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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.

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.*