

1999 SESSION

INTRODUCED

987609364

HOUSE BILL NO. 1422

Offered January 30, 1998

A BILL to amend and reenact §§ 2.1-1.5, 2.1-1.9, 2.1-20.4, 2.1-51.27, 9-6.23, and 9-6.25:3 of the Code of Virginia and to amend the Code of Virginia by adding in Title 9 a chapter numbered 49, consisting of sections numbered 9-371, 9-372, and 9-373, relating to the Commission on Virginia's Public Historical Records Collection.

Patrons—Morgan, Callahan, Councill, Cox, Cranwell, Davies, Davis, Diamonstein, Dillard, Grayson, Guest, Hargrove, Jones, J.C., Keating, Marshall, Murphy, O'Brien, Parrish, Putney, Sherwood and Weatherholtz; Senators: Stosch and Walker

Consent to introduce

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.5, 2.1-1.9, 2.1-20.4, 2.1-51.27, 9-6.23, and 9-6.25:3 are amended and reenacted and that of the Code of Virginia is amended by adding in Title 9 a chapter numbered 49, consisting of sections numbered 9-371, 9-372, and 9-373, as follows:

§ 2.1-1.5. Entities not subject to standard nomenclature.

The following entities are not subject to the provisions of § 2.1-1.2 due to the unique characteristics or the enabling legislation of the entities:

Authorities

Assistive Technology Loan Fund Authority.

Medical College of Virginia Hospitals Authority.

Richmond Eye and Ear Hospital Authority.

Small Business Financing Authority.

State Education Assistance Authority.

Virginia Agriculture Development Authority.

Virginia College Building Authority.

Virginia Economic Development Partnership.

Virginia Education Loan Authority.

Virginia Housing Development Authority.

Virginia Information Providers Network Authority.

Virginia Innovative Technology Authority.

Virginia Port Authority.

Virginia Public Building Authority.

Virginia Public School Authority.

Virginia Resources Authority.

Virginia Student Assistance Authorities.

Boards

Board of Commissioners, Virginia Agriculture Development Authority.

Board of Commissioners, Virginia Port Authority.

Board of Directors, Assistive Technology Loan Fund Authority.

Board of Directors, Medical College of Virginia Hospitals Authority.

Board of Directors, Richmond Eye and Ear Hospital Authority.

Board of Directors, Small Business Financing Authority.

Board of Directors, Virginia Economic Development Partnership.

Board of Directors, Virginia Student Assistance Authorities.

Board of Directors, Virginia Innovative Technology Authority.

Board of Directors, Virginia Resources Authority.

Board of Regents, Gunston Hall Plantation.

Board of Regents, James Monroe Memorial Law Office and Library.

Board of Trustees, Family and Children's Trust Fund.

Board of Trustees, Frontier Culture Museum of Virginia.

Board of Trustees, Jamestown-Yorktown Foundation.

Board of Trustees, Miller School of Albemarle.

Board of Trustees, Rural Virginia Development Foundation.

Board of Trustees, The Science Museum of Virginia.

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- 60 Board of Trustees, Virginia Museum of Fine Arts.
- 61 Board of Trustees, Virginia Museum of Natural History.
- 62 Board of Trustees, Virginia Outdoor Foundation.
- 63 Board of Visitors, Christopher Newport University.
- 64 Board of Visitors, The College of William and Mary in Virginia.
- 65 Board of Visitors, George Mason University.
- 66 Board of Visitors, Gunston Hall Plantation.
- 67 Board of Visitors, James Madison University.
- 68 Board of Visitors, Longwood College.
- 69 Board of Visitors, Mary Washington College.
- 70 Board of Visitors to Mount Vernon.
- 71 Board of Visitors, Norfolk State University.
- 72 Board of Visitors, Old Dominion University.
- 73 Board of Visitors, Radford University.
- 74 Board of Visitors, University of Virginia.
- 75 Board of Visitors, Virginia Commonwealth University.
- 76 Board of Visitors, Virginia Military Institute.
- 77 Board of Visitors, Virginia Polytechnic Institute and State University.
- 78 Board of Visitors, Virginia State University.
- 79 Commonwealth Health Research Board.
- 80 Governing Board, Virginia College Building Authority.
- 81 Governing Board, Virginia Public School Authority.
- 82 Library Board, The Library of Virginia.
- 83 Motor Vehicle Dealer Board.
- 84 State Board for Community Colleges, Virginia Community College System.
- 85 Virginia-Israel Advisory Board.
- 86 Commissions
- 87 Advisory Commission on the Virginia Schools for the Deaf and the Blind.
- 88 Alexandria Historical Restoration and Preservation Commission.
- 89 Charitable Gaming Commission.
- 90 Chesapeake Bay Bridge and Tunnel Commission.
- 91 *Commission on Virginia's Public Historical Records Collection.*
- 92 Hampton Roads Sanitation District Commission.
- 93 Districts
- 94 Chesapeake Bay Bridge and Tunnel District.
- 95 Hampton Roads Sanitation District.
- 96 Educational Institutions
- 97 Christopher Newport University.
- 98 College of William and Mary in Virginia.
- 99 Frontier Culture Museum of Virginia.
- 100 George Mason University.
- 101 James Madison University.
- 102 Jamestown-Yorktown Foundation.
- 103 Longwood College.
- 104 Mary Washington College.
- 105 Miller School of Albemarle.
- 106 Norfolk State University.
- 107 Old Dominion University.
- 108 Radford University.
- 109 The Science Museum of Virginia.
- 110 University of Virginia.
- 111 Virginia Commonwealth University.
- 112 Virginia Community College System.
- 113 Virginia Military Institute.
- 114 Virginia Museum of Fine Arts.
- 115 Virginia Polytechnic Institute and State University.
- 116 The Library of Virginia.
- 117 Virginia State University.
- 118 Foundations
- 119 Chippokes Plantation Farm Foundation.
- 120 Rural Virginia Development Foundation.
- 121 Virginia Arts Foundation.

