, c. [1038](#); 2004, c. [1000](#).

### § 30-221. 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](#). 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.

2003, c. [1038](#).

### § 30-222. 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 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.

2003, c. [1038](#).

#### **§ 30-223. Staffing.**

The Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates 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, research, policy analysis and other services as requested by the Commission. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

2003, c. [1038](#).

#### **§ 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.

2003, c. [1038](#).

#### **§ 30-225. Repealed.**

Repealed by Acts 2006, cc. [389](#) and [476](#), cl. 1.

## **Chapter 34 - BROWN V. BOARD OF EDUCATION SCHOLARSHIP AWARDS COMMITTEE [Repealed]**

### **§§ 30-226 through 30-231. Repealed.**

Repealed by Acts 2005, cc. [753](#) and [834](#), cl. 4, effective March 26, 2005.

## **Chapter 34.1 - BROWN v. BOARD OF EDUCATION SCHOLARSHIP PROGRAM AND FUND**

### **§ 30-231.01. Definitions.**

As used in this chapter, unless the context indicates otherwise:

"Accredited career and technical education postsecondary school" means (i) a privately owned and managed, academic-vocational school, noncollege degree school, postsecondary school, or a vocational school, as defined in § [23.1-213](#); (ii) formed, incorporated, or chartered within the Commonwealth and whose administrative office and principal campus is located in Virginia; (iii) accredited by a national or regional organization or agency recognized by the United States Secretary of

Education for accrediting purposes; and (iv) certified by the State Council of Higher Education 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)" 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 course work, 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.

"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 that is in compliance with the Southern Association of Colleges and Schools accreditation standards for institutions and academic programs or other national or regional organization or agency recognized by the United States 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 examination programs, or (v) accredited career and technical education postsecondary school in the Commonwealth, that accepts for admission recipients of the Brown v. Board of Education Scholarship Program.

"Graduate degree program" means an accredited academic program of study offered by a Virginia institution of higher education 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 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 institution of higher education 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.

2006, c. [518](#); 2009, c. [444](#); 2010, c. [579](#); 2014, c. [84](#).

**§ 30-231.1. 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 Program shall be established for the purpose of assisting students who were enrolled in the public schools of Virginia between 1954 and 1964, in jurisdictions in which the public schools were closed to avoid desegregation, in obtaining: 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.

2005, cc. [753](#), [834](#); 2006, c. [518](#); 2009, c. [444](#); 2010, c. [579](#); 2014, c. [84](#).

**§ 30-231.2. 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.**

A. 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 may be granted for part-time or full-time attendance for no more than 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 (CLEP) credit, and for 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 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 two-year undergraduate comprehensive community college program; (iii) a four-year undergraduate degree program; (iv) a recognized five-year undergraduate degree program; (v) a masters or doctoral level degree program; and (vi) a professional degree program. Awards 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](#). 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 scholarship under this Program shall be used to obtain multiple baccalaureate, masters, doctoral, or professional degrees.

B. The Standards of Learning requirements and all related assessments shall be waived for any student awarded a scholarship under this Program and enrolled in an adult basic education program to obtain the high school diploma.

C. 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 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. Only students who are domiciled residents of Virginia as defined by § [23.1-502](#) shall be eligible to receive such awards. However, to facilitate the 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 governing requests for and access to vital records.

E. Scholarships shall be awarded to eligible students by the Committee.

F. Scholarships may be renewed, upon request, annually if the recipient:

1. Maintains Virginia domicile and residency;
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](#).

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 currently domiciled and residing in the Commonwealth, 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.

2005, cc. [753](#), [834](#); 2006, c. [518](#); 2009, c. [444](#); 2010, c. [579](#); 2014, c. [84](#).

**§ 30-231.3. Amount 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 Program shall exceed the total annual costs of tuition, a book allowance, and fees assessed by the educational agency for the specific program in which the student is enrolled, as determined by the Committee.

B. The full amount of each scholarship awarded to a recipient shall be used solely for the payment of tuition, a book allowance, and fees, or for a one-time only payment of the costs of a preparation program, instructional materials, and high school equivalency examinations approved by the Board of Education or 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 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 the accuracy of the information he has provided and agrees 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, educational agencies acting as agents for students receiving awards under this chapter shall promptly credit disbursed funds to student accounts. A 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 educational agency acting as an agent for students receiving awards under this chapter shall notify the Committee and the State Council of Higher Education upon request concerning the type and total of other financial assistance received by such students. In addition, 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 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.

2005, cc. [753](#), [834](#); 2006, c. [518](#); 2008, c. [680](#); 2009, c. [444](#); 2010, c. [579](#); 2014, c. [84](#).

#### **§ 30-231.4. 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 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](#) and [30-231.3](#). 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 of the State Council of Higher Education as directed by the Brown v. Board of Education Scholarship Committee.

2005, cc. [753](#), [834](#); 2010, c. [579](#).

