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SENATE BILL NO. 1453

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 6, 2009)

(Patron Prior to Substitute—Senator Petersen)

A BILL to amend and reenact § 2.2-2101 of the Code of Virginia, to amend the Code of Virginia by adding in Title 30 a chapter numbered 47, consisting of sections numbered 30-309 through 30-314, and to repeal Article 1.3 (§§ 22.1-212.17 through 22.1-212.22) of Chapter 13 of Title 22.1 of the Code of Virginia, relating to the Commission on Civics Education; report.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2101 of the Code of Virginia is amended and reenacted and that Code of Virginia is amended by adding in Title 30 a chapter numbered 47, consisting of sections numbered 30-309 through 30-314, as follows:

§ 2.2-2101. (Effective until July 1, 2013) 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 Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; 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 Southwest Virginia Cultural Heritage Commission, who shall be appointed as provided in § 2.2-2533.

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 61 Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of
 62 the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as
 63 provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who
 64 shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating
 65 Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans
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 67 Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the
 68 Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to
 69 members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as
 70 provided for in § 2.2-2423; to members of the Advisory Commission on the Virginia Schools for the
 71 Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the
 72 Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of
 73 the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the
 74 State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be
 75 appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be
 76 appointed as provided for in § 2.2-2669; to members of the Commission on Civics Education, who shall
 77 be appointed as provided for in § 22.1-212.18; to members of the Volunteer Firefighters' and Rescue
 78 Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to
 79 members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306; to
 80 members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to
 81 members of the Southwest Virginia Cultural Heritage Commission, who shall be appointed as provided
 82 in § 2.2-2533.

83 CHAPTER 47.

84 COMMISSION ON CIVICS EDUCATION.

85 § 30-309. *Commission on Civics Education; purpose; membership; terms; meetings; voting.*

86 *The Commission on Civics Education (the Commission) is established in the legislative branch of*
 87 *state government. The purposes of the Commission are to (i) educate students on the importance of*
 88 *citizen involvement in a representative democracy, (ii) promote the study of state and local government*
 89 *among the Commonwealth's citizenry, and (iii) enhance communication and collaboration among*
 90 *organizations in the Commonwealth that conduct civic education.*

91 *The Commission shall have a total membership of 18 members that shall consist of six legislative*
 92 *members, eleven nonlegislative citizen members, and one ex officio member. Members shall be appointed*
 93 *as follows: two members of the Senate, to be appointed by the Senate Committee on Rules; four*
 94 *members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in*
 95 *accordance with the principles of proportional representation contained in the Rules of the House of*
 96 *Delegates; five nonlegislative citizen members of whom one shall be a representative of Virginia public*
 97 *television, one shall be a current or retired school civics or government teacher, one shall be a*
 98 *representative of the Virginia Press Association, one shall be a secondary student who has successfully*
 99 *completed the required Civics curriculum in his school division, and one shall be a coordinator of the*
 100 *Senate Civics program, to be appointed by the Senate Committee on Rules; six nonlegislative citizen*
 101 *members of whom two shall be current or retired school civics or government teachers, one shall be a*
 102 *state coordinator of Virginia Legislators Back to School Week, one shall be a representative of the*
 103 *Commonwealth's We the People: Project Citizen, and one shall be a representative of the Virginia*
 104 *Commonwealth University Public Policy Center, to be appointed by the Speaker of the House of*
 105 *Delegates. The Superintendent of Public Instruction or his designee shall serve ex officio with voting*
 106 *privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.*
 107 *The current members appointed by the Senate Committee on Rules shall continue to serve until*
 108 *replaced. The current members appointed by the Speaker of the House of Delegates shall be subject to*
 109 *reappointment. Unless otherwise approved in writing by the chairman of the Commission and the*
 110 *respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and*
 111 *ending within the Commonwealth for the purpose of attending meetings.*

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

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

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

120 *No recommendation of the Commission shall be adopted if a majority of the Senate members or a*
 121 *majority of the House members appointed to the Commission (i) vote against the recommendation and*

122 (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

123 § 30-310. Compensation; expenses.

124 Legislative members of the Commission shall receive such compensation as provided in § 30-19.12,
125 and nonlegislative citizen members shall receive such compensation for the performance of their duties
126 as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses
127 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such
128 compensation and expenses shall be paid from existing appropriations to the Commission, or, if
129 underfunded, shall be approved by the Joint Rules Committee.

130 § 30-311. Commission on Civics Education Fund established.

131 There is hereby created in the state treasury a special nonreverting fund to be known as the
132 Commission on Civics Education Fund, hereinafter referred to as the "Fund." The Fund shall be
133 established on the books of the Comptroller and shall consist of gifts, grants, donations, bequests, or
134 other funds from any source as may be received by the Commission for its work. Moneys shall be paid
135 into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in
136 the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the
137 end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the
138 Fund shall be used solely for the purpose of enabling the Commission to perform its duties.
139 Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued
140 by the Comptroller upon written request of the chairman of the Commission.

141 § 30-312. Powers and duties; report.

142 The Commission on Civics Education shall have the following powers and duties:

143 1. To develop and coordinate outreach programs in collaboration with schools to educate students
144 on the importance of understanding that (i) representative democracy is a process dependent on
145 reasoned debate, good faith negotiation, and compromise; (ii) individual involvement is a critical factor
146 in community success; and (iii) consideration of and respect for others must be shown when
147 deliberating, negotiating, and advocating positions on public concerns.

148 2. To identify civic education projects in the Commonwealth and provide technical assistance as may
149 be needed to such programs.

150 3. To build a network of civic education professionals to share information and strengthen
151 partnerships.

152 4. To develop, in consultation with entities having representatives on the Commission and others as
153 determined by the Commission, a clearinghouse that shall be available on the Department of
154 Education's website. The electronic clearinghouse shall include, among other things, (i) a database of
155 civic education resources, lesson plans, and other programs of best practices in civic education; (ii) a
156 bulletin board to promote discussion on and exchange of ideas relative to civic education; (iii) an events
157 calendar; and (iv) links to civic education research.

158 5. To make recommendations to the Board of Education regarding revisions to the Standards of
159 Learning for civics and government.

160 6. To submit to the Governor and the General Assembly an annual report. The chairman shall
161 submit to the Governor and the General Assembly an annual executive summary of the interim activity
162 and work of the Commission no later than the first day of each regular session of the General
163 Assembly. The executive summary shall be submitted for publication as a report document as provided
164 in the procedures of the Division of Legislative Automated Systems for the processing of legislative
165 documents and reports and shall be posted on the General Assembly's website.

166 § 30-313. Staffing.

167 Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office
168 of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of
169 the Commission serves. The Division of Legislative Services shall provide legal, research, policy
170 analysis, and other services as requested by the Commission. Technical assistance shall be provided by
171 the Department of Education. All agencies of the Commonwealth shall provide assistance to the
172 Commission, upon request.

173 § 30-314. Sunset.

174 This chapter shall expire on July 1, 2012.

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

181 **3. That Article 1.3 (§§ 22.1-212.17 through 22.1-212.22) of Chapter 13 of Title 22.1 of the Code of**
182 **Virginia is repealed.**