

22104254D

HOUSE BILL NO. 967

Offered January 12, 2022

Prefiled January 12, 2022

A BILL to amend and reenact §§ 2.2-1605, 2.2-4310, 2.2-4310.1, 2.2-4310.3, 2.2-4343, 9.1-108, and 9.1-112 of the Code of Virginia, relating to Department of General Services; point-based program for prime contractors.

Patron—Subramanyam

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1605, 2.2-4310, 2.2-4310.1, 2.2-4310.3, 2.2-4343, 9.1-108, and 9.1-112 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1605. Powers and duties of Department.

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

1. Coordinate as consistent with prevailing law the plans, programs, and operations of the state government that affect or may contribute to the establishment, preservation, and strengthening of small, women-owned, and minority-owned businesses;

2. Promote the mobilization of activities and resources of state and local governments, businesses and trade associations, baccalaureate institutions of higher education, foundations, professional organizations, and volunteer and other groups towards the growth of small businesses and businesses owned by women and minorities, and facilitate the coordination of the efforts of these groups with those of state departments and agencies;

3. Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting procurement from small, women-owned, and minority-owned businesses;

4. Consistent with prevailing law and availability of funds, and according to the Director's discretion, provide technical and management assistance to small, women-owned, and minority-owned businesses and defray all or part of the costs of pilot or demonstration projects that are designed to overcome the special problems of small, women-owned, and minority-owned businesses;

5. Advise the Small Business Financing Authority on the management and administration of the Small, Women-owned, and Minority-owned Business Loan Fund created pursuant to § 2.2-2311.1;

6. Implement any remediation or enhancement measure for small, women-owned, or minority-owned businesses as may be authorized by the Governor pursuant to subsection *ED* of § 2.2-4310 and develop regulations, consistent with prevailing law, for program implementation. Such regulations shall be developed in consultation with the state agencies with procurement responsibility and promulgated by those agencies in accordance with applicable law; and

7. Receive and coordinate, with the appropriate state agency, the investigation of complaints that a business certified pursuant to this chapter has failed to comply with its subcontracting plan under subsection *DE* of § 2.2-4310. If the Department determines that a business certified pursuant to this chapter has failed to comply with the subcontracting plan, the business shall provide a written explanation.

B. In addition, the Department shall serve as the liaison between the Commonwealth's existing businesses and state government in order to promote the development of Virginia's economy. To that end, the Department shall:

1. Encourage the training or retraining of individuals for specific employment opportunities at new or expanding business facilities in the Commonwealth;

2. Develop and implement programs to assist small businesses in the Commonwealth in order to promote their growth and the creation and retention of jobs for Virginians;

3. Establish an industry program that is the principal point of communication between basic employers in the Commonwealth and the state government that will address issues of significance to business;

4. Make available to existing businesses, in conjunction and cooperation with localities, chambers of commerce, and other public and private groups, basic information and pertinent factors of interest and concern to such businesses; and

5. Develop statistical reports on job creation and the general economic conditions in the Commonwealth.

C. All agencies of the Commonwealth shall assist the Department upon request and furnish such

INTRODUCED

HB967

59 information and assistance as the Department may require in the discharge of its duties.

60 **§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned,**
61 **and service disabled veteran-owned businesses and employment services organizations.**

62 A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or
63 offeror because of race, religion, color, sex, sexual orientation, gender identity, national origin, age,
64 disability, status as a service disabled veteran, or any other basis prohibited by state law relating to
65 discrimination in employment. Whenever solicitations are made, each public body shall include
66 businesses selected from a list made available by the Department of Small Business and Supplier
67 Diversity, which list shall include all companies and organizations certified by the Department.

68 B. All public bodies shall establish programs consistent with this chapter to facilitate the participation
69 of small businesses, businesses owned by women, minorities, and service disabled veterans, and
70 employment services organizations in procurement transactions. The programs established shall be in
71 writing and shall comply with the provisions of any enhancement or remedial measures authorized by
72 the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing
73 body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein.
74 State agencies shall submit annual progress reports on (i) small, women-owned, and minority-owned
75 business procurement, (ii) service disabled veteran-owned business procurement, and (iii) employment
76 services organization procurement to the Department of Small Business and Supplier Diversity in a form
77 specified by the Department of Small Business and Supplier Diversity. Contracts and subcontracts
78 awarded to employment services organizations and service disabled veteran-owned businesses shall be
79 credited toward the small business, women-owned, and minority-owned business contracting and
80 subcontracting goals of state agencies and contractors. The Department of Small Business and Supplier
81 Diversity shall make information on service disabled veteran-owned procurement available to the
82 Department of Veterans Services upon request.