122 Virginia Conservation and Recreation Foundation.
 123 Virginia Historic Preservation Foundation.
 124 Virginia Outdoor Foundation.
 125 Museum
 126 Virginia Museum of Natural History.
 127 Partnership
 128 A. L. Philpott Manufacturing Extension Partnership.
 129 Plantation
 130 Gunston Hall Plantation.
 131 § 2.1-1.9. Commissions.
 132 Notwithstanding the definition for "commission" as provided in § 2.1-1.2, the following entities shall
 133 be referred to as commissions:
 134 Advisory Commission on the Virginia Schools for the Deaf and the Blind
 135 Charitable Gaming Commission
 136 Commission on Local Government
 137 *Commission on Virginia's Public Historical Records Collection*
 138 Marine Resources Commission
 139 Milk Commission
 140 Virginia Commission for the Arts
 141 Virginia Employment Commission.
 142 § 2.1-20.4. Bodies receiving compensation.
 143 A. Notwithstanding any other provision of law, the following commissions, boards, etc., shall be
 144 those which receive compensation from state funds pursuant to § 2.1-20.3:
 145 Accountancy, Board for
 146 Agriculture and Consumer Services, Board of
 147 Air Pollution Control Board, State
 148 Airports Authority, Virginia
 149 Apprenticeship Council
 150 Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
 151 Athletic Board, Virginia
 152 Auctioneers Board
 153 Audiology and Speech-Language Pathology, Board of
 154 Aviation Board, Virginia
 155 Barbers, Board for
 156 Branch Pilots, Board for
 157 Building Code Technical Review Board, State
 158 Charitable Gaming Commission
 159 Chesapeake Bay Local Assistance Board
 160 Coal Mining Examiners, Board of
 161 College Building Authority
 162 Commonwealth Competition Council
 163 Commonwealth Transportation Board
 164 Conservation and Development of Public Beaches, Board on
 165 Conservation and Recreation, Board of
 166 Contractors, Board for
 167 Correctional Education, Board of
 168 Corrections, Board of
 169 Cosmetology, Board for
 170 Criminal Justice Services Board
 171 Deaf and Hard-of-Hearing, Advisory Board for the
 172 Dentistry, Board of
 173 Education, State Board of
 174 Education Loan Authority, Virginia - Board of Directors
 175 Elections, State Board of
 176 Environment, Council on the
 177 Fire Services Board, Virginia
 178 Funeral Directors and Embalmers, Board of
 179 Game and Inland Fisheries, Board of
 180 Geology, Board for
 181 Health, State Board of
 182 Health Professions, Board of

