

# VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

## CHAPTER 665

*An Act to amend and reenact §§ 2.1-1.7, 2.1-373 and 9-6.25:1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.1-373.02, relating to the Commonwealth Council on Aging.*

[S 465]

Approved April 16, 1998

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.1-1.7, 2.1-373 and 9-6.25:1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.1-373.02 as follows:**

§ 2.1-1.7. State councils.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies either affiliated with more than one agency or independent of an agency within the executive branch:

Adult Education and Literacy, Virginia Advisory Council for  
Aging, Commonwealth Council on  
Agricultural Council, Virginia  
Alcohol and Drug Abuse Problems, Governor's Council on  
Apprenticeship Council  
Blue Ridge Regional Education and Training Council  
Child Day-Care Council  
Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion  
Coastal Land Management Advisory Council, Virginia  
Commonwealth Competition Council  
Commonwealth's Attorneys' Services Council  
Developmental Disabilities Planning Council, Virginia  
Disability Services Council  
Equal Employment Opportunity Council, Virginia  
Housing for the Disabled, Interagency Coordinating Council on  
Human Rights, Council on  
Human Services Information and Referral Advisory Council  
Indians, Council on  
Interagency Coordinating Council, Virginia  
Job Training Coordinating Council, Governor's  
Land Evaluation Advisory Council  
Maternal and Child Health Council  
Military Advisory Council, Virginia  
Needs of Handicapped Persons, Overall Advisory Council on the  
Prevention, Virginia Council on Coordinating  
Public Records Advisory Council, State  
Rate-setting for Children's Facilities, Interdepartmental Council on  
Revenue Estimates, Advisory Council on  
Southside Virginia Marketing Council  
Specialized Transportation Council  
State Health Benefits Advisory Council  
Status of Women, Council on the  
Technology Council, Virginia  
Virginia Business-Education Partnership Program, Advisory Council on the  
Virginia Recycling Markets Development Council.

B. Notwithstanding the definition for "council" as provided in § 2.1-1.2, the following entities shall be referred to as councils:

Council on Information Management  
Higher Education, State Council of  
Independent Living Council, Statewide  
Rehabilitation Advisory Council, Statewide  
Rehabilitation Advisory Council for the Blind, Statewide  
Transplant Council, Virginia.

§ 2.1-373. Powers and duties of Department with respect to aging persons; area agencies on aging; Commonwealth Council on Aging.

(a) The mission of the Department for the Aging shall be to improve the quality of life for older Virginians; *in this chapter, older Virginians means persons aged sixty or older.* The Department's policies and programs shall be designed to enable older persons to be as independent and self-sufficient as possible. The Department shall promote local participation in programs for the aging, evaluate and monitor the services provided for older Virginians and provide information to the general public. In furtherance of this mission, the Department's duties shall include, but not be restricted to:

(1) To study the economic and physical condition of the residents in the Commonwealth whose age qualifies them for coverage under Public Law 89-73 or any law amendatory or supplemental thereto of the Congress of the United States, hereinafter referred to as the aging, and the employment, medical, educational, recreational and housing facilities available to them, with the view of determining the needs and problems of such persons;

(2) To determine the services and facilities, private and governmental and state and local, provided for and available to the aging and to recommend to the appropriate person or persons such coordination of and changes in such services and facilities as will make them of greater benefit to the aging and more responsive to their needs;

(3) To act as the single state agency, under Public Law 89-73 or any law amendatory or supplemental thereto of the Congress of the United States, and as the sole agency for administering or supervising the administration of such plans as may be adopted in accordance with the provisions of such law or laws. As such agency, the Department shall have authority to prepare, submit and carry out state plans and shall be the agency primarily responsible for coordinating state programs and activities related to the purposes of, or undertaken under, such plans or laws;

(4) With the approval of the Governor, to apply for and expend such grants, gifts or bequests from any source as may become available in connection with its duties under this section, and is authorized to comply with such conditions and requirements as may be imposed in connection therewith;

(5) To hold such hearings and conduct such investigations as are necessary to pass upon applications for approval of a project under the plans and laws set out in *subdivision* (3) hereof, and shall make such reports to the Secretary of the United States Department of Health and Human Services as may be required;

(6) [Repealed.]

(7) To designate area agencies on aging pursuant to Public Law 89-73 or any law amendatory or supplemental thereto of the Congress of the United States and to promulgate rules and regulations for the composition and operation of such area agencies on aging;

(8), (9) [Repealed.]

