

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 577

An Act to amend and reenact §§ 2.1-1.7, 2.1-33, 2.1-51.15, 9-6.23, and 9-6.25:1 of the Code of Virginia, to repeal Chapter 11.2 (§§ 9-95.5 and 9-95.6) of Title 9, Chapter 30 (§§ 9-267 through 9-273) of Title 9, Chapter 32.1 (§ 9-291.1) of Title 9, Chapter 43 (§§ 9-334 and 9-335) of Title 9, and Chapter 12 (§§ 30-90 through 30-93) of Title 30 of the Code of Virginia and to repeal § 1 of Chapter 557 of the 1999 Acts of Assembly, as amended by Chapter 1033 of the 2000 Acts of Assembly, relating to the repeal of certain inactive commissions, councils, and task forces.

[S 1365]

Approved March 24, 2001

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.7, 2.1-33, 2.1-51.15, 9-6.23, and 9-6.25:1 of the Code of Virginia are amended and reenacted 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
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
Specialized Transportation Council
State Health Benefits Advisory Council
Status of Women, Council on the
Substance Abuse Services Council
Virginia Business-Education Partnership Program, Advisory Council on the
Virginia Recycling Markets Development Council
Workforce Council, Virginia.

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

Higher Education, State Council of
Independent Living Council, Statewide
Rehabilitation Advisory Council, Statewide
Rehabilitation Advisory Council for the Blind, Statewide
Transplant Council, Virginia.
§ 2.1-33. Further exceptions.

Section 2.1-30 shall not be construed:

1. To prevent members of Congress from acting as visitors of the University of Virginia or the Virginia Military Institute, or from holding offices in the militia;
2. To exclude from offices under the state, city or town government or offices under any county, a person to whom a pension has been granted by the United States or who receives retirement compensation in any manner from the United States, or any person receiving or entitled to receive benefits under the Federal Old-Age and Survivors' Insurance System or under the Federal Railroad Retirement Act;
3. To exclude from such office or post, officers or soldiers on account of the recompense they may receive from the United States when called out in actual duty;
4. To prevent United States commissioners or United States census enumerators, supervisors, or the clerks under the supervisor of the United States census, or fourth-class or third-class postmasters, or United States caretakers of the National Guard of Virginia, from acting as notaries, school board selection commission members, or supervisors, or from holding any district office under the government of any county, or the office of councilman of any town or city in this Commonwealth;
5. To prevent any United States rural mail carrier, or star route mail carrier from being appointed and acting as notary public or holding any county or district office;
6. To prevent any civilian employee of the United States government from being appointed and acting as notary public;
7. To prevent any United States commissioners or United States park commissioners from holding the office of commissioner in chancery, bail commissioner, jury commissioner, commissioner of accounts, assistant commissioner of accounts, substitute or assistant civil justice, or assistant judge of a municipal court of any city or assistant judge of a juvenile and domestic relations district court of any city, or judge of any county court or juvenile and domestic relations district court of any county, or the municipal court or court of limited jurisdiction, by whatever name designated, of any incorporated town;
8. To prevent any person employed by, or holding office or a post of profit, trust or emolument, civil, legislative, executive or judicial, under the government of the United States, from being a member of the militia or holding office therein, or from being a member or director of any board, council, commission or institution of the Commonwealth who serves without compensation except one who serves on a per diem compensation basis;
9. To prevent foremen, quartermen, leading men, artisans, clerks or laborers, employed in any navy yard or naval reservation in Virginia from holding any office under the government of any city, town or county in this Commonwealth;
10. To prevent any United States government clerk from holding any office under the government of any town or city; or from being appointed as special policemen for a county by the circuit court or judge thereof as provided for in § 15.1-144;
11. To prevent any person holding an office under the United States government from holding a position under the management and control of the State Board of Health;
12. To prevent any state federal director of this Commonwealth in the employment service of the United States Department of Labor from holding the office of Commissioner of Labor of this Commonwealth;
13. To prevent clerks and employees of the federal government engaged in the departmental service in Washington from acting as school trustees;
14. To prevent any person, who is otherwise eligible, holding any office or post of profit, trust or emolument, civil or military, legislative, executive or judicial, under the government of the United States, or who is in the employment of such government or receives from it in any way any emolument whatever from serving as a member of the governing body or school board of any county, city or town, or as a member of any public body who is appointed by such governing body or school board, or as an appointive officer or employee of any county, city or town or the school board thereof;
15. To prevent game management agents of the United States Fish and Wildlife Service or United States deputy game wardens from acting as special game wardens;
16. To prevent any appointive state or local official or employee from serving, with compensation, on an advisory board of the federal government;
17. To prevent any state or local law-enforcement officer from serving as a United States law-enforcement officer; however, this provision shall not be construed to authorize any law-enforcement officer to receive double compensation;
18. To prevent any United States law-enforcement officer from serving as a state or local law-enforcement officer when requested by the chief law-enforcement officer of the subject jurisdiction; however, this provision shall not be construed to authorize any law-enforcement officer to receive double compensation;
19. To prevent any attorney for the Commonwealth or assistant attorney for the Commonwealth from serving as or performing the duties of a special assistant United States attorney or assistant United States attorney; however, this provision shall not be construed to authorize any attorney for the Commonwealth or assistant attorney for the Commonwealth to receive double compensation;