83 C. *When an awarded contract includes a small business subcontracting plan, the prime contractor*
84 *shall be required to report compliance with its plan using the Department of General Services central*
85 *electronic procurement system, known as eVA. Before final payment is made, the purchasing agency*
86 *shall confirm that the prime contractor certified compliance with such plan. If there are any variances*
87 *between the prime contractor's required small business subcontracting plan and the actual participation,*
88 *the prime contractor shall provide a written explanation to the purchasing agency. The written*
89 *explanation shall be kept with the contract file and made available upon request. Such contracts and*
90 *renewals shall include a provision allowing for final payment to be withheld until the prime contractor*
91 *complies with its small business subcontracting plan. Prior to entering into a new contract or renewing*
92 *a contract with a prime contractor, a purchasing agency shall review a contractor's record of*
93 *compliance with small business subcontracting procurement plan requirements, and such compliance*
94 *shall be considered in the prospective award or renewal of any future contracts with the prime*
95 *contractor. The Department shall create a report within eVA to enable cross-agency transparency into a*
96 *contractor's record of compliance with small business subcontracting plan requirements.*

97 D. Whenever there exists (i) a rational basis for small business or employment services organization
98 enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the
99 availability and utilization of women-owned and minority-owned businesses, the Governor is authorized
100 and encouraged to require state agencies to implement appropriate enhancement or remedial measures
101 consistent with prevailing law. Any enhancement or remedial measure authorized by the Governor
102 pursuant to this subsection for state public bodies may allow for small businesses certified by the
103 Department of Small Business and Supplier Diversity or a subcategory of small businesses established as
104 a part of the enhancement program to have a price preference over noncertified businesses competing for
105 the same contract award on designated procurements, provided that the bid of the certified small
106 business or the business in such subcategory of small businesses established as a part of an enhancement
107 program does not exceed the low bid by more than five percent.

108 ~~D.~~ E. In awarding a contract for services to a small, women-owned, or minority-owned business that
109 is certified in accordance with § 2.2-1606, or to a business identified by a public body as a service
110 disabled veteran-owned business where the award is being made pursuant to an enhancement or remedial
111 program as provided in subsection ~~C~~ D, the public body shall include in every such contract of more
112 than \$10,000 the following:

113 "If the contractor intends to subcontract work as part of its performance under this contract, the
114 contractor shall include in the proposal a plan to subcontract to small, women-owned, minority-owned,
115 and service disabled veteran-owned businesses."

116 ~~E.~~ F. In the solicitation or awarding of contracts, no state agency, department, or institution shall
117 discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the
118 state agency, department, or institution has made a written determination that employing ex-offenders on
119 the specific contract is not in its best interest.

120 ~~F.~~ G. As used in this section:

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, or any historically black college or university as defined in § 2.2-1604, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled veteran business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business, independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

§ 2.2-4310.1. Awards as a result of any authorized enhancement or remedial measure; requirements.

A. Any enhancement or remedial measure authorized by the Governor pursuant to subsection *CD* of § 2.2-4310 for state public bodies shall include a provision that the procurement shall be conducted in accordance with such enhancement or remedial measure for businesses certified by the Department of Small Business and Supplier Diversity. If such enhancement or remedial measure provides for an award priority for such businesses, then the contract shall be awarded in accordance with such priority if such priority business participated in the solicitation and requirements are met. If an award is not made based on the foregoing, then the contract shall be awarded in accordance with the next award priority and so on until a contract is awarded based on the established award priority.

B. If an award is not made pursuant to subsection A, the procurement award may be made without

regard to such enhancement or remedial measure.

§ 2.2-4310.3. Fiscal data pertaining to certain enhancement or remedial measures.