(10) To provide information to consumers and their representatives concerning the recognized features of special care units. Such information shall educate consumers and their representatives on how to choose special care and may include brochures and electronic bulletin board notices;

(11) *To provide staff support to the Commonwealth Council on Aging;*

(12) *To serve as a focal point for research, policy analysis, long-range planning, and education on aging issues.*

(b) The governing body of any county, city or town may appropriate funds for support of area agencies on aging designated pursuant to subdivision (a) (7) hereof.

(c) ~~The Governor is authorized to select such persons as may be qualified, as an advisory board, to assist the Department in the performance of the duties imposed upon it herein.~~

~~(d)~~ All agencies of the Commonwealth shall assist the Department in effectuating its functions in accordance with its designation as the single state agency as required in subdivision (a) (3) above.

§ 2.1-373.02. *Commonwealth Council on Aging; created; purpose; membership; terms; duties.*

A. *There is hereby created in the executive branch the Commonwealth Council on Aging, hereinafter referred to as the Council. The purpose of the Council shall be to promote an efficient, coordinated approach by state government to meeting the needs of older Virginians. The Council shall be composed of persons selected from the Commonwealth at large without regard to political affiliation but with due consideration of geographical representation. Appointees shall be selected for their ability, and all appointments shall be of such nature as to aid the work of the Council and to inspire the highest degree of cooperation and confidence.*

B. *The Council shall consist of nineteen voting members appointed as follows: one member from each of the eleven congressional districts of the Commonwealth appointed by the Governor subject to confirmation by a majority of each House of the General Assembly at its next regular session; four at-large members appointed by the Speaker of the House of Delegates; and four at-large members appointed by the Senate Committee on Privileges and Elections. The Council shall also include the following nonvoting, ex officio members: the Commissioner of the Department for the Aging, the Director of the Department of Medical Assistance Services, the Commissioner of Social Services and the Secretary of Health and Human Resources, or their designees. For initial appointments made by the Governor, the terms shall be as follows: five members shall serve four-year terms, four members shall serve three-year terms and two members shall serve two-year terms. For initial appointments made by the Speaker of the House of Delegates, two members shall be appointed for four-year terms and two*

*members shall be appointed to two-year terms. For the initial appointments by the Senate Committee on Privileges and Elections, two members shall be appointed for four-year terms and two members shall be appointed for two-year terms. Thereafter, all appointments shall be for four-year terms.*

*In making initial appointments, the Governor, the Speaker of the House, and the Senate Committee on Privileges and Elections shall give due consideration to the appointment of members of the current Governor's Advisory Board on Aging.*

*Appointments to fill vacancies shall be for the unexpired term. No person having served on the Council for two consecutive terms shall be eligible for reappointment to the Council for two years thereafter.*

*C. The Council shall elect a chairman and a vice-chairman from among its members and shall appoint a secretary and such other officers as it deems necessary and prescribe their duties and terms of office.*

*D. The duties of the Council shall be as follows:*

*1. Examine the needs of older Virginians and ways in which state government can most effectively and efficiently assist in meeting those needs;*

*2. Advise the Governor and General Assembly on aging issues and aging policy for the Commonwealth;*

*3. Advise the Governor on any proposed regulations deemed by the Director of the Department of Planning and Budget to have a substantial and distinct impact on older Virginians. Such advice shall be provided in addition to other regulatory reviews required by the Administrative Process Act;*

*4. Advocate and develop the Commonwealth's planning for meeting the needs of the growing number of older Virginians; and*

*5. Advise the Governor and General Assembly regarding the activities of the Department.*

*E. The Council is authorized to apply for and expend such grants, gifts, or bequests from any source as may become available in connection with its duties under this section, and is authorized to comply with such conditions and requirements as may be imposed in connection therewith.*

