

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 1043

An Act to amend and reenact § 2.2-2101 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2544 through 2.2-2550, relating to the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans; report; sunset.

[H 1519]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2101 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 11, consisting of sections numbered 2.2-2544 through 2.2-2550, as follows:

§ 2.2-2101. 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 § 23.1-3126; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3121; to members of the Board of Directors of the New College Institute, who shall be appointed as provided for in § 23.1-3112; to members of the Advisory Board on Teacher Education and Licensure, who shall be appointed as provided for in § 22.1-305.2; 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 § 23.1-3117; to members of the Board of Trustees of the Online Virginia Network Authority, who shall be appointed as provided in § 23.1-3136; 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 Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; 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 Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; 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 and Resilient Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485; ~~or~~ to members of the Henrietta Lacks Commission, who shall be appointed as provided in § 2.2-2538; *or to members of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans, who shall be appointed as provided in § 2.2-2545.*

Article 11.

Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans.

§ 2.2-2544. Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans; purpose.

The Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans (the Commission) is established as an advisory commission in the executive branch of state government. The purpose of the Commission is to study the current impact and long-term inequities of slavery and subsequent de jure and de facto racial and economic

discrimination against African Americans.

§ 2.2-2545. Membership; terms; vacancies; chairman and vice-chairman.

A. The Commission shall consist of 11 members, including three legislative members and eight nonlegislative citizen members. Members shall be appointed as follows: (i) two 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, (ii) one member of the Senate to be appointed by the Senate Committee on Rules, (iii) eight nonlegislative citizen members to be appointed by the Governor. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

B. Legislative 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.

C. The Commission shall elect a chairman and vice-chairman from among its membership.

§ 2.2-2546. Quorum; meetings.

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.

§ 2.2-2547. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members shall not receive compensation. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the office of the Clerk of the House of Delegates or office of the Clerk of the Senate, as applicable. Reimbursement for the reasonable and necessary expenses of nonlegislative citizen members of the Commission shall be paid by the State Library.

§ 2.2-2548. Powers and duties of the Commission.

A. The Commission shall have the power and duty to:

1. Identify and compile documentation of (i) the institution of slavery that existed within the United States and Virginia from 1619 through 1865; (ii) the role that the federal and state governments played in supporting the institution of slavery through constitutional and statutory provisions; (iii) federal and state laws that discriminated against formerly enslaved Africans and their descendants who were deemed United States citizens from 1868 to the present; (iv) state-sanctioned efforts to deny equal rights to African Americans, including the Black Codes, Jim Crow laws, and the campaign to avoid implementing public school integration in Virginia known as massive resistance; (v) other forms of discrimination in the public and private sectors against formerly enslaved Africans and their descendants who were deemed United States citizens from 1868 to the present, including redlining, educational funding discrepancies, and predatory financial practices; and (vi) the lingering negative effects of the institution of slavery.

2. Examine the pervasive institutional system of maintaining inequities in housing, employment, education, economic opportunities, generational wealth, voting rights, and criminal justice.

3. Recommend methods to promote educational awareness and identify ways to address the systematic and historical implications affecting the quality of life of a significant population of African American families in the Commonwealth.

4. Recommend appropriate ways to educate the public regarding the Commission's findings.

5. Submit to the Governor and the General Assembly 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 shall submit to the Governor and the General Assembly 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.

B. The Commission may contract with consultants to assist in carrying out its duties under subsection A. Compensation for any consultant shall be payable from funds made available to the Commission.

§ 2.2-2549. Staffing; cooperation of agencies of state and local governments.

The State Library shall provide staff support to the Commission. All agencies of the Commonwealth shall cooperate with, and provide assistance to, the Commission, upon request.

§ 2.2-2550. Sunset.

This article shall expire on July 1, 2022.