

1998 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 1422

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 15, 1998)

(Patron Prior to Substitute-Delegate Morgan)

A BILL to amend and reenact §§ 2.1-1.7, 2.1-20.4, 9-6.23, and 9-6.25:1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 7 of Title 42.1 sections numbered 42.1-81.1, 42.1-81.2 and 42.1-81.3, relating to the Advisory Council on Virginia's Public Historical Records Collection.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.7, 2.1-20.4, 9-6.23, and 9-6.25:1 are amended and reenacted and that of the Code of Virginia is amended by adding in Chapter 7 of Title 42.1 sections numbered 42.1-81.1, 42.1-81.2 and 42.1-81.3 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
Advisory Council on Virginia's Public Historical Records Collection
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.

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60 Transplant Council, Virginia
61 § 2.1-20.4. Bodies receiving compensation.
62 A. Notwithstanding any other provision of law, the following commissions, boards, etc., shall be
63 those which receive compensation from state funds pursuant to § 2.1-20.3:
64 Accountancy, Board for
65 Agriculture and Consumer Services, Board of
66 Air Pollution Control Board, State
67 Airports Authority, Virginia
68 Apprenticeship Council
69 Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
70 Athletic Board, Virginia
71 Auctioneers Board
72 Audiology and Speech-Language Pathology, Board of
73 Aviation Board, Virginia
74 Barbers, Board for
75 Branch Pilots, Board for
76 Building Code Technical Review Board, State
77 Charitable Gaming Commission
78 Chesapeake Bay Local Assistance Board
79 Coal Mining Examiners, Board of
80 College Building Authority
81 Commonwealth Competition Council
82 Commonwealth Transportation Board
83 Conservation and Development of Public Beaches, Board on
84 Conservation and Recreation, Board of
85 Contractors, Board for
86 Correctional Education, Board of
87 Corrections, Board of
88 Cosmetology, Board for
89 Criminal Justice Services Board
90 Deaf and Hard-of-Hearing, Advisory Board for the
91 Dentistry, Board of
92 Education, State Board of
93 Education Loan Authority, Virginia - Board of Directors
94 Elections, State Board of
95 Environment, Council on the
96 Fire Services Board, Virginia
97 Funeral Directors and Embalmers, Board of
98 Game and Inland Fisheries, Board of
99 Geology, Board for
100 Health, State Board of
101 Health Professions, Board of
102 Hearing Aid Specialists, Board for
103 Higher Education, State Council of
104 Historic Resources, Board of
105 Housing and Community Development, Board of
106 Information Management, Council on
107 Juvenile Justice, State Board of
108 Marine Resources Commission
109 Medical Assistance Services, Board of
110 Medical Complaint Investigation Committee
111 Medicine, Board of
112 Mental Health, Mental Retardation and Substance Abuse Services Board, State
113 Milk Commission
114 Mineral Mining Examiners, Board of
115 Motor Vehicle Dealer Board
116 Nursing, Board of
117 Nursing Home Administrators, Board of
118 Occupational Therapy, Advisory Board on
119 Oil and Gas Conservation Board, Virginia
120 Opticians, Board for
121 Optometry, Board of

