

086175812

SENATE BILL NO. 653

Offered January 9, 2008

A BILL to amend and reenact § 2.2-2101, as it will become effective and as it may become effective, of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 9, consisting of sections numbered 2.2-2532 through 2.2-2535, relating to the creation of the Southwest Virginia Cultural Heritage Commission.

Patrons—Wampler, Puckett and Reynolds

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2101, as it will become effective and as it may become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 9, consisting of sections numbered 2.2-2532 through 2.2-2535, as follows:

§ 2.2-2101. (Effective July 1, 2008) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Commission on Civics Education, who shall be appointed as provided for in § 22.1-212.18; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Virginia Commission on Immigration, who shall be appointed as provided in § 2.2-2530; or to members of the Southwest Virginia Cultural Heritage Commission, who shall be appointed as provided in § 2.2-2533.

§ 2.2-2101. (Contingent effective date, see Editor's note) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the

INTRODUCED

SB653

59 General Assembly, such portion of such law shall be void, and the Governor shall appoint another
60 person from the Commonwealth at large to fill such a position.

61 The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall
62 be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest
63 Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of
64 the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as
65 provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who
66 shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating
67 Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans
68 Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of
69 Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the
70 Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to
71 members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as
72 provided for in § 2.2-2423; to members of the Advisory Commission on the Virginia Schools for the
73 Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the
74 Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of
75 the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the
76 State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be
77 appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be
78 appointed as provided for in § 2.2-2669; to members of the Commission on Civics Education, who shall
79 be appointed as provided for in § 22.1-212.18; to members of the Volunteer Firefighters' and Rescue
80 Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to
81 members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306; ~~or~~ to
82 members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; *or to*
83 *members of the Southwest Virginia Cultural Heritage Commission, who shall be appointed as provided*
84 *in § 2.2-2533.*

85 Article 9.

86 Southwest Virginia Cultural Heritage Commission.

87 § 2.2-2532. Southwest Virginia Cultural Heritage Commission created.

88 *There is hereby established the Southwest Virginia Cultural Heritage Commission (the Commission)*
89 *as an advisory commission within the meaning of § 2.2-2100, in the executive branch of state*
90 *government. The purpose of the Commission is to encourage the economic development of Southwest*
91 *Virginia through the expansion of cultural heritage ventures and initiatives related to tourism and other*
92 *asset-based enterprises, including the Southwest Virginia Artisan Center, the Crooked Road, Round The*
93 *Mountain, and related cultural heritage organizations and venues that promote entrepreneurial and*
94 *employment opportunities.*

95 § 2.2-2533. Membership; qualifications; terms; vacancies; officers; compensation; quorum, record of
96 proceedings.

97 A. The Commission shall consist of 23 members as follows:

- 98 1. Five members of the General Assembly, including three members of the House of Delegates to be
99 appointed by the Speaker of the House of Delegates and two members of the Senate of Virginia to be
100 appointed by the Senate Committee on Privileges and Elections;
- 101 2. Two citizen members appointed by the Governor who shall be residents of Southwest Virginia;
- 102 3. One member who shall be an elected or appointed official of the Town of Abingdon to be
103 appointed by the Abingdon Town Council;
- 104 4. One member who shall be an elected or appointed official of Washington County to be appointed
105 by the Washington County Board of Supervisors;
- 106 5. Two members representing Planning District Commissions 1, 2, 3, 4, and 12, who shall be
107 executive directors of two of the included planning district commissions, or their designees;
- 108 6. Four citizen members who shall be artisans who are members of Round the Mountain, who shall
109 be appointed by the executive committee of that organization;
- 110 7. The Chancellor of the Virginia Community College System or his designee;
- 111 8. The President of Virginia Highlands Community College or his designee;
- 112 9. The Chairman of The Crooked Road;
- 113 10. The Chairman of Round the Mountain;
- 114 11. The Director of the Virginia Department of Housing and Community Development or his
115 designee;
- 116 12. The Director of the Virginia Tourism Corporation or his designee;
- 117 13. The Executive Director of the Southwest Virginia Higher Education Center; and
- 118 14. One member who shall be the representative of the Ninth Congressional District serving on the
119 Virginia Commission for the Arts;
- 120 B. Legislative members and the representatives of the state agencies, localities, and designated

organizations shall serve terms coincident with their terms of office or until their successors shall qualify. No citizen member of the Commission shall be eligible to serve more than two successive four-year terms, except that after the expiration of a term of three years, or after the expiration of the remainder of a term to which a member was appointed to fill a vacancy, two additional four-year terms may be served by such member.