#### **§ 30-231.5. Brown v. Board of Education Scholarship Committee established; membership; terms; vacancies; chairman and vice-chairman.**

A. There is hereby established in the legislative branch of state government the Brown v. Board of Education Scholarship Committee, hereinafter referred to as the "Committee," to evaluate applications for and select recipients of the Brown v. Board of Education scholarships, in accordance with the provisions of this chapter.

B. The Committee shall consist of 11 members that include six legislative members and five non-legislative citizen members. Members shall be appointed as follows: (i) four members of the House of Delegates and two members of the Senate to be appointed by the Joint Rules Committee and (ii) 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.

2005, cc. [753](#), [834](#); 2010, c. [579](#).

#### **§ 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.

2005, cc. [753](#), [834](#).

#### **§ 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.

2005, cc. [753](#), [834](#).

#### **§ 30-231.8. Powers and duties of the Committee.**

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](#), terms and conditions of scholarships awarded pursuant to § [30-231.3](#), the 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;
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, and Private College Advisory Board to the State Council of Higher Education to establish a protocol to facilitate the dual enrollment of eligible students in two-year and four-year degree programs, and the conventional enrollment of such 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, 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 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 to eligible students between July 1, 2004, and July 1, 2006, but no later than July 1, 2006; and
10. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this chapter.

2005, cc. [753](#), [834](#); 2006, c. [518](#); 2008, c. [680](#); 2009, c. [444](#); 2010, c. [579](#); 2014, c. [84](#).

**§ 30-231.9. Staff support; State Council of Higher Education to advise and assist Committee.**

The Office of the Clerk of the chairman of the Committee shall provide administrative staff support. The Division of Legislative Services shall provide legal, research, policy analysis and other services as

requested by the Committee. The State Council of Higher Education, 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.

2005, cc. [753](#), [834](#).

**§ 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.

2005, cc. [753](#), [834](#).

## **Chapter 35 - VIRGINIA DISABILITY COMMISSION**

**§ 30-232. (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 services and funding related to Virginians with physical and sensory disabilities. The Commission shall submit its recommendations to the General Assembly and the Governor by October 1 of each year.

2004, cc. [992](#), [1015](#); 2011, c. [686](#).

**§ 30-233. (Contingent expiration date -- see notes) Membership; terms; vacancies; chairman and vice-chairman.**

The Commission shall consist of 11 members that includes six legislative members and five non-legislative citizen members. Members shall be appointed as follows: two members of the Senate to be appointed by the Senate Committee on Rules; 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 nonlegislative citizen members, one of whom shall be a consumer with a disability, one shall be a member of the medical, insurance, or rehabilitation professions, 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.

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. Non-legislative 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.

2004, cc. [992](#), [1015](#); 2010, c. [101](#).

**§ 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.

2004, cc. [992](#), [1015](#).

**§ 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.

2004, cc. [992](#), [1015](#).

**§ 30-236. (Contingent expiration date -- see notes) Powers and duties of the Commission.**

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 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 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.

2004, cc. [992](#), [1015](#); 2011, c. [686](#); 2012, c. [741](#).

**§ 30-237. (Contingent expiration date -- see notes) Staffing.**

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 provide assistance to the Commission, upon request.

2004, cc. [992](#), [1015](#).

**§ 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.

2004, cc. [992](#), [1015](#).

**§ 30-239. Repealed.**

Repealed by Acts 2012, c. [741](#), cl. 3.

## **Chapter 36 - CHESAPEAKE BAY COMMISSION**

**§ 30-240. Chesapeake Bay Commission created.**

The Chesapeake Bay Commission, hereinafter designated as "Commission," is hereby created as a tristate legislative commission.

1980, c. 662, § 62.1-69.5; 2004, c. [1000](#).

**§ 30-241. 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.

1980, c. 662, § 62.1-69.6; 1985, c. 149; 2004, c. [1000](#).

#### **§ 30-242. 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.

1980, c. 662, § 62.1-69.7; 1985, c. 149; 2004, c. [1000](#).

#### **§ 30-243. 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.

1980, c. 662, § 62.1-69.8; 1985, c. 149; 2004, c. [1000](#).

#### **§ 30-244. Compensation and expenses; Virginia delegation.**

The legislative representatives of Virginia to the Commission shall receive such compensation as provided in § [30-19.12](#) 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.

2004, c. [1000](#).

#### **§ 30-245. 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.

1980, c. 662, § 62.1-69.9; 1985, c. 149; 2004, c. [1000](#).

**§ 30-246. 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.

1980, c. 662, § 62.1-69.10; 1982, c. 54; 1985, c. 149; 2004, c. [1000](#).

**§ 30-247. 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.

1980, c. 662, § 62.1-69.11; 1985, c. 149; 2004, c. [1000](#).

#### **§ 30-248. 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.

1980, c. 662, § 62.1-69.12; 1985, c. 149; 2004, c. [1000](#).

#### **§ 30-249. 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.

1980, c. 662, § 62.1-69.13; 1985, c. 149; 2004, c. [1000](#).

#### **§ 30-250. 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.

1980, c. 662, § 62.1-69.14; 2004, c. [1000](#).

