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HOUSE BILL NO. 1440

Offered January 18, 2006

A *BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 40, consisting of sections numbered 30-266 through 30-273, relating to the Virginia Sesquicentennial American Civil War Commission; report.*

Patron—Howell, W.J.

Referred to Committee on Rules

Whereas, the Commonwealth of Virginia witnessed more Civil War military engagements on its soil than any other state, hosts more historic sites related to the Civil War than any other state, and is home to the Pamplin Historical Park and the National Museum of the Civil War Soldier and the Virginia Center for Civil War Studies at Virginia Polytechnic Institute and State University, both of which are nationally recognized centers of expertise in the study of the Civil War; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 40, consisting of sections numbered 30-266 through 30-273 as follows:

CHAPTER 40.**VIRGINIA SESQUICENTENNIAL AMERICAN CIVIL WAR COMMISSION.**

§ 30-266. *Virginia Sesquicentennial American Civil War Commission; purpose.*

The Virginia Sesquicentennial American Civil War Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to prepare for and commemorate the sesquicentennial of Virginia's participation in the American Civil War.

§ 30-267. *Membership; terms.*

The Commission shall have a total membership of 13 members that shall consist of 10 legislative members, two nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: six members of the House of Delegates, including the Speaker 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, including the President pro tempore of the Senate, to be appointed by the Senate Committee on Rules; and two nonlegislative citizen members, one to be appointed by the Speaker of the House of Delegates and one to be appointed by the Senate Committee on Rules. The Director of the Center for Virginia History of the Virginia Historical Society or his designee shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

The Commission shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly. The Commission may name five of its members to constitute an executive committee, which shall act for the Commission pursuant to its direction.

§ 30-268. *Advisory Council.*

The Commission may appoint and establish an advisory council composed of persons who have knowledge of American Civil War history and interest in its sesquicentennial celebration, to assist the Commission in its work. The Librarian of Virginia shall be a member of the advisory council.

§ 30-269. *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.

§ 30-270. *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

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59 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such
60 compensation and expenses shall be paid from existing appropriations to the Commission, or, if
61 unfunded, shall be approved by the Joint Rules Committee.

62 The Commission may solicit, accept, use, and dispose of gifts, grants, donations, bequests, or other
63 funds or real or personal property for the purpose of aiding or facilitating the work of the Commission.
64 In accordance with the appropriations act, the Commission may procure supplies, services, and
65 property, and make or enter into contracts, leases, or other legal agreements as it may deem necessary
66 to carry out its duties as set forth in this chapter. No contract, lease, or other legal agreement shall be
67 entered into by the Commission that extends beyond the date of expiration of the Commission.

68 § 30-271. Powers and duties of the Commission.

69 The Commission shall have the following powers and duties:

70 1. Plan, develop, and carry out programs and activities appropriate to commemorate the
71 sesquicentennial of the Civil War;

72 2. Encourage interdisciplinary examination of the Civil War;

73 3. Facilitate balanced Civil War-related activities throughout Virginia;

74 4. Encourage civic, historical, educational, economic, and other organizations throughout Virginia to
75 organize and participate in activities to expand the understanding and appreciation of the significance
76 of the Civil War;

77 5. Provide technical assistance to localities and nonprofit organizations to further the
78 commemoration of the sesquicentennial of the Civil War;

79 6. Develop programs and facilities to ensure that the sesquicentennial commemoration of the Civil
80 War results in a positive legacy and long-term public benefit;

81 7. Encourage the development and conduct of programs designed to involve all citizens in activities
82 that commemorate the Civil War;

83 8. Adopt an official flag, seal, and other emblems for the sesquicentennial celebration, and copyright
84 the same in the name of the Commonwealth. The Commission may lease or sell the title to the use of
85 such seal and other emblems upon such terms and conditions as it deems proper; and

86 9. Submit to the General Assembly and the Governor an annual report for publication as a report
87 document as provided in the procedures of the Division of Legislative Automated Systems for the
88 processing of legislative documents and reports. The chairman of the Commission shall submit to the
89 General Assembly and the Governor an annual executive summary of the interim activity and work of
90 the Commission no later than the first day of each regular session of the General Assembly. The
91 executive summary shall be submitted for publication as a report document as provided in the
92 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
93 and reports and shall be posted on the General Assembly's website.

94 § 30-272. Staffing.

95 The Commission may appoint, employ, and remove, at its pleasure, such staff as it deems necessary
96 to assist it in carrying out its duties as set forth in this chapter. The Commission may determine the
97 duties of such staff and fix their salaries or compensation within the amounts appropriated therefor. The
98 Center for Virginia History of the Virginia Historical Society shall serve as primary staff to the
99 Commission. However, if funds are not appropriated for staffing, the Joint Rules Committee shall
100 determine and approve the staffing support for the Commission. All agencies of the Commonwealth shall
101 provide assistance to the Commission, upon request.

102 § 30-273. Sunset.

103 This chapter shall expire on July 1, 2012.

104 **2. For its first year of existence, if the Commission is not funded by a separate appropriation in**
105 **the appropriation act, the Commission may be funded from the operating budgets of the Clerk of**
106 **the House of Delegates and the Clerk of the Senate upon the approval of the Joint Rules**
107 **Committee. If the Commission is not funded by a separate appropriation in the appropriation act**
108 **for any year thereafter, this chapter shall expire on July 1 of the fiscal year that the Commission**
109 **fails to receive such funding.**