

062372328

HOUSE BILL NO. 1440**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Rules

on February 1, 2006)

(Patron Prior to Substitute—Delegate Howell, W.J.)

A *BILL* to amend the Code of Virginia by adding in Title 30 a chapter numbered 40, consisting of sections numbered 30-266 through 30-274, relating to the Virginia Sesquicentennial of the War Between the States Commission and Fund; report.

Whereas, the Commonwealth of Virginia witnessed more War Between the States military engagements on its soil than any other state, hosts more historic sites related to the War Between the States than any other state, and is home to the Pamplin Historical Park and the National Museum of the Civil War Soldier, Tredegar National Civil War Center, and the Virginia Center for Civil War Studies at Virginia Polytechnic Institute and State University, all of which are nationally recognized centers of expertise in the study of the War Between the States; 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 30-274 as follows:

CHAPTER 40.**VIRGINIA SESQUICENTENNIAL OF THE WAR BETWEEN THE STATES COMMISSION AND FUND.**

§ 30-266. Virginia Sesquicentennial of the War Between the States Commission established; purpose.

The Virginia Sesquicentennial of the War Between the States 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 War Between the States.

§ 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 at large, one to be appointed by the Speaker of the House of Delegates and one to be appointed by the Senate Committee on Rules. The President and Chief Executive Officer 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. Nonlegislative citizen members shall serve a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. -

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, of whom one shall be the President and Chief Executive Officer of the Virginia Historical Society, 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 the history pertaining to the War Between the States 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. Virginia Sesquicentennial of the War Between the States Commission Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Sesquicentennial of the War Between the States Commission Fund, hereafter referred to as the "Fund."

60 *The Fund shall be established on the books of the Comptroller and shall consist of gifts, grants,*
61 *donations, bequests, or other funds from any source as may be received by the Commission for its work.*
62 *Moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the*
63 *Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including*
64 *interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in*
65 *the Fund. Moneys in the Fund shall be used solely for the purpose of enabling the Commission to*
66 *perform its duties. Expenditures and disbursements from the Fund shall be made by the State Treasurer*
67 *on warrants issued by the Comptroller upon written request of the Chairman of the Commission.*

68 *§ 30-271. Compensation; expenses.*

69 *Legislative members of the Commission shall receive such compensation as provided in § 30-19.12,*
70 *and nonlegislative citizen members shall receive such compensation for the performance of their duties*
71 *as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses*
72 *incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such*
73 *compensation and expenses shall be paid from existing appropriations to the Commission, or, if*
74 *unfunded, shall be approved by the Joint Rules Committee.*

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

81 *§ 30-272. Powers and duties of the Commission.*

82 *The Commission shall have the following powers and duties:*

83 *1. Plan, develop, and carry out programs and activities appropriate to commemorate the*
84 *sesquicentennial of the War Between the States;*

85 *2. Encourage interdisciplinary examination of the War Between the States;*

86 *3. Facilitate balanced activities related to the War Between the States throughout Virginia;*

87 *4. Encourage civic, historical, educational, economic, and other organizations throughout Virginia to*
88 *organize and participate in activities to expand the understanding and appreciation of the significance*
89 *of the War Between the States;*

90 *5. Provide technical assistance to localities and nonprofit organizations to further the*
91 *commemoration of the sesquicentennial of the War Between the States;*

92 *6. Develop programs and facilities to ensure that the sesquicentennial commemoration of the War*
93 *Between the States results in a positive legacy and long-term public benefit;*

94 *7. Encourage the development and conduct of programs designed to involve all citizens in activities*
95 *that commemorate the War Between the States;*

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

99 *9. Submit to the General Assembly and the Governor an annual report for publication as a report*
100 *document as provided in the procedures of the Division of Legislative Automated Systems for the*
101 *processing of legislative documents and reports. The chairman of the Commission shall submit to the*
102 *General Assembly and the Governor an annual executive summary of the interim activity and work of*
103 *the Commission no later than the first day of each regular session of the General Assembly. The*
104 *executive summary shall be submitted for publication as a report document as provided in the*
105 *procedures of the Division of Legislative Automated Systems for the processing of legislative documents*
106 *and reports and shall be posted on the General Assembly's website.*

107 *§ 30-273. Staffing.*

108 *The Division of Legislative Services shall provide staff support to the Commission. The Center for*
109 *Virginia History of the Virginia Historical Society shall provide technical assistance to the Commission,*
110 *and all agencies of the Commonwealth shall provide assistance to the Commission, upon request.*

111 *§ 30-274. Sunset.*

112 *This chapter shall expire on July 1, 2015.*

113 **2. That, upon the expiration of the first term on July 1, 2010, of nonlegislative citizen members**
114 **appointed to the Commission, such members may be reappointed for a term of five years to expire**
115 **on July 1, 2015.**

116 **3. For its first year of existence, if the Commission is not funded by a separate appropriation in**
117 **the appropriation act, the Commission may be funded from the operating budgets of the Clerk of**
118 **the House of Delegates and the Clerk of the Senate upon the approval of the Joint Rules**
119 **Committee. If the Commission is not funded by a separate appropriation in the appropriation act**
120 **for any year thereafter, this chapter shall expire on July 1 of the fiscal year that the Commission**
121 **fails to receive such funding.**