#### **§ 30-251. 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.

1980, c. 662, § 62.1-69.15; 2004, c. [1000](#).

#### **§ 30-252. 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.

1980, c. 662, § 62.1-69.17; 2004, c. [1000](#).

#### **§ 30-253. 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.

1980, c. 662, § 62.1-69.18; 1985, c. 149; 2004, c. [1000](#).

#### **§ 30-254. Dissolution.**

In the event that this Agreement shall be terminated by operation of § [30-253](#), 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.

1980, c. 662, § 62.1-69.19; 1981, c. 127; 2004, c. [1000](#).

#### **§ 30-255. 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.

1980, c. 662, § 62.1-69.20; 1985, c. 149; 2004, c. [1000](#).

### **Chapter 37 - Chesapeake Bay Restoration Fund Advisory Committee**

#### **§ 30-256. Chesapeake Bay Restoration Fund Advisory Committee; membership; terms; expenses; staff.**

A. There is hereby established in the legislative branch of state government the Chesapeake Bay Restoration Fund Advisory Committee (the Committee). The Committee shall advise the General Assembly on the expenditure of moneys received in the Chesapeake Bay Restoration Fund (the Fund) created pursuant to § [46.2-749.2](#).

B. The Committee shall consist of seven persons as follows: two members of the House of Delegates appointed by the Speaker of the House of Delegates; one member of the Senate appointed by the Senate Committee on Rules; two nonlegislative citizen members appointed by the Speaker of the House of Delegates, one of whom shall be a representative of the Chesapeake Bay Foundation; and two nonlegislative citizen members 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 interests associated with the restoration and conservation of the Chesapeake Bay and shall be citizens of the Commonwealth.

C. 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. Members shall receive no compensation for their services, but shall be reimbursed out of the Fund for all reasonable and necessary expenses 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.

F. The Committee shall develop goals and guidelines for the use of 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 agency, institution, organization, or entity, public or private. Moneys in the Fund shall not be used to supplant existing general fund appropriations except as provided in subsection D.

G. No later than 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.

H. Staffing of the Committee shall be provided by the Division of Legislative Services.

1995, cc. [749](#), [823](#), § 10.1-2116; 1996, c. [129](#); 2004, c. [1000](#); 2018, c. [628](#); 2019, c. [350](#).

## **Chapter 38 - VIRGINIA HOUSING COMMISSION**

### **§ 30-257. 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 affordable housing for every Virginian. 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.

2004, c. [1000](#).

### **§ 30-258. Membership; terms.**

The Commission shall consist of 11 members. Of these members, there shall be eight legislative members and three nonlegislative citizen members as follows: 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 members of the Senate to be appointed by the Senate Committee on Rules; and three nonlegislative citizen members appointed by the Governor. 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.

The Commission shall elect a chairman and vice-chairman every two years from among its membership, who shall be members of the General Assembly.

2004, c. [1000](#).

**§ 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.

2004, c. [1000](#).

**§ 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.

2004, c. [1000](#).

**§ 30-261. Powers and duties.**

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](#);
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.

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.

2004, c. [1000](#); 2008, c. [863](#).

**§ 30-262. 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.

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. All other agencies and governing bodies and agencies of political subdivisions of the Commonwealth shall provide assistance to the Commission, upon request.

2004, c. [1000](#).

## **Chapter 39 - Joint Reapportionment Committee**

### **§ 30-263. 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 Committee on Privileges and Elections of the House of Delegates and three members of the Committee on Privileges and Elections of the Senate appointed by the respective chairmen of the two committees. Members shall serve terms coincident with their terms of office.

B. The Joint Committee shall elect a chairman and vice-chairman 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 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](#) 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.

1986, c. 593, § 24.1-40.10; 1992, c. 425; 1993, c. 641, § 24.2-300; 2004, c. [1000](#); 2020, Sp. Sess. I, c. [56](#).

### **§ 30-264. Staff to Joint Reapportionment Committee.**

The Division of Legislative Services shall serve as staff to the Joint Reapportionment Committee.

1986, c. 593, § 24.1-40.11; 1991, 1st Sp. Sess., c. 10; 1992, c. 425, § 24.1-40.7:1; 1993, c. 641, § 24.2-301; 2004, c. [1000](#); 2019, cc. [777](#), [778](#); 2020, c. [862](#); 2020, Sp. Sess. I, c. [56](#).

### **§ 30-265. 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 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 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.

2000, c. [884](#), § 24.2-301.1; 2004, c. [1000](#); 2020, cc. [1229](#), [1265](#); 2020, c. [862](#); 2020, Sp. Sess. I, c. [56](#).

## **Chapter 40 - VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION AND FUND [Expired]**

**§§ 30-266 through 30-274. Expired.**

Expired.

## **Chapter 41 - MANUFACTURING DEVELOPMENT COMMISSION**

**§ 30-275. (Effective until October 1, 2021) (For contingent expiration date – See Editor's note) 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 to assess manufacturing needs and formulate legislative and regulatory remedies to ensure the future of the manufacturing sector in Virginia.