The Department of General Services shall make available a dashboard of purchase order reports from the Commonwealth's statewide electronic procurement system known as eVA. The dashboard shall include aggregated data showing (i) current fiscal year purchase orders, (ii) purchase orders from the previous fiscal year, and (iii) other relevant data derived from any enhancement or remedial measure implemented by the Governor pursuant to subsection *CD* of § 2.2-4310.

§ 2.2-4343. Exemption from operation of chapter for certain transactions.

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the respective public institution of higher education pursuant to § 23.1-2210, 23.1-2306, 23.1-2604, or 23.1-2803. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23.1-2210, 23.1-2306, 23.1-2604, and 23.1-2803.

6. The Board of the Virginia College Savings Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23.1-706.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2012 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 and Chapter 43.1 (§ 2.2-4378 et seq.).

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections B, C, and D of § 2.2-4303, §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4342, 2.2-4343.1, and 2.2-4367 through 2.2-4377, Chapter 43.1 (§ 2.2-4378 et seq.), and § 58.1-1902 shall apply to all counties, cities, and school divisions and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4302.2, 2.2-4303.1, and 2.2-4303.2 shall also apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$80,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services and the Department of Juvenile Justice in the selection of pre-release and post-commitment services.

18. The University of Virginia Medical Center to the extent provided by subdivision A 3 of § 23.1-2213.

19. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

20. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

21. [Expired].

22. The purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000, provided that the procurement is accomplished by (i) obtaining written informal solicitation of a minimum of three bidders or offerors if practicable and (ii) including a written statement regarding the basis for awarding the contract.

23. The Virginia Industries for the Blind when procuring components, materials, supplies, or services for use in commodities and services furnished to the federal government in connection with its operation as an AbilityOne Program-qualified nonprofit agency for the blind under the Javits-Wagner-O'Day Act, 41 U.S.C. §§ 8501-8506, provided that the procurement is accomplished using procedures that ensure that funds are used as efficiently as practicable. Such procedures shall require documentation of the basis for awarding contracts. Notwithstanding the provisions of § 2.2-1117, no public body shall be required to purchase such components, materials, supplies, services, or commodities.

24. The purchase of personal protective equipment for private, nongovernmental entities by the Governor pursuant to subdivision (11) of § 44-146.17 during a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared. However, such purchase shall provide for competition where practicable and include a written statement regarding the basis for awarding any contract.

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such

305 federal requirements, notwithstanding the provisions of this chapter, only upon the written determination
306 of the Governor, in the case of state agencies, or the governing body, in the case of political
307 subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the
308 public interest. Such determination shall state the specific provision of this chapter in conflict with the
309 conditions of the grant or contract.

310 **§ 9.1-108. Criminal Justice Services Board membership; terms; vacancies; members not**
311 **disqualified from holding other offices; designation of chairmen; meetings; compensation.**

312 A. The Criminal Justice Services Board is established as a policy board within the meaning of
313 § 2.2-2100, in the executive branch of state government. The Board shall consist of 32 members as
314 follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General or his
315 designee; the Superintendent of the Department of State Police; the Director of the Department of
316 Corrections; the Director of the Department of Juvenile Justice; the Chairman of the Parole Board; the
317 Executive Director of the Virginia Indigent Defense Commission or his designee; and the Executive
318 Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the
319 Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the
320 Department of Corrections, the Director of the Department of Juvenile Justice, or the Chairman of the
321 Parole Board will be absent from a Board meeting, he may appoint a member of his staff to represent
322 him at the meeting.

323 Twenty members shall be appointed by the Governor from among citizens of the Commonwealth. At
324 least one shall be a representative of a crime victims' organization or a victim of crime as defined in
325 subsection B of § 19.2-11.01, one shall be a representative of a social justice organization that is
326 engaged in advancing inclusion and human rights, one shall be a mental health service provider, and two
327 shall represent community interests, at least one of whom shall represent the community interests of
328 minority individuals from one of the four groups defined in subsection FG of § 2.2-4310. The remainder
329 shall be representative of the broad categories of state and local governments, criminal justice systems,
330 and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the
331 Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally
332 elected and appointed administrative and legislative officials. Among these members there shall be two
333 sheriffs representing the Virginia Sheriffs' Association selected from among names submitted by the
334 Association; one member who is an active duty law-enforcement officer appointed after consideration of
335 the names, if any, submitted by police or fraternal associations that have memberships of at least 1,000;
336 two representatives of the Virginia Association of Chiefs of Police appointed after consideration of the
337 names submitted by the Association, if any; one attorney for the Commonwealth appointed after
338 consideration of the names submitted by the Virginia Association of Commonwealth's Attorneys, if any;
339 one person who is a mayor, city or town manager, or member of a city or town council representing the
340 Virginia Municipal League appointed after consideration of the names submitted by the League, if any;
341 one person who is a county executive, manager, or member of a county board of supervisors
342 representing the Virginia Association of Counties appointed after consideration of the names submitted
343 by the Association, if any; one member representing the Virginia Association of Campus Law
344 Enforcement Administrators appointed after consideration of the names submitted by the Association, if
345 any; one member of the Private Security Services Advisory Board; and one representative of the
346 Virginia Association of Regional Jails appointed after consideration of the names submitted by the
347 Association, if any.

