

1995 SESSION

INTRODUCED

LD6438749

SENATE BILL NO. 1071

Offered January 23, 1995

A BILL to amend and reenact §§ 2.1-1.6, 9-6.23, and 9-6.25:1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered § 2.1-739:1 through § 2.1-739:4, relating to the creation of the Virginia Veterans Cemetery Board.

Patron—Waddell

Referred to the Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.6, 9-6.23, and 9-6.25:1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered § 2.1-739:1 through § 2.1-739:4 as follows:

§ 2.1-1.6. State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board for

Aging, Advisory Board on the

Agriculture and Consumer Services, Board of

Air Pollution, State Advisory Board on

Alcoholic Beverage Control Board, Virginia

Apple Board, Virginia State

Appomattox State Scenic River Advisory Board

Aquaculture Advisory Board

Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for

Art and Architectural Review Board

Athletic Board, Virginia

Auctioneers Board

Audiology and Speech-Language Pathology, Board of

Aviation Board, Virginia

Barbers, Board for

Branch Pilots, Board for

Bright Flue-Cured Tobacco Board, Virginia

Building Code Technical Review Board, State

Catoctin Creek State Scenic River Advisory Board

Cattle Industry Board, Virginia

Cave Board

Certified Seed Board, State

Chesapeake Bay Local Assistance Board

Chickahominy State Scenic River Advisory Board

Child Abuse and Neglect, Advisory Board on

Chippokes Plantation Farm Foundation, Board of Trustees

Clinch Scenic River Advisory Board

Coal Mining Examiners, Board of

Coal Research and Development Advisory Board, Virginia

Coal Surface Mining Reclamation Fund Advisory Board

Conservation and Development of Public Beaches, Board on

Conservation and Recreation, Board of

Contractors, Board for

Corn Board, Virginia

Correctional Education, Board of

Corrections, State Board of

Cosmetology, Board for

Criminal Justice Services Board

Dark-Fired Tobacco Board, Virginia

Deaf and Hard-of-Hearing, Advisory Board for the Department for the

Dentistry, Board of

Education, State Board of

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60	Egg Board, Virginia
61	Emergency Medical Services Advisory Board
62	Employment Agency Advisory Board
63	Farmers Market Board, Virginia
64	Film Office Advisory Board
65	Fire Services Board, Virginia
66	Forensic Science Advisory Board
67	Forestry, Board of
68	Funeral Directors and Embalmers, Board of
69	Game and Inland Fisheries, Board of
70	Geology, Board for
71	Goose Creek Scenic River Advisory Board
72	Health Planning Board, Virginia
73	Health Professions, Board of
74	Health, State Board of
75	Hearing Aid Specialists, Board for
76	Hemophilia Advisory Board
77	Historic Resources, Board of
78	Housing and Community Development, Board of
79	Industrial Development Services Advisory Board
80	Insurance Advisory Board, State
81	Irish Potato Board, Virginia
82	Laboratory Services Advisory Board
83	Marine Products Board, Virginia
84	Medical Advisory Board, Department of Motor Vehicles
85	Medical Board of the Virginia Retirement System
86	Medicare and Medicaid, Advisory Board on
87	Medicine, Board of
88	Mental Health, Mental Retardation and Substance Abuse Services Board, State
89	Migrant and Seasonal Farmworkers Board
90	Military Affairs, Board of
91	Mineral Mining Examiners, Board of
92	Minority Business Enterprise, Interdepartmental Board of the Department of
93	Motor Vehicle Dealers' Advisory Board
94	Networking Users Advisory Board, State
95	Nottoway State Scenic River Advisory Board
96	Nursing, Board of
97	Nursing Home Administrators, Board of
98	Occupational Therapy, Advisory Board on
99	Oil and Gas Conservation Board, Virginia
100	Opticians, Board for
101	Optometry, Board of
102	Peanut Board, Virginia
103	Personnel Advisory Board
104	Pesticide Control Board
105	Pharmacy, Board of
106	Physical Therapy to the Board of Medicine, Advisory Board on
107	Plant Pollination Advisory Board
108	Polygraph Examiners Advisory Board
109	Pork Industry Board, Virginia
110	Poultry Products Board, Virginia
111	Private College Advisory Board
112	Private Security Services Advisory Board
113	Professional and Occupational Regulation, Board for
114	Professional Counselors, Board of
115	Professional Soil Scientists, Board for
116	Psychiatric Advisory Board
117	Psychology, Board of
118	Public Buildings Board, Virginia
119	Public Telecommunications Board, Virginia
120	Radiation Advisory Board
121	Real Estate Appraiser Board