20. To prevent any assistant United States attorney from serving as or performing the duties of an assistant attorney for the Commonwealth when requested by the attorney for the Commonwealth of the subject jurisdiction; however, this provision shall not be construed to authorize any assistant United States attorney to receive double compensation;

21. To prevent any elected state or local official from serving, without compensation, on an advisory board of the federal government; however, this provision shall not be construed to prohibit reimbursement for actual expenses;

22. To prevent sheriffs' deputies from patrolling federal lands pursuant to contracts between federal agencies and local sheriffs; *or*

23. To prevent state judicial officers from performing acts or functions with respect to United States criminal proceedings when such acts or functions are authorized by federal law to be performed by state judicial officers; *or*

24. ~~To prevent any member of the Armed Forces of the United States from serving on the Virginia Military Advisory Council.~~

§ 2.1-51.15. Agencies for which responsible.

The Secretary of Health and Human Resources shall be responsible to the Governor for the following agencies: Department of Health, Department for the Visually Handicapped, Department of Health Professions, Department for the Aging, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Rehabilitative Services, Department of Social Services, Department for Rights of Virginians With Disabilities, Department of Medical Assistance Services, the Council on Indians, Governor's Employment and Training Department, Child Day-Care Council, *and the Virginia Department for the Deaf and Hard-of-Hearing, and the Virginia Council on Coordinating Prevention.* The Governor may, by executive order, assign any other state executive agency to the Secretary of Health and Human Resources, or reassign any agency listed above to another secretary.

§ 9-6.23. 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 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 Virginia Correctional Enterprises Advisory Board, who shall be appointed as provided for in § 53.1-45.3; 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; 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; ~~to members of the Council on Coordinating Prevention, who shall be appointed as provided for in § 9-268;~~ to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 37.1-207; ~~or~~ to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9-168; or to members of the Virginia Workforce Council, who shall be appointed as provided for in § 9-329.1.

§ 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 on Athletic Training

Advisory Board on Child Abuse and Neglect

Advisory Board on Medicare and Medicaid

Advisory Board of Occupational Therapy

Advisory Board on Rehabilitation Providers

Advisory Board on Respiratory Care 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, Virginia
Board of Directors, Virginia Truck and Ornaments 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
Catoclin Creek State Scenic River Advisory Board
Cave Board
Charity Food Assistance Advisory Board
Chickahominy State Scenic River Advisory Board
Chief Information Officer 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 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
Maritime Incident Response Advisory Board
Maternal and Child Health Council
Medical Advisory Board, Department of Motor Vehicles
Migrant and Seasonal Farmworkers 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 Security Services Advisory Board
 Psychiatric Advisory Board
 Public Guardian and Conservator 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 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
 Substance Abuse Services Council
 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 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 Transplant Council
 Virginia Veterans Cemetery Board
 Virginia Water Resources Research Center, Statewide Advisory Board
 Virginia Winegrowers Advisory Board.

2. That Chapter 11.2 (§§ 9-95.5 and 9-95.6) of Title 9, Chapter 30 (§§ 9-267 through 9-273) of Title 9, Chapter 32.1 (§ 9-291.1) of Title 9, Chapter 43 (§§ 9-334 and 9-335) of Title 9, and Chapter 12 (§§ 30-90 through 30-93) of Title 30 of the Code of Virginia are repealed and § 1 of Chapter 557 of the 1999 Acts of Assembly, as amended by Chapter 1033 of the 2000 Acts of Assembly, is repealed.