B. The Commission shall have a total membership of 14 that shall consist of 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 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 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) one shall be the president of the Virginia Manufacturers Association, and (v) one shall be a representative of 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.

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 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. Costs of this 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 Mines, Minerals and 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.

2006, cc. [607](#), [900](#); 2009, c. [259](#).

**§ 30-275. (Effective October 1, 2021; For contingent expiration date – See Editor's note) 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 to assess manufacturing needs and formulate legislative and regulatory remedies to ensure the future of the manufacturing sector in Virginia.

B. The Commission shall have a total membership of 14 that shall consist of 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 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 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) one shall be the president of the Virginia Manufacturers Association, and (v) one shall be a representative of 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.

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 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. Costs of this 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.

2006, cc. [607](#), [900](#); 2009, c. [259](#); 2021, Sp. Sess. I, c. [532](#).

. **(For contingent expiration date -- See Editor's note) Powers and duties of the Commission.**

The Commission shall have the power and duty to:

1. Assess the direct and indirect economic impact of the manufacturing sector on Virginia's economy.
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; 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 evaluates the Commonwealth's current and future energy supply and demand. In developing the 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.
7. Provide manufacturers and advocates with a forum to address their concerns.
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.

2006, cc. [607](#), [900](#).

**§ 30-277. Repealed.**

Repealed by Acts 2009, c. [542](#).

## **Chapter 42 - Public-Private Partnership Advisory Commission**

**§ 30-278. Definitions.**

As used in this chapter:

"Commission" means the Public-Private Partnership Advisory Commission.

"Comprehensive agreement" means the same as the term is defined in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ [56-575.1](#) et seq.).

"Detailed proposal" means a proposal accepted by a responsible public entity beyond a conceptual level of review and at which time issues such as fixing costs, payment schedules, financing, deliverables, and project schedule are defined.

"Interim agreement" means the same as the 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.

2007, c. [764](#).

**§ 30-279. Public-Private Partnership Advisory Commission established; membership; terms; compensation; staff; quorum.**

A. The Public-Private Partnership Advisory Commission (the Commission) is established as an advisory commission in the legislative branch. The purpose of the Commission shall be to advise 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.).

B. The Commission shall consist of 11 members, including eight legislative members, as follows: (i) the Chair of the House Committee on Appropriations or his designee and four members of the House of Delegates appointed by the Speaker of the House, (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and two members of the Senate appointed by the Senate Committee on Rules, and (iii) three Secretaries as defined in § [2.2-200](#) to be appointed by the Governor to 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. The members of the Commission shall elect from among the legislative membership a chairman and a vice-chairman who shall serve for two-year terms. The Commission shall hold meetings quarterly or upon the call of the chairman. A majority of the Commission shall constitute a quorum.

D. Members of the Commission shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ [2.2-2813](#), [2.2-2825](#), and [30-19.12](#), as appropriate.

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.

2007, c. [764](#); 2008, c. [712](#); 2010, c. [450](#); 2020, c. [738](#).

**§ 30-280. 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.**

A. Each responsible public entity receiving detailed proposals from private entities for a qualifying project shall provide copies of such proposals to the Chairman of the Commission, the chairmen 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 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 specifically appropriated as a public-private partnership in the general appropriation act or capital construction projects that have been authorized in the appropriation act, provided such project does not increase in size more than five percent beyond the plans and justifications that were the basis of the appropriation. For any qualifying project that will be completed in phases and for which no appropriation has been 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 for a qualifying project, the Commission shall determine whether to accept or decline such proposals for review and notify the responsible public entity of its decision. If the Commission accepts a proposal for review, the findings and recommendations of the Commission shall be provided to the responsible public entity within 45 days of receiving complete copies of the detailed proposals. 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 findings and recommendations to the responsible public entity, including (i) whether the terms and conditions of the proposals 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 analysis of the potential financial impact of the qualifying project, (iii) a review of the policy aspects of the detailed proposals and the qualifying project, and (iv) proposed general business terms and conditions. Review by the Commission shall not be construed to constitute approval of any appropriations necessary to implement any subsequent interim or comprehensive agreement.

E. The responsible public entity shall not commence negotiation of an interim or comprehensive agreement until the Commission has submitted its recommendations or declined 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 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.

2007, c. [764](#); 2008, c. [712](#); 2010, c. [450](#).

#### **§ 30-281. 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.

2007, c. [764](#).

### **Chapter 43 - JOINT COMMISSION ON TRANSPORTATION ACCOUNTABILITY**

#### **§ 30-282. Joint Commission on Transportation Accountability established; composition; terms; compensation and expenses; quorum; voting on recommendations.**

There is hereby established in the legislative branch of state government the Joint Commission on Transportation Accountability. The Commission shall consist of six members of the House of Delegates appointed by the Speaker of the House of Delegates, of whom at least three shall be members of the House Committee on Transportation; four members of the Senate appointed by the Senate Committee on Rules of whom at least two shall be members of the Senate Committee on Transportation; and the Auditor of Public Accounts, who shall serve as a nonvoting ex officio member. 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.