- 122 Real Estate Board
- 123 Reciprocity Board, Department of Motor Vehicles
- 124 Recreational Fishing Advisory Board, Virginia
- 125 Recreation Specialists, Board of
- 126 Reforestation Board
- 127 Rehabilitation Providers, Advisory Board on
- 128 Rehabilitative Services, Board of
- 129 Respiratory Therapy, Advisory Board on
- 130 Retirement System Review Board
- 131 Rockfish State Scenic River Advisory Board
- 132 Safety and Health Codes Board
- 133 Seed Potato Board
- 134 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 135 Shenandoah State Scenic River Advisory Board
- 136 Small Business Advisory Board
- 137 Small Business Environmental Compliance Advisory Board
- 138 Small Grains Board, Virginia
- 139 Social Services, Board of
- 140 Social Work, Board of
- 141 Soil and Water Conservation Board, Virginia
- 142 Soybean Board, Virginia
- 143 State Air Pollution Control Board
- 144 Substance Abuse Certification Board
- 145 Surface Mining Review, Board of
- 146 Sweet Potato Board, Virginia
- 147 Teacher Education and Licensure, Advisory Board on
- 148 Tourism and Travel Services Advisory Board
- 149 Toxic Substances Advisory Board
- 150 Transportation Board, Commonwealth
- 151 Transportation Safety, Board of
- 152 Treasury Board, The, Department of the Treasury
- 153 Veterans' Affairs, Board on
- 154 Veterinary Medicine, Board of
- 155 Virginia Board for Asbestos Licensing
- 156 Virginia Coal Mine Safety Board
- 157 Virginia Correctional Enterprises Advisory Board
- 158 Virginia Employment Commission, State Advisory Board for the
- 159 (Effective July 1, 1996) Virginia Higher Education Tuition Trust Fund, Board of the
- 160 Virginia Horse Industry Board
- 161 Virginia Manufactured Housing Board
- 162 Virginia Retirement System, Board of Trustees
- 163 *Virginia Veterans Cemetery Board*
- 164 Virginia Waste Management Board
- 165 Visually Handicapped, Virginia Board for the
- 166 Voluntary Formulary Board, Virginia
- 167 War Memorial Foundation, Virginia, Board of Trustees
- 168 Waste Management Facility Operators, Board for
- 169 Water Resources Research Center Statewide Advisory Board, Virginia
- 170 Waterworks and Wastewater Works Operators, Board for
- 171 Well Review Board, Virginia
- 172 Youth and Family Services, State Board of.
- 173 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 174 referred to as boards:
- 175 Compensation Board
- 176 State Board of Elections
- 177 State Water Control Board
- 178 Virginia Parole Board
- 179 Virginia Veterans Care Center Board of Trustees.
- 180 § 9-6.23. Prohibition against service by legislators on boards and commissions within the executive
- 181 branch.
- 182 Members of the General Assembly shall be ineligible to serve on boards and commissions within the

183 executive branch which are responsible for administering programs established by the General Assembly.
 184 Such prohibition shall not extend to boards and commissions engaged solely in policy studies or
 185 commemorative activities. If any law directs the appointment of any member of the General Assembly
 186 to a board or commission in the executive branch which is responsible for administering programs
 187 established by the General Assembly, such portion of such law shall be void, and the Governor shall
 188 appoint another person from the Commonwealth at large to fill such a position. The provisions of this
 189 section shall not apply, however, to members of the Board for Branch Pilots, who shall be appointed as
 190 provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who shall be appointed as
 191 provided for in § 2.1-741; to members of the Council on Indians, who shall be appointed as provided
 192 for in § 9-138.1; to members of the Virginia Technology Council, who shall be appointed as provided
 193 for in § 9-145.51; to members of the Board of Trustees of the Southwest Virginia Higher Education
 194 Center, who shall be appointed as provided in § 23-231.3; to members of the Maternal and Child Health
 195 Council, who shall be appointed as provided for in § 9-318; to members of the Virginia Interagency
 196 Coordinating Council who shall be appointed as provided in § 2.1-750; to members of the Advisory
 197 Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided in
 198 § 9-326; to members of the Advisory Commission on Welfare Reform, who shall be appointed as
 199 provided in § 63.1-133.44; ~~or~~ to members of the Virginia Correctional Enterprises Advisory Board, who
 200 shall be appointed as provided in § 2.1-451.2; *or to members appointed to the Virginia Veterans*
 201 *Cemetery Board pursuant to § 2.1-739.2.*

202 § 9-6.25:1. Advisory boards, commissions and councils.