C. Legislative members serving on the Commission shall be compensated as specified in § 30-19.12 and all members of the Commission shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of the Commission.

D. The Commission shall elect a chairman and a vice-chairman from among its members and may appoint such other officers as it deems necessary. The Commission shall appoint an executive committee and such other committees as it deems necessary to oversee personnel and other areas related to operations and the achievement of the goals of the Commission.

E. A majority of the Commission members shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. No vacancy in the membership of the Commission shall impair the right of a quorum to exercise all the powers and perform all the duties of the Commission.

F. The Commission shall keep detailed minutes of its proceedings, which shall be open to public inspection in accordance with the Freedom of Information Act (§ 2.2-3700 et seq.). It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually.

§ 2.2-2534. Powers of Commission.

A. The Commission shall have the power to:

1. Accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust;

2. Establish and administer agreements with public or private agencies in order to achieve its goals;

3. Rent, lease, including the execution of leases with option to purchase, buy, own, acquire, and dispose of such property, real and personal, as the Commission deems proper to carry out any of the purposes and provisions of this chapter;

4. Finance, fund, plan, establish, construct, enlarge, extend, equip, update, and maintain buildings, structures, and facilities that are necessary or desirable to achieve its goals;

5. Operate, manage, and oversee the retail sales, demonstration, performance, and interpretation of artisan, musical, or other cultural activities, food and visitor services, and other functions as may be necessary or desirable to achieve its goals;

6. Employ and pay compensation to such employees and agents as the Commission deems necessary. The Commission may appoint an executive director who shall be authorized to employ such staff as necessary to enable the Commission to achieve its goals. The Commission may determine the duties of such staff and to fix salaries and compensation from such funds as may be received; and

7. Borrow money and may seek, accept, and expend gifts, grants, or donations from public or private sources.

B. The Commission may establish nonprofit, nonstock corporations under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as public instrumentalities exercising public and essential governmental functions, to assist the Commission to (i) encourage the economic development of Southwest Virginia through the expansion of cultural heritage ventures and initiatives related to tourism and other asset-based enterprises, including the Southwest Virginia Artisan Center, the Crooked Road, Round The Mountain, and related cultural heritage organizations and venues that promote entrepreneurial and employment opportunities, and (ii) conduct or undertake other activities useful in carrying out the provisions of this chapter.

The board of directors of any such corporation shall be composed of the chairman of the Commission and eight members appointed by the Commission. The terms of the members of any corporation established shall be four years.

The Commission shall require any such corporation to report to it at least annually on its activities.

§ 2.2-2535. Duties of the Commission.

The Commission shall:

1. Manage the operations of any existing or new facility in accordance with the Commission's powers granted pursuant to § 2.2-2534;

2. Facilitate the sustainability of economic development initiatives relating to the cultural heritage of Southwest Virginia by providing financial resources and technical assistance to organizations and venues that contribute to achieving the goals of the Commission;

3. Serve as a resource and referral center by maintaining and disseminating information about Southwest Virginia cultural heritage efforts and venues; and

4. Develop, in coordination with the Virginia Tourism Corporation, the Virginia Department of

182 *Housing and Community Development, Southwest Virginia tourism, and economic development*
183 *organizations, local governments, and others, specific goals for the development of initiatives intended to*
184 *improve the quality of life and entrepreneurial opportunities in Southwest Virginia.*
185 **2. That the initial appointments of nonlegislative citizen members shall be staggered as follows:**
186 **two members appointed by the executive committee of Round the Mountain and one member**
187 **appointed by the Governor shall serve terms of four years and two members appointed by the**
188 **executive committee of Round the Mountain and one member appointed by the Governor shall**
189 **serve terms of three years. Thereafter, all such citizen appointments shall be for terms of four**
190 **years, except that appointments to fill vacancies shall be for the unexpired terms.**