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

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

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

~~Advisory Board for the Department for the Aging~~

Advisory Board on Child Abuse and Neglect

Advisory Board on Medicare and Medicaid

Advisory Board on Occupational Therapy

Advisory Board on Physical Therapy to the Board of Medicine

Advisory Board on Rehabilitation Providers

Advisory Board on Respiratory Therapy to the Board of Medicine

Advisory Board on Teacher Education and Licensure

Advisory Commission on the Virginia Schools for the Deaf and the Blind

Advisory Council on Revenue Estimates

Advisory Council on the Virginia Business-Education Partnership Program

Appomattox State Scenic River Advisory Board

Aquaculture Advisory Board

Art and Architectural Review Board

Board for the Visually Handicapped

Board of Directors, Virginia Truck and Ornamentals Research Station

Board of Forestry

Board of Military Affairs

Board of Rehabilitative Services

Board of Transportation Safety

Board of Trustees of the Family and Children's Trust Fund

Board of Visitors, Gunston Hall Plantation

Board on Veterans' Affairs

Catoctin Creek State Scenic River Advisory Board

Cave Board

Chickahominy State Scenic River Advisory Board

Clinch Scenic River Advisory Board

Coal Surface Mining Reclamation Fund Advisory Board

Coastal Land Management Advisory Council, Virginia

Commonwealth Competition Council

*Commonwealth Council on Aging*

Council on Indians

Council on the Status of Women

Debt Capacity Advisory Committee

Emergency Medical Services Advisory Board  
 Falls of the James Committee  
 Goose Creek Scenic River Advisory Board  
 Governor's Council on Alcohol and Drug Abuse Problems  
 Governor's Mined Land Reclamation Advisory Committee  
 Hemophilia Advisory Board  
 Human Services Information and Referral Advisory Council  
 Interagency Coordinating Council on Housing for the Disabled  
 Interdepartmental Board of the State Department of Minority Business Enterprise  
 Litter Control and Recycling Fund Advisory Board  
 Local Advisory Board to the Blue Ridge Community College  
 Local Advisory Board to the Central Virginia Community College  
 Local Advisory Board to the Dabney S. Lancaster Community College  
 Local Advisory Board to the Danville Community College  
 Local Advisory Board to the Eastern Shore Community College  
 Local Advisory Board to the Germanna Community College  
 Local Advisory Board to the J. Sargeant Reynolds Community College  
 Local Advisory Board to the John Tyler Community College  
 Local Advisory Board to the Lord Fairfax Community College  
 Local Advisory Board to the Mountain Empire Community College  
 Local Advisory Board to the New River Community College  
 Local Advisory Board to the Northern Virginia Community College  
 Local Advisory Board to the Patrick Henry Community College  
 Local Advisory Board to the Paul D. Camp Community College  
 Local Advisory Board to the Piedmont Virginia Community College  
 Local Advisory Board to the Rappahannock Community College  
 Local Advisory Board to the Southside Virginia Community College  
 Local Advisory Board to the Southwest Virginia Community College  
 Local Advisory Board to the Thomas Nelson Community College  
 Local Advisory Board to the Tidewater Community College  
 Local Advisory Board to the Virginia Highlands Community College  
 Local Advisory Board to the Virginia Western Community College  
 Local Advisory Board to the Wytheville Community College  
 Maternal and Child Health Council  
 Medical Advisory Board, Department of Motor Vehicles  
 Migrant and Seasonal Farmworkers Board  
 Motor Vehicle Dealer's Advisory Board  
 North Meherrin State Scenic River Advisory Board  
 Nottoway State Scenic River Advisory Board  
 Personnel Advisory Board  
 Plant Pollination Advisory Board  
 Private College Advisory Board  
 Private Enterprise Commission  
 Private Security Services Advisory Board  
 Psychiatric Advisory Board  
 Radiation Advisory Board  
 Rappahannock Scenic River Advisory Board  
 Recreational Fishing Advisory Board, Virginia  
 Reforestation Board  
 Rockfish State Scenic River Advisory Board  
 Shenandoah State Scenic River Advisory Board  
 Small Business Advisory Board  
 Small Business Environmental Compliance Advisory Board  
 St. Mary's Scenic River Advisory Committee  
 State Advisory Board for the Virginia Employment Commission  
 State Advisory Board on Air Pollution  
 State Building Code Technical Review Board  
 State Health Benefits Advisory Council  
 State Land Evaluation Advisory Council  
 State Networking Users Advisory Board  
 State Public Records Advisory Council  
 Statewide Independent Living Council  
 Statewide Rehabilitation Advisory Council  
 Statewide Rehabilitation Advisory Council for the Blind

Staunton Scenic River Advisory Committee  
Telecommunications Relay Service Advisory Board  
Virginia-Israel Advisory Board  
Virginia Advisory Commission on Intergovernmental Relations  
Virginia Advisory Council for Adult Education and Literacy  
Virginia Coal Mine Safety Board  
Virginia Coal Research and Development Advisory Board  
Virginia Commission for the Arts  
Virginia Commission on the Bicentennial of the United States Constitution  
Virginia Correctional Enterprises Advisory Board  
Virginia Council on Coordinating Prevention  
Virginia Equal Employment Opportunity Council  
Virginia Geographic Information Network Advisory Board  
Virginia Interagency Coordinating Council  
Virginia Military Advisory Council  
Virginia Public Buildings Board  
Virginia Recycling Markets Development Council  
Virginia Technology Council  
Virginia Transplant Council  
Virginia Veterans Cemetery Board  
Virginia Water Resources Research Center, Statewide Advisory Board  
Virginia Winegrowers Advisory Board.