2007, c. [896](#); 2013, c. [332](#).

#### **§ 30-283. Staff.**

Administrative staff support shall be provided by the Office of the Clerk of the house of the General Assembly of which the Chairman of the Commission is a member. Legal, research, policy 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.

2007, c. [896](#); 2012, c. [329](#).

#### **§ 30-284. Powers and duties of Commission.**

The Commission shall have the following powers and duties:

1. To make performance reviews of operations of state agencies with transportation responsibilities to ascertain 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, 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 such consultants and advisers as the Commission deems necessary to evaluate financial and project management of state agencies with transportation responsibilities;
4. To make such special studies of and reports on the operations and functions of state agencies with transportation responsibilities as it deems appropriate and as may be requested by the General Assembly;
5. To review actions of the Commonwealth Transportation Board; and
6. To make recommendations to the General Assembly on necessary transportation legislation.

2007, c. [896](#); 2015, c. [480](#).

#### **§ 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.

2007, c. [896](#).

#### **§ 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.

2007, c. [896](#).

## **Chapter 44 - COMMISSION ON THE PREVENTION OF HUMAN TRAFFICKING [Expired]**

**§§ 30-287 through 30-292. Expired.**



Expired.

## **Chapter 45 - VIRGINIA BICENTENNIAL OF THE AMERICAN WAR OF 1812 COMMISSION [Expired]**

§§ 30-266 through 30-274. Expired.  
Expired.

## **Chapter 46 - VIRGINIA COMMISSION ON ENERGY AND ENVIRONMENT [Expired]**

§§ 30-301 through 30-308. Expired.  
Expired.

## **Chapter 47 - MEI Project Approval Commission**

### **§ 30-309. MEI Project Approval Commission; membership; terms; compensation and expenses; definition.**

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 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 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 or (ii) the aggregate amount of incentives to be provided by the Commonwealth in the incentive package including grants, tax incentives such as credits and exemptions related to economic development or the film or television industry, 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. However, no review shall be required for a project if the only incentives to be provided to a potential project are nondiscretionary tax credits or exemptions available to any qualified taxpayer under existing law.

B. The Commission shall consist of 14 members as follows: seven members of the House Committee on Appropriations or the House Committee on Finance appointed by the chair of the House Committee on Appropriations and five members of the Senate Committee on Finance and Appropriations appointed by the chair of the Senate Committee on Finance and Appropriations. In addition, the Secretaries of Finance and Commerce and Trade 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. 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](#).

2009, cc. [246](#), [311](#); 2010, cc. [543](#), [716](#); 2015, c. [761](#); 2020, c. [830](#).

### **§ 30-310. Review of incentive packages.**

A. 1. The Commission shall review 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 or (ii) the aggregate amount of incentives to be provided by the Commonwealth in the incentive package including grants, tax incentives such as credits and exemptions, 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. However, no review shall be required for a project if the only incentives to be provided to a potential project are nondiscretionary tax credits or exemptions available to any qualified taxpayer under existing law. The Commission shall also review economic development projects in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality. The Commission shall recommend approval or denial of such packages and projects to the General Assembly. Factors that shall be considered by the Commission in its review shall include but not be limited to (a) return on investment, (b) the time frame for repayment of incentives to the Commonwealth, (c) average wages of the jobs created by the prospective MEI project or other economic development project, (d) the amount of capital investment that is required, and (e) the need for enhanced employment opportunities in the prospective location of the prospective MEI project or other economic development project.

2. a. Any time a proposed individual incentive package is to be considered by the Commission, materials outlining (i) the value of the proposed incentives; (ii) assumed return on investment; (iii) the time frame for repayment of incentives to the Commonwealth; (iv) average wages of the jobs created by the prospective economic development, film, or episodic television project; (v) the amount of capital investment that is required; (vi) the need for enhanced employment opportunities in the prospective location of the prospective economic development, film, or episodic television project; (vii) 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 list of all other existing, nondiscretionary tax credits or exemptions 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. The timing of any request for an endorsement of a proposed individual incentive package should be scheduled so that the MEI Commission could, at its discretion, have up to seven days subsequent to the presentation of the incentive package prior to endorsing or rejecting such proposal.

B. 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 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 or (ii) the aggregate amount of incentives to be provided by the Commonwealth in the incentive package including grants, tax incentives such as credits and exemptions, 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. 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 and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality. However, no vote shall be required for a project if the only incentives to be provided to a potential project are nondiscretionary tax credits or exemptions available to any qualified taxpayer under existing law.

2009, cc. [246](#), [311](#); 2010, cc. [543](#), [716](#); 2013, c. [806](#); 2015, c. [761](#); 2017, c. [663](#); 2020, c. [830](#).

#### **§ 30-311. Staff; cooperation from other state agencies.**

Administrative staff support shall be provided by the staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. Additional assistance as needed shall be provided by the Auditor of Public Accounts, the Division of Legislative Services, the Virginia Economic Development Authority, or the Virginia Public Building Authority.