122 Pesticide Control Board
 123 Pharmacy, Board of
 124 Physical Therapy, Advisory Board on
 125 Port Authority, Board of Commissioners of the Virginia
 126 Professional and Occupational Regulation, Board for
 127 Professional Counselors, Board of
 128 Professional Soil Scientists, Board for
 129 Psychology, Board of
 130 Public Defender Commission
 131 *Public Historical Records Collection, Advisory Council on Virginia's*
 132 Public School Authority, Virginia
 133 Purchases and Supply Appeals Board
 134 Real Estate Appraiser Board
 135 Real Estate Board
 136 Recreation Specialists, Board of
 137 Rehabilitative Services, Board of
 138 Respiratory Therapy, Advisory Board on
 139 Safety and Health Codes Board
 140 Seed Potato Board
 141 Social Services, Board of
 142 Social Work, Board of
 143 State Health Department Sewage Handling and Disposal Appeal Review Board
 144 Substance Abuse Certification Board
 145 Surface Mining Review, Board of
 146 Treasury Board
 147 Veterans' Affairs, Board on
 148 Veterinary Medicine, Board of
 149 Virginia Board for Asbestos Licensing
 150 Virginia Health Planning Board
 151 Virginia Manufactured Housing Board
 152 Virginia Veterans Care Center Board of Trustees
 153 Virginia Waste Management Board
 154 Visually Handicapped, Virginia Board for the
 155 Waste Management Facility Operators, Board for
 156 Water Control Board, State
 157 Waterworks and Wastewater Works Operators, Board for
 158 Well Review Board, Virginia.
 159 B. Individual members of boards, commissions, committees, councils, and other similar bodies
 160 appointed at the state level and receiving compensation for their services on January 1, 1980, but who
 161 will not receive compensation under the provisions of this article, shall continue to receive compensation
 162 at the January 1, 1980, rate until such member's current term expires.
 163 § 9-6.23. (Effective July 1, 1998) Prohibition against service by legislators on boards, commissions,
 164 and councils within the executive branch.
 165 Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils
 166 within the executive branch which are responsible for administering programs established by the General
 167 Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in
 168 policy studies or commemorative activities. If any law directs the appointment of any member of the
 169 General Assembly to a board, commission, or council in the executive branch which is responsible for
 170 administering programs established by the General Assembly, such portion of such law shall be void,
 171 and the Governor shall appoint another person from the Commonwealth at large to fill such a position.
 172 The provisions of this section shall not apply, however, to members of the Board for Branch Pilots, who
 173 shall be appointed as provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who
 174 shall be appointed as provided for in § 2.1-741; to members of the Council on Indians, who shall be
 175 appointed as provided for in § 9-138.1; to members of the Virginia Technology Council, who shall be
 176 appointed as provided for in § 9-145.51; to members of the Board of Trustees of the Southwest Virginia
 177 Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the
 178 Maternal and Child Health Council, who shall be appointed as provided for in § 9-318; to members of
 179 the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.1-750; to
 180 members of the Advisory Council on the Virginia Business-Education Partnership Program, who shall be
 181 appointed as provided in § 9-326; to members of the Advisory Commission on Welfare Reform, who
 182 shall be appointed as provided for in § 63.1-133.44; to members of the Virginia Correctional Enterprises

183 Advisory Board, who shall be appointed as provided for in § 2.1-451.2; to members appointed to the
184 Virginia Veterans Cemetery Board pursuant to § 2.1-739.2; to members appointed to the Board of
185 Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the
186 Commonwealth Competition Commission, who shall be appointed as provided for in § 9-343; to
187 members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as
188 provided for in § 2.1-563.41; ~~or~~ to members of the Advisory Commission on the Virginia Schools for
189 the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; *or to members of the*
190 *Advisory Council on Virginia's Public Historical Records Collection, who shall be appointed as*
191 *provided for in § 42.1-81.2.*

192 § 9-6.25:1. Advisory boards, commissions and councils.

