

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 697

An Act to amend and reenact §§ 2.2-2000, 2.2-2452, 2.2-2681 and 2.2-2715 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 20 of Title 2.2 a section numbered 2.2-2004.1, relating to veterans services.

[S 412]

Approved April 12, 2004

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2000, 2.2-2452, 2.2-2681 and 2.2-2715 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Chapter 20 of Title 2.2 a section numbered 2.2-2004.1 as follows:

§ 2.2-2000. Department created; appointment of Commissioner.

A. There shall be a Department of Veterans Services (the Department), which shall be headed by a Commissioner appointed by the Governor subject to confirmation by the General Assembly. The Commissioner shall be a veteran who has received an honorable discharge from the armed forces of the United States. He *shall report directly to the Governor and* shall hold his office at the pleasure of the Governor for a term of five years.

B. The Commissioner of the Department shall, under the direction and control of the Governor, exercise powers and perform duties conferred or imposed upon him by law and perform such other duties as may be required by the Governor.

§ 2.2-2004.1. *Advisory committees for veterans care centers.*

The Commissioner shall establish an advisory committee for the purpose of advising him on any and all matters pertaining to the administration of any veterans care center established in the Commonwealth.

§ 2.2-2452. Board of Veterans Services; membership; terms; quorum; compensation; staff.

A. The Board of Veterans Services (the Board) is established as a policy board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of ~~17~~ 19 members that includes five legislative members, 11 nonlegislative citizen members, and ~~one~~ three ex officio ~~member~~ 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 Privileges and Elections; 11 nonlegislative citizen members to be appointed by the Governor; ~~and~~ the Commissioner of the Department of Veterans Services to serve ex officio with full voting privileges; *and the Chairman of the Board of Trustees of the Veterans Services Foundation and the Chairman of the Joint Leadership Council of Veterans Service Organizations to serve ex officio without voting privileges.* Nonlegislative citizen members of the Board shall be citizens of the Commonwealth.

Initial appointments of the Governor shall include at least three members who, as of January 1, 2003, were members of the Board of Veterans' Affairs, the Virginia Veterans Cemetery Board, or the Virginia Veterans Care Center Board of Trustees. In making appointments, the Governor shall endeavor to ensure a balanced geographical representation on the Board while at the same time selecting appointees of such qualifications and experience as will allow them to provide expertise and insight into:

1. Best practices in benefits claims services, medical and health care management, or cemetery operations;

2. Performance measurements and general management principles; and

3. Nonprofit volunteer operations and management.

Each of the three areas of expertise shall be represented on the Board by at least two different appointees per area of expertise in order to allow for the Board to be capable of developing reasonable and effective policy recommendations related to the services provided to veterans of the armed forces of the United States and their Virginia-domiciled surviving spouses, orphans, and dependents by the Department of Veterans Services.

Legislative members and the Commissioner of the Department of Veterans Services shall serve terms coincident with their terms of office. Initial appointments of nonlegislative citizen members by the Governor shall be staggered as follows: three members for a term of one year, four members for a term of two years and four members for a term of three years. Thereafter, 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. All 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 two consecutive

four-year terms.

The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

B. The Board shall select a chairman from its membership and, pursuant to rules adopted by it, may elect one of its members as vice chairman. The Commissioner of the Department of Veterans Services shall not be eligible to serve as chairman. The Board shall also elect one of its members as secretary. The Board shall meet at least three times a year at such times as it deems appropriate or on call of the chairman. A majority of the members of the Board shall constitute a quorum.

C. The Board shall be organized with at least three subcommittees that shall be responsible for (i) veterans benefits, (ii) veterans care services, and (iii) veterans cemeteries.

D. The Department of Veterans Services shall provide staff to the Board.

§ 2.2-2681. Joint Leadership Council of Veterans Service Organizations; membership; terms; chairman; quorum; compensation.

A. The Joint Leadership Council of Veterans Service Organizations (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The Council shall be composed of one representative from each qualifying veterans service organization and appointed by the Governor. The Commissioner of the Department of Veterans Services *and the Chairman of the Board of Veterans Services* shall serve as a nonvoting ~~ex officio member~~ *members*.

Qualifying veterans service organizations shall be (i) composed principally of and controlled by veterans of the United States Armed Forces, (ii) a registered nonprofit organization in good standing, incorporated for the purpose of promoting programs designed to assist veterans of the armed forces of the United States and their Virginia-domiciled surviving spouses, orphans, and dependents, and (iii) active and in good standing with its parent national organization, if such a parent organization exists.

B. Voting members shall be appointed for terms of three years. Appointments to fill vacancies shall be for the unexpired terms. No person shall be eligible to serve for or during more than two successive three-year terms. Each qualifying veterans service organization shall be responsible for recommending a member for appointment to the Council by the Governor.

C. The Council shall annually elect its chairman and vice chairman from among its members. The Council shall develop and adopt its own charter, and shall develop and adopt a mission and vision statement in consultation with the Department of Veterans Services. A majority of the voting members of the Council shall constitute a quorum.

D. The Council shall meet at least four times per year. Additional meetings shall be subject to majority approval by the members of the Council.

E. Members of the Council shall not receive any compensation or reimbursement of expenses for their services.

§ 2.2-2715. Veterans Services Foundation; purpose; membership; terms; compensation; staff.

A. The Veterans Services Foundation (the Foundation) is established to serve as an advisory foundation, within the meaning of § 2.2-2100, in the executive branch of state government. The Foundation shall be governed and administered by a board of trustees for the purpose of providing funding for veteran services and programs in the Commonwealth through the Veterans Services Fund (the Fund). The Foundation shall submit a quarterly report to the Commissioner of Veterans Services on the Foundation's funding levels and services.

B. The Foundation shall consist of the Commissioner of Veterans Services *and the Chairman of the Board of Veterans Services*, who shall serve as an ~~ex officio voting member~~ *members*, and eight nonlegislative citizens appointed by the Governor, subject to confirmation by the General Assembly. A majority of the trustees shall be active or retired chairmen, chief executive officers, or chief financial officers for large private corporations or nonprofit organizations. Trustees appointed by the Governor shall, insofar as possible, be veterans.

Initial appointments by the Governor shall be staggered as follows: two members for a term of one year, three members for a term of two years, and three members for a term of four years. Thereafter, members shall be appointed for a term of three years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive three-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. Any member of the Board of Trustees may be removed by the Governor at his pleasure.

C. Trustees shall be reimbursed for their actual expenses incurred while attending meetings of the trustees or performing other duties. However, such reimbursement shall not exceed the per diem rate established for members of the General Assembly pursuant to § 30-19.12.

D. The Secretary of Administration shall designate a state agency to provide the Foundation with administrative and other services.

E. The trustees shall adopt bylaws governing their organization and procedures and may amend the same. The trustees shall elect from their number a chairman and such other officers as their bylaws may

provide.

F. Any person designated by the board of trustees to handle the funds of the Foundation or the Fund shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the faithful discharge of his duties. Any premium on the bond shall be paid from funds available to the Foundation.