2009, cc. [246](#), [311](#); 2020, c. [830](#).

#### **§ 30-312. Commission report to General Assembly.**

The chairman of the Commission shall report annually by the first day of each General Assembly Regular Session on all endorsed incentive packages for which an offer has been made and publicly announced. Staff identified in § [30-311](#) 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 Appropriation Act that propose financing for the endorsed incentive package through the Virginia Public Building Authority or any other proposed funding or financing mechanisms.

2009, cc. [246](#), [311](#); 2010, cc. [543](#), [716](#); 2018, c. [735](#); 2020, c. [830](#).

## **Chapter 48 - COMMISSION ON CIVICS EDUCATION [Expired]**

**§§ 30-313 through 30-318. Expired.**

Expired June 30, 2013.

## **Chapter 49 - VIRGINIA COMMISSION ON THE CENTENNIAL OF THE WOODROW WILSON PRESIDENCY [Expired]**

**§ 30-319. Expired July 1, 2013.**

## **Chapter 50 - Autism Advisory Council**

**§ 30-326. (Expires July 1, 2022) Autism Advisory Council created; purpose; membership; staff.**

A. The Autism Advisory Council (the Council) is established as an advisory council in the legislative branch of state government to promote coordination of services and resources among agencies involved in the delivery of services to Virginians with autism spectrum disorders and to increase public awareness of such services and resources.

B. The Council shall have a total membership of eight members that shall consist of six legislative members and two nonlegislative citizen members. Members shall be appointed as follows: two members of the Senate to be appointed by the Senate Committee on Rules; 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 two nonlegislative citizen members, of whom one shall be a practicing pediatrician and one shall be an advocate for autism spectrum disorders, to be appointed by the Governor. The Council shall request the participation of 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, the Director of the Department of Medical Assistance Services, the Director of the Virginia Autism Resource Center at Virginia Commonwealth University, and the president of Commonwealth Autism Service, or their designees. 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 members shall serve terms coincident with their terms of office. All appointments of non-legislative citizen members shall be for four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and citizen members may be reappointed; however, no 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. The Council shall meet no more than four times a year, upon the call of the chairman or the 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 Senate members or a majority of the House 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.

2011, c. [752](#); 2012, cc. [803](#), [835](#).

### **§ 30-327. (Expires July 1, 2022) Powers and duties of the Council.**

A. The Council shall have the power and duty to:

1. Facilitate the coordination of services and resources among agencies involved in the delivery of services to Virginians 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.

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 progress updates and recommended next steps to be taken by agencies in the following year.

2011, c. [752](#).

**§ 30-328. (Expires July 1, 2022) Autism spectrum disorders defined.**

For the purposes of this chapter, "autism spectrum disorders" shall include the following, as defined in the current edition of the "Diagnostic and Statistical Manual of Mental Disorders" published by the American Psychiatric Association: (i) autistic disorder, (ii) Asperger's syndrome, (iii) Rett syndrome, (iv) childhood disintegrative disorder, and (v) Pervasive Developmental Disorder – Not Otherwise Specified.

2011, c. [752](#).

**§ 30-329. (Expires July 1, 2022) Sunset.**

This chapter shall expire on July 1, 2022.

2011, c. [752](#); 2014, cc. [496](#), [537](#); 2016, c. [106](#); 2018, c. [719](#); 2020, c. [733](#).

## **Chapter 51 - Virginia College Savings Plan Oversight Act**

**§ 30-330. Title of chapter and purpose.**

The General Assembly hereby designates the Joint Legislative Audit and Review Commission (the Commission) to oversee and evaluate the Virginia College Savings 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.

2012, cc. [591](#), [659](#).

**§ 30-331. Duties and powers.**

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 Virginia College Savings Plan; (ii) structure of the investment portfolio; (iii) investment practices, policies, and performance; (iv) actuarial policy; and (v) administration and management of the Virginia College Savings Plan.

B. For purposes of carrying out its duties under this chapter, the Commission shall have the following powers, including but not limited to:

1. Access to the information, records, and facilities of the Virginia College Savings Plan and any corporations or subsidiaries thereof or other entities owned, directly or indirectly, or otherwise created by or on behalf of the Plan.

2. Access to the public and executive session meetings and records of the Board of the Virginia College Savings Plan, as well as those of any advisory committees. Access shall include the right to attend such meetings.

3. Access to the Virginia College Savings Plan's employees, consultants, actuaries, investment managers, advisors, attorneys, accountants, or other contractors in the employ or hire of the Virginia College Savings 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 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 Virginia College Savings Plan or its subsidiary corporations provided to the Commission shall be exempt from the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.).

2012, cc. [591](#), [659](#).

#### **§ 30-332. Required reports.**

A. The Virginia College Savings Plan shall submit to the General Assembly, through the Commission, annual reports on the investment programs of the Virginia College Savings Plan. The report 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 Virginia College Savings Plan shall submit an annual report on the actuarial soundness of the 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 Virginia College Savings 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 Virginia College Savings 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 Virginia College Savings Plan's annual actuarial valuation reports once every four years.