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

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

196 Advisory Board for the Department for the Aging

197 Advisory Board on Child Abuse and Neglect

198 Advisory Board on Medicare and Medicaid

199 Advisory Board on Occupational Therapy

200 Advisory Board on Physical Therapy to the Board of Medicine

201 Advisory Board on Rehabilitation Providers

202 Advisory Board on Respiratory Therapy to the Board of Medicine

203 Advisory Board on Teacher Education and Licensure

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

205 Advisory Council on Revenue Estimates

206 Advisory Council on the Virginia Business-Education Partnership Program

207 *Advisory Council on Virginia's Public Historical Records Collection*

208 Appomattox State Scenic River Advisory Board

209 Aquaculture Advisory Board

210 Art and Architectural Review Board

211 Board for the Visually Handicapped

212 Board of Directors, Virginia Truck and Ornamentals Research Station

213 Board of Forestry

214 Board of Military Affairs

215 Board of Rehabilitative Services

216 Board of Transportation Safety

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

218 Board of Visitors, Gunston Hall Plantation

219 Board on Veterans' Affairs

220 Catoctin Creek State Scenic River Advisory Board

221 Cave Board

222 Chickahominy State Scenic River Advisory Board

223 Clinch Scenic River Advisory Board

224 Coal Surface Mining Reclamation Fund Advisory Board

225 Coastal Land Management Advisory Council, Virginia

226 Commonwealth Competition Council

227 Council on Indians

228 Council on the Status of Women

229 Debt Capacity Advisory Committee

230 Emergency Medical Services Advisory Board

231 Falls of the James Committee

232 Goose Creek Scenic River Advisory Board

233 Governor's Council on Alcohol and Drug Abuse Problems

234 Governor's Mined Land Reclamation Advisory Committee

235 Hemophilia Advisory Board

236 Human Services Information and Referral Advisory Council

237 Interagency Coordinating Council on Housing for the Disabled

238 Interdepartmental Board of the State Department of Minority Business Enterprise

239 Litter Control and Recycling Fund Advisory Board

240 Local Advisory Board to the Blue Ridge Community College

241 Local Advisory Board to the Central Virginia Community College

242 Local Advisory Board to the Dabney S. Lancaster Community College

243 Local Advisory Board to the Danville Community College

244 Local Advisory Board to the Eastern Shore Community College

- 245 Local Advisory Board to the Germanna Community College
- 246 Local Advisory Board to the J. Sargeant Reynolds Community College
- 247 Local Advisory Board to the John Tyler Community College
- 248 Local Advisory Board to the Lord Fairfax Community College
- 249 Local Advisory Board to the Mountain Empire Community College
- 250 Local Advisory Board to the New River Community College
- 251 Local Advisory Board to the Northern Virginia Community College
- 252 Local Advisory Board to the Patrick Henry Community College
- 253 Local Advisory Board to the Paul D. Camp Community College
- 254 Local Advisory Board to the Piedmont Virginia Community College
- 255 Local Advisory Board to the Rappahannock Community College
- 256 Local Advisory Board to the Southside Virginia Community College
- 257 Local Advisory Board to the Southwest Virginia Community College
- 258 Local Advisory Board to the Thomas Nelson Community College
- 259 Local Advisory Board to the Tidewater Community College
- 260 Local Advisory Board to the Virginia Highlands Community College
- 261 Local Advisory Board to the Virginia Western Community College
- 262 Local Advisory Board to the Wytheville Community College
- 263 Maternal and Child Health Council
- 264 Medical Advisory Board, Department of Motor Vehicles
- 265 Migrant and Seasonal Farmworkers Board
- 266 Motor Vehicle Dealer's Advisory Board
- 267 North Meherrin State Scenic River Advisory Board
- 268 Nottoway State Scenic River Advisory Board
- 269 Personnel Advisory Board
- 270 Plant Pollination Advisory Board
- 271 Private College Advisory Board
- 272 Private Enterprise Commission
- 273 Private Security Services Advisory Board
- 274 Psychiatric Advisory Board
- 275 Radiation Advisory Board
- 276 Rappahannock Scenic River Advisory Board
- 277 Recreational Fishing Advisory Board, Virginia
- 278 Reforestation Board
- 279 Rockfish State Scenic River Advisory Board
- 280 Shenandoah State Scenic River Advisory Board
- 281 Small Business Advisory Board
- 282 Small Business Environmental Compliance Advisory Board
- 283 St. Mary's Scenic River Advisory Committee
- 284 State Advisory Board on Air Pollution
- 285 State Advisory Board for the Virginia Employment Commission
- 286 State Building Code Technical Review Board
- 287 State Health Benefits Advisory Council
- 288 State Land Evaluation Advisory Council
- 289 State Networking Users Advisory Board
- 290 State Public Records Advisory Council
- 291 Statewide Independent Living Council
- 292 Statewide Rehabilitation Advisory Council
- 293 Statewide Rehabilitation Advisory Council for the Blind
- 294 Staunton Scenic River Advisory Committee
- 295 Telecommunications Relay Service Advisory Board
- 296 Virginia-Israel Advisory Board
- 297 Virginia Advisory Commission on Intergovernmental Relations
- 298 Virginia Advisory Council for Adult Education and Literacy
- 299 Virginia Coal Mine Safety Board
- 300 Virginia Coal Research and Development Advisory Board
- 301 Virginia Commission for the Arts
- 302 Virginia Commission on the Bicentennial of the United States Constitution
- 303 Virginia Correctional Enterprises Advisory Board
- 304 Virginia Council on Coordinating Prevention
- 305 Virginia Equal Employment Opportunity Council