348 Four members of the Board shall be members of the General Assembly appointed as follows: one
349 member of the House Committee on Appropriations appointed by the Speaker of the House of Delegates
350 after consideration of the recommendation by the committee's chairman; one member of the House
351 Committee for Courts of Justice appointed by the Speaker of the House of Delegates after consideration
352 of the recommendation by the committee's chairman; one member of the Senate Committee on Finance
353 and Appropriations appointed by the Senate Committee on Rules after consideration of the
354 recommendation of the chairman of the Senate Committee on Finance and Appropriations; and one
355 member of the Senate Committee on the Judiciary appointed by the Senate Committee on Rules after
356 consideration of the recommendation of the chairman of the Senate Committee on the Judiciary. The
357 legislative members shall serve terms coincident with their terms of office and shall serve as ex officio,
358 nonvoting members. Legislative members may be reappointed for successive terms.

359 B. The members of the Board appointed by the Governor shall serve for terms of four years,
360 provided that no member shall serve beyond the time when he holds the office or employment by
361 reason of which he was initially eligible for appointment. Gubernatorial appointed members of the Board
362 shall not be eligible to serve for more than two consecutive full terms. Three or more years within a
363 four-year period shall be deemed a full term. Any vacancy on the Board shall be filled in the same
364 manner as the original appointment, but for the unexpired term.

365 C. The Governor shall appoint a chairman of the Board for a two-year term. No member shall be
366 eligible to serve more than two consecutive terms as chairman. The Board shall designate one or more

vice-chairmen from among its members, who shall serve at the pleasure of the Board.

D. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the contrary, membership on the Board shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

E. The Board shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Board.

F. The Board may adopt bylaws for its operation.

G. Legislative members of the Board 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. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Criminal Justice Services.

§ 9.1-112. Committee on Training; membership.

There is created a permanent Committee on Training under the Board that shall be the policy-making body responsible to the Board for effecting the provisions of subdivisions 2 through 17 of § 9.1-102. The Committee on Training shall be composed of 19 members of the Board as follows: the Superintendent of the Department of State Police; the Director of the Department of Corrections; a member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court of Virginia; two sheriffs representing the Virginia Sheriffs' Association; two representatives of the Virginia Association of Chiefs of Police; the active-duty law-enforcement officer representing police and fraternal associations; the attorney for the Commonwealth representing the Virginia Association of Commonwealth's Attorneys; an attorney representing the Virginia Indigent Defense Commission; a representative of the Virginia Municipal League; a representative of the Virginia Association of Counties; a mental health service provider; a regional jail superintendent representing the Virginia Association of Regional Jails; one citizen representing a social justice organization that is engaged in advancing inclusion and human rights; two citizens representing community interests, at least one of whom shall represent the community interests of minority individuals from one of the four groups defined in subsection FG of § 2.2-4310; and one member designated by the chairman of the Board from among the other appointments made by the Governor.

The Committee on Training shall annually elect its chairman from among its members.

The Committee on Training may appoint curriculum review committees to assist the Committee on Training in carrying out its duties under this section. Any curriculum review committee shall be composed of nine members appointed by the Committee on Training. At least one member shall be a representative from the Department of State Police Training Academy, one member shall be a representative of a regional criminal justice academy, one member shall be a representative of an independent criminal justice academy, and one member shall be a representative of a community-based organization. The remainder shall be selected from names submitted by the Department of individuals with relevant experience.