2012, cc. [591](#), [659](#).

#### **§ 30-333. 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. 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 Virginia College Savings Plan.

2012, cc. [591](#), [659](#).

**§ 30-334. 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.

2012, cc. [591](#), [659](#).

**§ 30-335. Funding for the Commission's oversight activities.**

The Commission's reasonable and necessary expenses related to its duties under this chapter shall be paid by the Virginia College Savings Plan. On or before September 30 of each year, the Commission shall submit to the Board of the Virginia College Savings 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 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.

2012, cc. [591](#), [659](#).

## **Chapter 52 - JOINT SUBCOMMITTEE TO EVALUATE TAX PREFERENCES**

**§ 30-336. 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 tax preferences, including but not limited to tax credits, deductions, subtractions, exemptions, and exclusions.

2012, c. [777](#).

**§ 30-337. 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 members of the House of Delegates, of which 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 of the House Committee on Appropriations and the Chairman of the House Committee on Finance, respectively; and six members of the Senate to be appointed by the Senate Committee on Rules, upon the recommendation of the Chairman 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.

2012, c. [777](#).

### **§ 30-338. 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 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 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, including which tax preferences should be continued, expanded, modified, or eliminated.

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 Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services requested by the Joint Subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations.

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.

2012, c. [777](#).

## Chapter 53 - Health Insurance Reform Commission

### § 30-339. Health Insurance Reform Commission established; membership; terms.

A. The Health Insurance Reform Commission (the Commission) is established in the legislative branch of state government.

B. The Commission shall consist of 10 members that include eight legislative members and two non-voting ex officio members as follows: four members of the House Committee on Labor and Commerce 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 members of the Senate Committee on Commerce and Labor appointed by the Senate Committee on Rules; and the Secretary of Health and Human Resources and the Commissioner of Insurance, or their designees.

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.

2013, c. [709](#).

### § 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.

2013, c. [709](#).

### § 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.

2013, c. [709](#).

### § 30-342. Powers and duties.

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 amendments thereto and regulations promulgated thereunder;

2. Receive information provided to the Commission pursuant to § [30-343](#) 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, including recommendations for innovative health care solutions independent of the approach embodied in the Act that meet the needs of Virginia'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 of Insurance of the State Corporation Commission pursuant to § [30-343](#) and recommend 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 of the House Committee on Labor and Commerce or Senate Committee on Commerce and Labor, assess proposed mandated benefits and providers as provided in § [30-343](#) and recommend whether, on the basis of such assessments, mandated benefits and providers be providers under health care plans offered through a health benefit exchange, outside a health benefit exchange, neither, or both;
6. Conduct other studies of mandated benefits and provider issues as requested by the General Assembly; and
7. Develop such recommendations as may be appropriate for legislative and administrative consideration in order to increase access to health insurance coverage, ensure that the costs to business and individual purchasers of health insurance coverage are reasonable, and encourage a robust market for health insurance products in the Commonwealth.

2013, c. [709](#); 2015, c. [698](#).

**§ 30-343. 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. A report summarizing the Commission's assessment shall be forwarded to the Chairman 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, 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, on the basis of that analysis, 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.

C. Upon request of the Commission, the Bureau and the Joint Legislative Audit and Review Commission shall jointly assess the social and financial impact and the medical efficacy of the proposed mandate, which 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 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 assessment by the Bureau and the Joint Legislative Audit and Review Commission, 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. A report summarizing the Commission's study shall be forwarded to the Governor and the General Assembly.

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.

2013, c. [709](#); 2015, c. [698](#); 2016, c. [570](#); 2017, c. [485](#); 2021, Sp. Sess. I, c. [259](#).

#### **§ 30-344. Staffing.**

Administrative staff support for the Commission 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. 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.

2013, c. [709](#); 2015, c. [698](#).

#### **§ 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.

2013, c. [709](#).

#### **§ 30-346. Repealed.**

Repealed by Acts 2017, c. [485](#), cl. [2](#).

### **Chapter 54 - Medicaid Innovation and Reform 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](#).

2013, c. [806](#).

## **Chapter 55 - Commission on Civic Education**

### **§ 30-348. 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 of the Commission are 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.

The Commission shall have a total membership of 17 members that shall consist of five legislative members and 12 nonlegislative citizen members. Members shall be appointed as follows: 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 members of the Senate, to be appointed by the Senate Committee on Rules; six nonlegislative citizen members, 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 nonlegislative citizen members, 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.

2014, c. [562](#); 2017, cc. [145](#), [327](#); 2020, c. [1045](#).

#### **§ 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.

2014, c. [562](#).

#### **§ 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](#).

2014, c. [562](#).