203 There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the
 204 following advisory boards, commissions and councils within the executive branch:

205 Advisory Board for the Department for the Deaf and Hard-of-Hearing
 206 Advisory Board for the Department for the Aging
 207 Advisory Board on Child Abuse and Neglect
 208 Advisory Board on Medicare and Medicaid
 209 Advisory Board on Occupational Therapy
 210 Advisory Board on Physical Therapy to the Board of Medicine
 211 Advisory Board on Rehabilitation Providers
 212 Advisory Board on Respiratory Therapy to the Board of Medicine
 213 Advisory Board on Teacher Education and Licensure
 214 Advisory Council on Revenue Estimates
 215 Advisory Council on the Virginia Business-Education Partnership Program
 216 Appomattox State Scenic River Advisory Board
 217 Aquaculture Advisory Board
 218 Art and Architectural Review Board
 219 (Effective until July 1, 1995) Board for the Visually Handicapped
 220 Board of Directors, Virginia Truck and Ornaments Research Station
 221 Board of Forestry
 222 Board of Military Affairs
 223 Board of Rehabilitative Services
 224 Board of Transportation Safety
 225 Board of Trustees of the Family and Children's Trust Fund
 226 Board of Visitors, Gunston Hall Plantation
 227 Board on Veterans' Affairs
 228 Catoctin Creek State Scenic River Advisory Board
 229 Cave Board
 230 Chickahominy State Scenic River Advisory Board
 231 Clinch Scenic River Advisory Board
 232 Coal Surface Mining Reclamation Fund Advisory Board
 233 Council on Indians
 234 Council on the Status of Women
 235 Debt Capacity Advisory Committee
 236 Emergency Medical Services Advisory Board
 237 Falls of the James Committee
 238 Film Office Advisory Board
 239 Forensic Science Advisory Board
 240 Goose Creek Scenic River Advisory Board
 241 Governor's Council on Alcohol and Drug Abuse Problems
 242 Governor's Mined Land Reclamation Advisory Committee
 243 Hemophilia Advisory Board
 244 Human Services Information and Referral Advisory Council

245	Industrial Development Services Advisory Board
246	Interagency Coordinating Council on Housing for the Disabled
247	Interdepartmental Board of the State Department of Minority Business Enterprise
248	Laboratory Services Advisory Board
249	Local Advisory Board to the Blue Ridge Community College
250	Local Advisory Board to the Central Virginia Community College
251	Local Advisory Board to the Dabney S. Lancaster Community College
252	Local Advisory Board to the Danville Community College
253	Local Advisory Board to the Eastern Shore Community College
254	Local Advisory Board to the Germanna Community College
255	Local Advisory Board to the J. Sargeant Reynolds Community College
256	Local Advisory Board to the John Tyler Community College
257	Local Advisory Board to the Lord Fairfax Community College
258	Local Advisory Board to the Mountain Empire Community College
259	Local Advisory Board to the New River Community College
260	Local Advisory Board to the Northern Virginia Community College
261	Local Advisory Board to the Patrick Henry Community College
262	Local Advisory Board to the Paul D. Camp Community College
263	Local Advisory Board to the Piedmont Virginia Community College
264	Local Advisory Board to the Rappahannock Community College
265	Local Advisory Board to the Southwest Virginia Community College
266	Local Advisory Board to the Thomas Nelson Community College
267	Local Advisory Board to the Tidewater Community College
268	Local Advisory Board to the Virginia Highlands Community College
269	Local Advisory Board to the Virginia Western Community College
270	Local Advisory Board to the Wytheville Community College
271	Long-Term Care Council
272	Maternal and Child Health Council
273	Medical Advisory Board, Department of Motor Vehicles
274	Medical Board of the Virginia Retirement System
275	Migrant and Seasonal Farmworkers Board
276	Motor Vehicle Dealer's Advisory Board
277	Nottoway State Scenic River Advisory Board
278	Personnel Advisory Board
279	Plant Pollination Advisory Board
280	Private College Advisory Board
281	Private Enterprise Commission
282	Private Security Services Advisory Board
283	Psychiatric Advisory Board
284	Radiation Advisory Board
285	Rappahannock Scenic River Advisory Board
286	Recreational Fishing Advisory Board, Virginia
287	Reforestation Board
288	Retirement System Review Board
289	Rockfish State Scenic River Advisory Board
290	Shenandoah State Scenic River Advisory Board
291	Small Business Advisory Board
292	Small Business Environmental Compliance Advisory Board
293	St. Mary's Scenic River Advisory Committee
294	State Advisory Board on Air Pollution
295	State Advisory Board for the Virginia Employment Commission
296	State Building Code Technical Review Board
297	State Council on Local Debt
298	State Health Benefits Advisory Council
299	State Insurance Advisory Board
300	State Land Evaluation Advisory Council
301	State Networking Users Advisory Board
302	State Public Records Advisory Council
303	Statewide Independent Living Council
304	Statewide Rehabilitation Advisory Council
305	Statewide Rehabilitation Advisory Council for the Blind

