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HOUSE BILL NO. 122

Offered January 13, 2016

Prefiled December 16, 2015

A *BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 58, consisting of sections numbered 30-362 through 30-370, relating to the Commission on the Preservation of the History of Formerly Enslaved African Americans in Virginia; report.*

Patron—McQuinn

Referred to Committee on Rules

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 58, consisting of sections numbered 30-362 through 30-370, as follows:

CHAPTER 58.**COMMISSION ON THE PRESERVATION OF THE HISTORY OF FORMERLY ENSLAVED AFRICAN AMERICANS IN VIRGINIA.**

§ 30-362. Commission on the Preservation of the History of Formerly Enslaved African Americans in Virginia; purpose.

The Commission on the Preservation of the History of Formerly Enslaved African Americans in Virginia (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to identify the history of formerly enslaved African Americans in Virginia and determine ways to preserve the history for educational and cultural purposes.

§ 30-363. Membership; terms; vacancies; chairman and vice-chairman.

The Commission shall consist of 11 members that include six legislative members, three nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: four members 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; two members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members, one of whom shall be the director of the Black History Museum and Cultural Center of Virginia or his designee, one of whom shall be a representative of a Virginia historical organization or of an accredited public or private institution of higher education in the Commonwealth with expertise in historical or archaeological preservation, to be appointed by the Speaker of the House of Delegates, and one of whom shall be a recognized historian with scholarship in American history and slavery, to be appointed by the Senate Committee on Rules. The Superintendent of Public Instruction or his designee and the Director of the Department of Historic Resources or his designee shall serve ex officio with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth of Virginia. 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 of Virginia 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 be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

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

§ 30-364. Quorum; meetings; voting on recommendations.

A majority of the members shall constitute a quorum. The Commission shall meet no more than four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever the 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.

§ 30-365. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12,

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HB122

59 and nonlegislative citizen members shall receive such compensation for the performance of their duties
60 as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses
61 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to
62 members of the General Assembly for attendance at official meetings of the Commission shall be paid
63 by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other
64 compensation and expenses shall be paid from existing appropriations to the Commission or, if
65 unfunded, shall be approved by the Joint Rules Committee.

66 **§ 30-366. Commission on the Preservation of the History of Formerly Enslaved African Americans**
67 **in Virginia Fund.**

68 There is hereby created in the state treasury a special nonreverting fund to be known as the
69 Commission on the Preservation of the History of Formerly Enslaved African Americans in Virginia
70 Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the
71 Comptroller. All moneys, gifts, grants, donations, bequests, or other funds from any source as may be
72 received by the Commission for its work shall be paid into the state treasury and credited to the Fund.
73 Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys
74 remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the
75 general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of
76 enabling the Commission to perform its duties. Expenditures and disbursements from the Fund shall be
77 made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the
78 chairman of the Commission.

79 **§ 30-367. Powers and duties of the Commission.**

80 The Commission shall have the following powers and duties:

- 81 1. Promote the identification, preservation, and conservation of historic sites significant to the
82 history, presence, and contributions of formerly enslaved African Americans in Virginia;
- 83 2. Assess the extent to which students and the public are knowledgeable concerning African
84 American history, the African slave trade, slavery in Virginia and America, and the vestiges of slavery
85 in the Commonwealth and the nation;
- 86 3. Address contemporary political, economic, educational, and societal issues and problems whose
87 roots lie in the transatlantic slave trade by studying the effects of slavery and its legacy on African
88 Americans and researching the vestiges of slavery in the Commonwealth;
- 89 4. Identify the contributions of African Americans to Virginia, the nation, and the world and
90 recommend options to begin resolving lingering societal problems whose origins began with the
91 institution of slavery;
- 92 5. Determine whether and the extent to which African American history, information concerning the
93 African slave trade, slavery and its impact on and legacy in American society, and the achievements and
94 contributions of African Americans to the development of the Commonwealth and the nation are
95 integrated into the Standards of Learning, textbooks, and statewide student assessments;
- 96 6. Inventory relevant African American historical sites, memorials, exhibits, and resources in the
97 Commonwealth and assess the potential economic impact of tourism and economic development
98 promotion relative to such sites;
- 99 7. Develop a roster of historical sites significant to African American history in Virginia that should
100 be preserved and recommend options for preservation and ways to increase tourism revenues;
- 101 8. Develop and maintain a roster of volunteer historians, educators, businesses, organizations, and
102 speakers to act as resource persons for classroom teachers on African American history, the African
103 slave trade, American slavery, the impact of slavery on modern society, and the contributions of African
104 Americans to Virginia and the nation;
- 105 9. Provide appropriate information and memorialization of the events concerning the enslavement of
106 Africans and their descendants in America, as well as their struggle for freedom and liberty, through
107 such venues as workshops, conferences, institutes, seminars, internships, professional teacher
108 development, and other programs and activities;
- 109 10. Establish an advisory council composed of nonlegislative citizens at large who shall serve
110 voluntarily and have a knowledge of African history and civilization; African American history; Virginia
111 history; the African-American Diaspora; American history and the institution of slavery; Reconstruction;
112 historical education and literacy; tourism and economic development; historic preservation and
113 archaeology; expertise and an interest in ensuring the perpetuation of the African American ethos and
114 society; and the preservation of historical and archeological sites and facilities significant to African
115 American history and culture in the Commonwealth to assist the Commission with its work;
- 116 11. Seek the assistance and collaboration of diverse organizations and interested parties in Virginia
117 and out of state with expertise, experience, and mutual interests to assist the Commission in identifying
118 and preserving the history of formerly enslaved African Americans in the Commonwealth;
- 119 12. Seek, receive, and expend gifts, grants, donations, bequests, or other funds from any source to
120 support and implement the Commission's plans and facilitate the objectives of this chapter; and

121 13. Perform such other duties, functions, and activities as the Commission deems necessary to
122 facilitate and implement the objectives of this chapter.

123 **§ 30-368. Staffing.**

124 Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates or
125 the Office of the Clerk of the Senate as may be appropriate for the house in which the chairman of the
126 Commission serves. The Division of Legislative Services shall provide legal, research, policy analysis,
127 and other services as requested by the Commission.

128 All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

129 **§ 30-369. Chairman's executive summary of activity and work of the Commission.**

130 The chairman shall submit to the General Assembly and the Governor an annual executive summary
131 of the interim activity and work of the Commission no later than the first day of each regular session of
132 the General Assembly. The executive summary shall be submitted as provided in the procedures of the
133 Division of Legislative Automated Systems for the processing of legislative documents and reports and
134 shall be posted on the General Assembly's website.

135 **§ 30-370. Sunset.**

136 This chapter shall expire on July 1, 2019.

137 2. That the provisions of this act shall not become effective unless an appropriation effectuating
138 the purposes of this act is included in a general appropriation act passed in 2016 by the General
139 Assembly that becomes law.