#### **§ 30-351. Powers and duties; report.**

The Commission shall have the following powers and duties:

1. To develop and coordinate outreach programs in collaboration with schools to educate students on the importance of understanding that (i) a constitutional republic is a form of government dependent on reasoned debate and good faith negotiation; (ii) individual involvement is a critical factor in community success; and (iii) consideration of and respect for others is essential to deliberating, negotiating, and advocating positions on public concerns.
2. To identify civic education projects in the Commonwealth and provide technical assistance as may be needed to such programs.
3. To build a network of civic education professionals to share information and strengthen partnerships.

4. To develop, in consultation with entities represented on the Commission and others as determined by the Commission, a clearinghouse that shall be accessible on the Department of Education's website. The electronic clearinghouse shall include, 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 recommendations to the Board of Education regarding revisions to the Standards of Learning for civics and government.
6. To 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.
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.

2014, c. [562](#); 2017, cc. [145](#), [327](#).

#### **§ 30-352. 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 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 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 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 of the Commission.

2014, c. [562](#); 2017, cc. [145](#), [327](#).

#### **§ 30-353. Staffing.**

Administrative staff support shall be provided by the Office of the Clerk of the chairman of the Commission. 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 Education. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

2014, c. [562](#).

#### **§ 30-354. Repealed.**



## Chapter 56 - Virginia Conflict of Interest and Ethics Advisory Council

### § 30-355. Virginia Conflict of Interest and Ethics Advisory Council; membership; terms; quorum; expenses.

A. The Virginia Conflict of Interest and Ethics Advisory Council (the Council) is hereby created as an advisory council in the legislative branch 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 of Interests Act (§ [30-100](#) 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).

B. The Council shall consist of nine members as follows: three members 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 members appointed by the Senate Committee on Rules, two of whom shall be members of the Senate and one of whom shall be a former judge of a court of record; and three members appointed by the Governor, one of whom 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. 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 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 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 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.

2014, cc. [792](#), [804](#); 2015, cc. [763](#), [777](#); 2019, cc. [323](#), [327](#).

### **§ 30-356. Powers and duties of the Council.**

The Council shall:

1. Prescribe the forms required for complying with the disclosure requirements of Article 3 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 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](#) 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;
5. Beginning July 1, 2016, 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](#). 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 ethics, conflicts issues arising under Article 3 or the Acts, or 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. 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. 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](#), 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 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 (§ [30-129.1](#) et seq.) of Chapter 13;

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 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 and the Acts;

10. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice;

11. Request from any agency of state or local government such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency;

12. Redact from any document or form that is to be made available to the public any residential address, personal telephone number, email address, or signature contained on that document or form; and

13. Report on or before December 1 of each year on its activities and findings regarding Article 3 and the Acts, including recommendations for changes in the laws, 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.

2014, cc. [792](#), [804](#); 2015, cc. [763](#), [777](#); 2016, cc. [773](#), [774](#); 2017, cc. [829](#), [832](#); 2019, c. [530](#); 2020, c. [111](#).

**§ 30-356.1. 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](#) 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](#). 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 or the Senate Committee on Rules or its Chairman; 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.

2015, cc. [763](#), [777](#); 2016, cc. [773](#), [774](#).

**§ 30-356.2. 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 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 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 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 emergency.
3. The filer is 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 the failure of such system prevents the timely filing of disclosure forms.

B. For any person 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 a five-day extension upon request. The head of the agency for which the person 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 shall be assessed a civil penalty in the 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 within three days prior to the filing deadline, the Council shall

grant such person a three-day extension upon request and no civil penalties shall be assessed against the head of such person'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](#).

2016, cc. [773](#), [774](#); 2017, cc. [829](#), [832](#); 2018, cc. [467](#), [804](#).

#### **§ 30-357. Staff.**

Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall perform those duties assigned to it by the Council, including those duties enumerated in § [30-356](#). The Division of Legislative Services shall employ an executive director, who shall be subject to the confirmation of the Joint Committee on Rules.

2014, cc. [792](#), [804](#); 2015, cc. [763](#), [777](#).

#### **§ 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.

2014, cc. [792](#), [804](#).

## **Chapter 57 - Intercollegiate Athletics Review Commission**

#### **§ 30-359. 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 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](#).

C. The Commission shall consist of eleven members as follows: the chair of the House Committee on Appropriations, or his designee, and three 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 two members of the Senate Committee on Finance and Appropriations appointed by the chair. In addition, the Auditor of Public Accounts, the Secretary of Education, the Secretary of Finance, and the Director of the State Council of Higher Education for Virginia shall serve as ex officio, nonvoting members of the Commission.

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.

2015, c. [704](#).

**§ 30-360. Review of plans to add a major intercollegiate athletics program or change the division level of an existing intercollegiate athletics program.**

A. 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. 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. 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 necessary to implement any portion of the plan.

D. Findings and recommendations of the Commission shall require an affirmative vote by three of the five members from the House Committee on Appropriations and two of the three members from the Senate Committee on Finance and Appropriations.

2015, c. [704](#).

**§ 30-361. Staff; cooperation from other state agencies.**

Administrative staff support shall be provided by the staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. Additional assistance as needed shall be provided by the State Council of Higher Education for Virginia.

2015, c. [704](#).