183 Hearing Aid Specialists, Board for
184 Higher Education, State Council of
185 Historic Resources, Board of
186 Housing and Community Development, Board of
187 Information Management, Council on
188 Juvenile Justice, State Board of
189 Marine Resources Commission
190 Medical Assistance Services, Board of
191 Medical Complaint Investigation Committee
192 Medicine, Board of
193 Mental Health, Mental Retardation and Substance Abuse Services Board, State
194 Milk Commission
195 Mineral Mining Examiners, Board of
196 Motor Vehicle Dealer Board
197 Nursing, Board of
198 Nursing Home Administrators, Board of
199 Occupational Therapy, Advisory Board on
200 Oil and Gas Conservation Board, Virginia
201 Opticians, Board for
202 Optometry, Board of
203 Pesticide Control Board
204 Pharmacy, Board of
205 Physical Therapy, Advisory Board on
206 Port Authority, Board of Commissioners of the Virginia
207 Professional and Occupational Regulation, Board for
208 Professional Counselors, Board of
209 Professional Soil Scientists, Board for
210 Psychology, Board of
211 Public Defender Commission
212 *Public Historical Records Collection, Commission on Virginia's*
213 Public School Authority, Virginia
214 Purchases and Supply Appeals Board
215 Real Estate Appraiser Board
216 Real Estate Board
217 Recreation Specialists, Board of
218 Rehabilitative Services, Board of
219 Respiratory Therapy, Advisory Board on
220 Safety and Health Codes Board
221 Seed Potato Board
222 Social Services, Board of
223 Social Work, Board of
224 State Health Department Sewage Handling and Disposal Appeal Review Board
225 Substance Abuse Certification Board
226 Surface Mining Review, Board of
227 Treasury Board
228 Veterans' Affairs, Board on
229 Veterinary Medicine, Board of
230 Virginia Board for Asbestos Licensing
231 Virginia Health Planning Board
232 Virginia Manufactured Housing Board
233 Virginia Veterans Care Center Board of Trustees
234 Virginia Waste Management Board
235 Visually Handicapped, Virginia Board for the
236 Waste Management Facility Operators, Board for
237 Water Control Board, State
238 Waterworks and Wastewater Works Operators, Board for
239 Well Review Board, Virginia.
240 B. Individual members of boards, commissions, committees, councils, and other similar bodies
241 appointed at the state level and receiving compensation for their services on January 1, 1980, but who
242 will not receive compensation under the provisions of this article, shall continue to receive compensation
243 at the January 1, 1980, rate until such member's current term expires.
244 § 2.1-51.27. Agencies for which responsible.

The Secretary of Administration shall be responsible to the Governor for the following agencies and boards: Department of Information Technology, Council on Information Management, Department of Personnel and Training, Department of General Services, Compensation Board, Secretary of the Commonwealth, Department of Employee Relations Counselors, Department of Veterans' Affairs, Virginia Veterans Care Center Board of Trustees, Commission on Local Government, *Commission on Virginia's Public Historical Records Collection*, Charitable Gaming Commission, and Virginia Public Broadcasting Board. The Governor may, by executive order, assign any other state executive agency to the Secretary of Administration, or reassign any agency listed above to another secretary.

§ 9-6.23. (Effective July 1, 1998) Prohibition against service by legislators on boards, commissions, and councils within the executive branch.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch which 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 which 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, however, to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who shall be appointed as provided for in § 2.1-741; to members of the Council on Indians, who shall be appointed as provided for in § 9-138.1; to members of the Virginia Technology Council, who shall be appointed as provided for in § 9-145.51; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Maternal and Child Health Council, who shall be appointed as provided for in § 9-318; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.1-750; to members of the Advisory Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided in § 9-326; to members of the Advisory Commission on Welfare Reform, who shall be appointed as provided for in § 63.1-133.44; to members of the Virginia Correctional Enterprises Advisory Board, who shall be appointed as provided for in § 2.1-451.2; to members appointed to the Virginia Veterans Cemetery Board pursuant to § 2.1-739.2; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § 9-343; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.1-563.41; ~~or~~ to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; *or to members of the Commission on Virginia's Public Historical Records Collection, who shall be appointed as provided for in § 9-372.*

§ 9-6.25:3. Supervisory boards, commissions, and councils.

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

- Alcoholic Beverage Control Board
- Board for Branch Pilots
- Board of Commissioners, Virginia Port Authority
- Board of Game and Inland Fisheries
- Board of Regents, Gunston Hall Plantation
- Board of Regents, James Monroe Memorial Law Office and Library
- Board of Trustees, Chippokes Plantation Farm Foundation
- Board of Trustees, Frontier Culture Museum of Virginia
- Board of Trustees, Jamestown-Yorktown Foundation
- Board of Trustees, the Science Museum of Virginia
- Board of Trustees, Virginia Museum of Fine Arts
- Board of Trustees, Virginia Retirement System
- Board of Trustees, Virginia Veterans Care Center
- Board of Trustees, Virginia War Memorial Foundation
- Board of Visitors, Christopher Newport University
- Board of Visitors, George Mason University
- Board of Visitors, James Madison University
- Board of Visitors, Longwood College
- Board of Visitors, Mary Washington College
- Board of Visitors, Norfolk State University
- Board of Visitors, Old Dominion University

