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SENATE BILL NO. 809

Offered January 10, 2007

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A BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 42, consisting of sections numbered 30-278 through 30-284, relating to the Virginia Commission on the Bicentennial of Abraham Lincoln; report.

 Patron—Marsh

Referred to Committee on Rules

Whereas, on February 12, 2009, the nation will commemorate the 200th anniversary of the birth of Abraham Lincoln, 16th President of the United States, considered by many citizens to have been the greatest American president; and

Whereas, Abraham Lincoln, sketching out his life five months before receiving his party's nomination for President, wrote, "I was born Feb. 12, 1809, in Hardin County, Kentucky. My parents were both born in Virginia, of undistinguished families—second families, perhaps I should say"; and

Whereas, Abraham Lincoln, a central figure in American history, fervently resolved to preserve the nation, and "he wished not only to save his country, but also to make it worthy of the saving, a place where all would have the right to rise"; and

Whereas, at the dedication of the military cemetery at Gettysburg he rededicated the nation to freedom and democracy stating, "The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth," and the principles that he espoused remain a core part of the American value system; and

Whereas, as President and Commander-in-Chief of these United States at a time when the Union was torn asunder, Abraham Lincoln guided the country through the most devastating experience in its national history, and on December 3, 1861, he addressed the Congress: "The struggle of today is not altogether for today—it is for a vast future also," apparently understanding, predicting, and warning future generations that the reverberations of the Civil War and the struggle for human rights would persist well into our own time; and

Whereas, the Abraham Lincoln Bicentennial Commission, created by Congress to inform the public and lead the nation in the commemoration of the 200th anniversary of his birth, stated that on "January 1, 1863, President Lincoln signed the Emancipation Proclamation, setting into motion a legal process that destroyed American slavery, and this noble act, controversial both then and now, committed the United States to the long, difficult struggle for racial justice"; and

Whereas, given the national observance of the 200th anniversary of the birth of Abraham Lincoln, the relevance of his legacy today, and that his presidency is fundamentally woven into the historical and social fabric of the Commonwealth, it is fitting and appropriate that a legislative commission be established to lead the Commonwealth in joining with the nation to commemorate the bicentennial of the anniversary of his birth; 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 42, consisting of sections numbered 30-278 through 30-284, as follows:

CHAPTER 42.**VIRGINIA COMMISSION ON THE BICENTENNIAL OF ABRAHAM LINCOLN.**

§ 30-278. *Virginia Commission on the Bicentennial of Abraham Lincoln; purpose.*

The Commission on the Bicentennial of Abraham Lincoln (the Commission) is established in the legislative branch of state government for the purpose of preparing for and commemorating the 200th anniversary of the birth of Abraham Lincoln, 16th President of the United States.

§ 30-279. *Membership; terms.*

The Commission shall have a total membership of 17 members that shall consist of 10 legislative members, four nonlegislative citizen members, and three ex officio members. Members shall be

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59 appointed as follows: four members of the Senate, to be appointed by the Senate Committee on Rules;
60 six members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in
61 accordance with the principles of proportional representation contained in the Rules of the House of
62 Delegates; two nonlegislative citizen members of whom one shall be a recognized scholar in Civil War
63 history and one shall be a nonlegislative citizen member at large to be appointed by the Senate
64 Committee on Rules; two nonlegislative citizen members of whom one shall be a recognized scholar in
65 the life and history of Abraham Lincoln and his presidency and one shall be a nonlegislative citizen
66 member at large, to be appointed by the Speaker of the House of Delegates. The Superintendent of
67 Public Instruction, the Executive Director of the State Council of Higher Education, and the Chancellor
68 of the Virginia Community College System or their designees shall serve ex officio with voting
69 privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.
70 Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk,
71 nonlegislative citizen members shall be reimbursed only for travel originating and ending within the
72 Commonwealth for the purpose of attending meetings.

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

77 Nonlegislative citizen members shall be appointed for a term of two years. No nonlegislative citizen
78 member shall serve more than four consecutive two-year terms. The remainder of any term to which a
79 member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility
80 for reappointment.

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

83 § 30-280. Quorum; meetings; voting on recommendations.

84 A majority of the members shall constitute a quorum. The meetings of the Commission shall be held
85 at the call of the chairman or whenever the majority of the members so request.

86 No recommendation of the Commission shall be adopted if a majority of the Senate members or a
87 majority of the House members appointed to the Commission (i) vote against the recommendation and
88 (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

89 § 30-281. Virginia Commission on the Bicentennial of Abraham Lincoln Fund established.

90 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia
91 Commission on the Bicentennial of Abraham Lincoln Fund, hereafter referred to as the "Fund." The
92 Fund shall be established on the books of the Comptroller and shall consist of gifts, grants, donations,
93 bequests, or other funds from any source as may be received by the Commission for its work. Moneys
94 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund
95 shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest
96 thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.
97 Moneys in the Fund shall be used solely for the purpose of enabling the Commission to perform its
98 duties. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants
99 issued by the Comptroller upon written request of the chairman of the Commission.

100 § 30-282. Compensation; expenses.

101 Legislative members of the Commission shall receive such compensation as provided in § 30-19.12,
102 and nonlegislative citizen members shall receive such compensation for the performance of their duties
103 as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses
104 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such
105 compensation and expenses shall be paid from existing appropriations to the Commission or, if
106 unfunded or underfunded, shall be approved by the Joint Rules Committee.

107 § 30-283. Powers and duties of the Commission.

108 The Commission shall have the following powers and duties:

109 1. Develop, plan, and coordinate the implementation of statewide programs, events, and activities
110 appropriate to commemorate the bicentennial anniversary of the birth of Abraham Lincoln.

111 2. Promote and encourage research and scholarship on and interdisciplinary examination and
112 increased understanding of the life, presidency, contributions, and legacy of Abraham Lincoln and their
113 importance to the history and the social, legal, and political systems of the Commonwealth and the
114 nation.

115 3. Identify ways to increase public knowledge and awareness of Abraham Lincoln, including ways to
116 memorialize and preserve his history and legacy in Virginia.

117 4. Create opportunities for increasing historical literacy about Abraham Lincoln, particularly among
118 children and young adults, throughout the Commonwealth.

119 5. Work collaboratively, where appropriate, with the federal Abraham Lincoln Bicentennial
120 Commission, state and local agencies and governments, and professional and community organizations

involved in local, state, or national commemoration of his birth.

6. Sponsor, support, and encourage opportunities for public discourse and diverse perspectives during the commemorative period on issues including but not limited to freedom, democracy, federalism and states' rights, American history between 1619 and the Civil Rights Era, reconciliation, preservation of the nation, the life and characteristics of Abraham Lincoln, the legacy of the Lincoln presidency, and the effect of his legacy during modern times and its implications for the future.

7. Seek the assistance and participation of diverse organizations and interested parties, in Virginia and out of state, with expertise or experience that will facilitate the Commission's work.

8. Submit to the General Assembly and the Governor an annual report 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. 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 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.

9. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this chapter.

§ 30-284. 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.

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

3. That the provisions of this act shall expire on July 1, 2010.