306 Virginia Geographic Information Network Advisory Board
307 Virginia Interagency Coordinating Council
308 Virginia Military Advisory Council
309 Virginia Public Buildings Board
310 Virginia Recycling Markets Development Council
311 Virginia Technology Council
312 Virginia Transplant Council
313 Virginia Veterans Cemetery Board
314 Virginia Water Resources Research Center, Statewide Advisory Board
315 Virginia Winegrowers Advisory Board.

316 § 42.1-81.1. *Advisory Council on Virginia's Public Historical Records Collection created; purpose.*

317 *There is hereby created the Advisory Council on Virginia's Public Historical Records Collection,*
318 *hereinafter referred to as the Advisory Council. The purpose of the Advisory Council shall be to provide*
319 *direction and advice to the State Library Board and the state agencies with significant historical records*
320 *collection holdings. The Advisory Council shall evaluate each agency's particular collection and make*
321 *recommendations to the agency and the State Library Board regarding program needs including*
322 *cataloguing, preservation, acquisition and accessibility. In performing its duties, the Advisory Council*
323 *shall encourage the development of uniform policies and services to ensure that the holdings of the*
324 *Commonwealth are appropriately preserved and accessible.*

325 § 42.1-81.2. *Membership; appointment; terms.*

326 A. *The Advisory Council shall consist of nineteen members. The appointment of members shall be as*
327 *follows: seven members from the House of Delegates to be appointed by the Speaker of the House; four*
328 *members from the Senate of Virginia to be appointed by the Senate Committee on Privileges and*
329 *Elections; and seven citizens to be appointed by the Governor. Of the citizens appointed by the*
330 *Governor, two shall be representatives from the Swem and Alderman libraries, two shall be*
331 *representatives of historical societies, two shall be representatives of genealogical societies and one*
332 *shall be a representative of a clerk of the court office. The State Archivist, as appointed pursuant to*
333 *§ 42.1-79, shall serve as an ex officio member of the Advisory Council with full voting privileges.*

334 B. *The terms of legislative members shall be coincident with their service in the house from which*
335 *appointed. The appointees of the Governor shall serve for terms of four years. Their successors shall be*
336 *appointed for like terms, and vacancies occurring other than by expiration of term shall be filled for the*
337 *unexpired term and shall be made in the same manner as the original appointment. All members of the*
338 *Advisory Council shall be compensated as specified in § 14.1-18, and shall be reimbursed for expenses*
339 *incurred in the performance of their duties.*

340 § 42.1-81.3. *Duties of the Advisory Council.*

341 A. *The Advisory Council shall:*

342 1. *Determine the size and scope of historical records among agencies of the Commonwealth;*
343 2. *Survey the cataloguing of historical records by state agencies and recommend preservation*
344 *priorities;*

345 3. *Make recommendations to the Governor and the General Assembly concerning the policies,*
346 *legislation and funding necessary to further the Commonwealth's collection and preservation of*
347 *historical records collections;*

348 4. *Promote public-private collaboration for archival preservation and collection;*

349 5. *Develop interagency mechanisms for the planning and coordination of preservation efforts;*

350 6. *Review and coordinate agency funding requests with an emphasis on funding for preservation and*
351 *accessibility;*

352 7. *Provide planning and technical assistance for agencies lacking appropriate preservation and*
353 *acquisition plans;*

354 8. *Promote and encourage the development of programs and curricula within the Commonwealth's*
355 *institutions of higher education for the training of personnel involved with historical records collections;*
356 *and*

357 9. *Monitor the progress of each agency's work with its historical records collections with special*
358 *attention to preservation and accessibility.*

359 B. *The Advisory Council shall report annually to the Governor and the General Assembly and at*
360 *such other times as required by the Governor or the General Assembly.*