306 Staunton Scenic River Advisory Committee
307 Telecommunications Relay Service Advisory Board
308 Tourism and Travel Services Advisory Board
309 Toxic Substances Advisory Board
310 Virginia Advisory Commission on Intergovernmental Relations
311 Virginia Advisory Council for Adult Education and Literacy
312 Virginia Coal Mine Safety Board
313 Virginia Coal Research and Development Advisory Board
314 Virginia Commission for the Arts
315 Virginia Commission on the Bicentennial of the United States Constitution
316 Virginia Correctional Enterprises Advisory Board
317 Virginia Council on Coordinating Prevention
318 Virginia Equal Employment Opportunity Council
319 Virginia Interagency Coordinating Council
320 Virginia Military Advisory Council
321 Virginia Public Buildings Board
322 Virginia Recycling Markets Development Council
323 Virginia Technology Council
324 Virginia Transplant Council
325 Virginia Veterans Cemetery Board
326 Virginia Water Resources Research Center, Statewide Advisory Board
327 Virginia Winegrowers Advisory Board.

328 § 2.1-739:1. Virginia Veterans Cemetery Board created; purpose.

329 *The Virginia Veterans Cemetery Board (the "Board") is hereby created and shall be an advisory*
330 *board within the meaning of § 9-6.25. The Board shall advise and make recommendations to the*
331 *Department of Veterans' Affairs (the "Department") regarding the control and operation of such*
332 *veterans' cemeteries as may be established in the Commonwealth pursuant to § 2.1-739.*

333 § 2.1-739:2. Membership; terms; vacancies; chairman and vice chairman; compensation.

334 A. *The Board shall consist of ten members as follows: three members from the House of Delegates,*
335 *to be appointed by the Speaker of the House; two members from the Senate, to be appointed by the*
336 *Senate Committee on Privileges and Elections; and five members from the Commonwealth at large, each*
337 *of whom shall be a member in good standing with the American Legion, the Disabled American*
338 *Veterans, or the Veterans of Foreign Wars, to be appointed by the Governor.*

339 B. *All appointments to the Board shall be for terms of four years. Vacancies occurring other than by*
340 *expiration of term shall be filled for the unexpired term. Whenever any legislative member fails to retain*
341 *his membership in the house from which he was appointed, he shall relinquish his membership on the*
342 *Board, and the appointing authority who appointed such member shall make an appointment from his*
343 *respective house to complete the term. Any member may be reappointed for successive terms.*

344 C. *The members of the Board shall elect a chairman and a vice chairman annually. The Board shall*
345 *meet at such times as it deems appropriate and on call of the chairman when, in his opinion, meetings*
346 *are expedient or necessary. A majority of the membership of the Board shall constitute a quorum for all*
347 *purposes.*

348 D. *Legislative members of the Board shall receive such compensation as is set forth in § 14.1-18,*
349 *and all members shall be reimbursed for the actual expenses incurred by them in the performance of*
350 *their Board duties.*

351 § 2.1-739:3. Powers and duties of the Board.

352 *With regard to such veterans' cemeteries as may be established in the Commonwealth pursuant to*
353 *§ 2.1-739, the Board shall make recommendations and provide advice to the Department regarding: (i)*
354 *care, maintenance, and upkeep; (ii) fees and costs; and (iii) acceptance of gifts and grants and*
355 *expenditure of funds.*

356 § 2.1-739:4. Staff; cooperation from other state agencies.

357 *The Department shall serve as staff to the Board. All agencies of the Commonwealth shall assist the*
358 *Board upon request.*