306 Board of Visitors, Radford University
 307 Board of Visitors, The College of William and Mary in Virginia
 308 Board of Visitors, University of Virginia
 309 Board of Visitors, Virginia Commonwealth University
 310 Board of Visitors, Virginia Military Institute
 311 Board of Visitors, Virginia Polytechnic Institute and State University
 312 Board of Visitors, Virginia State University
 313 Charitable Gaming Commission
 314 Commonwealth's Attorneys' Services Council
 315 *Commission on Virginia's Public Historical Records Collection*
 316 Compensation Board
 317 Governing Board, Virginia College Building Authority
 318 Governing Board, Virginia Public School Authority
 319 Motor Vehicle Dealer Board
 320 State Board for Community Colleges, Virginia Community College System
 321 State Board of Education
 322 State Certified Seed Board
 323 State Council of Higher Education for Virginia
 324 Virginia Agricultural Council
 325 Virginia Bright Flue-Cured Tobacco Board
 326 Virginia Board for People with Disabilities
 327 Virginia Cattle Industry Board
 328 Virginia Corn Board
 329 Virginia Cotton Board
 330 Virginia Dark-Fired Tobacco Board
 331 Virginia Egg Board
 332 Virginia Horse Industry Board
 333 Virginia Marine Products Board
 334 Virginia Peanut Board
 335 Virginia Pork Industry Board
 336 Virginia Soybean Board
 337 Virginia State Apple Board
 338 Virginia Sweet Potato Board.

339 CHAPTER 49.

340 COMMISSION ON VIRGINIA'S PUBLIC HISTORICAL RECORDS COLLECTION.

341 § 9-371. *Commission created; purpose.*

342 *There is hereby created the Commission on Virginia's Public Historical Records Collection,*
 343 *hereinafter referred to as the Commission. The purpose of the Commission shall be to provide direction*
 344 *and oversight to state agencies with significant historical records collection holdings. The Commission*
 345 *shall evaluate each agency's particular collection and make recommendations to the agency and the*
 346 *General Assembly regarding program needs including cataloguing, preservation, acquisition and*
 347 *accessibility. In performing its duties, the Commission shall encourage the development of uniform*
 348 *policies and services to ensure that the holdings of the Commonwealth are appropriately preserved and*
 349 *accessible.*

350 § 9-372. *Membership; appointment; terms.*

351 *A. The Commission shall consist of nineteen members. The appointment of members shall be as*
 352 *follows: seven members from the House of Delegates to be appointed by the Speaker of the House; four*
 353 *members from the Senate of Virginia to be appointed by the Senate Committee on Privileges and*
 354 *Elections; and seven citizens to be appointed by the Governor. Of the citizens appointed by the*
 355 *Governor, two shall be representatives from the Swem and Alderman libraries, two shall be*
 356 *representatives of historical societies, two shall be representatives of genealogical societies and one*
 357 *shall be a representative of a clerk of the court office. The State Archivist, as appointed pursuant to*
 358 *§ 42.1-79, shall serve as an ex officio member of the Commission with full voting privileges.*

359 *B. The terms of legislative members shall be coincident with their service in the house from which*
 360 *appointed. The appointees of the Governor shall serve for terms of four years. Their successors shall be*
 361 *appointed for like terms, and vacancies occurring other than by expiration of term shall be filled for the*
 362 *unexpired term and shall be made in the same manner as the original appointment. All members of the*
 363 *Commission shall be compensated as specified in § 14.1-18, and shall be reimbursed for expenses*
 364 *incurred in the performance of their duties.*

365 § 9-373. *Powers and duties of the Commission.*

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

367 *1. Determine the size and scope of historical records among agencies of the Commonwealth;*

- 368 2. Supervise the cataloguing of historical records by state agencies and recommend preservation
369 priorities;
- 370 3. Recommend to the Governor and General Assembly policies, legislation and funding to further the
371 Commonwealth's collection and preservation of historical records collections;
- 372 4. Promote public-private collaboration for archival preservation and collection;
- 373 5. Develop interagency mechanisms for the planning and coordination of preservation efforts;
- 374 6. Review and coordinate all agency funding requests with emphasis on funding for preservation and
375 accessibility;
- 376 7. Provide planning and technical assistance for agencies lacking appropriate preservation and
377 acquisition plans;
- 378 8. Promote and encourage the development of programs and curricula within the Commonwealth's
379 institutions of higher education for the training of personnel involved with historical records collections;
380 and
- 381 9. Monitor the progress of each agency's work with their historical records collections with special
382 attention to preservation and accessibility.
- 383 B. The Commission shall report annually to the Governor and at such other times as required by the
384 Governor or the General Assembly.