

020542536

SENATE BILL NO. 322

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 5, 2002)

(Patron Prior to Substitute—Senator Stolle)

A BILL to amend and reenact § 2.2-2801 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 23.1 consisting of sections numbered 2.2-2666.1 and 2.2-2666.2, relating to the Virginia Military Advisory Council.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2801 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 26 of Title 2.2 an article numbered 23.1 consisting of sections numbered 2.2-2666.1 and 2.2-2666.2, as follows:

Article 23.1.

Virginia Military Advisory Council.

§ 2.2-2666.1. Council created; composition.

The Virginia Military Advisory Council (the "Council") is hereby created as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government, to maintain a cooperative and constructive relationship between the Commonwealth and the leadership of the several Armed Forces of the United States and the military commanders of such Armed Forces stationed in the Commonwealth, and to encourage regular communication on continued military facility viability, the exploration of privatization opportunities and issues affecting preparedness, public safety and security.

The Council shall be composed of not more than twenty-five members and shall include the Lieutenant Governor, the Attorney General, the Adjutant General, the Chairman of the House Committee on Militia, Police and Public Safety and the Chairman of the Senate Committee on General Laws, or their designees; four members, one of whom shall be a representative of the Virginia Defense Force, to be appointed by and serve at the pleasure of the Governor; and not more than sixteen members, including representatives of major military commands and installations located in the Commonwealth or in jurisdictions adjacent thereto, who shall be appointed by the Governor from persons nominated by the Secretaries of the Armed Forces of the United States and who shall serve at the pleasure of the Governor. The provisions of § 49-1 shall not apply to federal civilian officials and military personnel appointed to the Council.

§ 2.2-2666.2. Duties of Council; staff support.

The Council shall identify and study and provide advice and comments to the Governor on issues of mutual concern to the Commonwealth and the Armed Forces of the United States, including exclusive and concurrent jurisdiction over military installations, educational quality and the future of federal impact aid, preparedness, public safety and security concerns, transportation needs, alcoholic beverage law enforcement, substance abuse, social service needs, possible expansion and growth of military facilities in the Commonwealth and such other issues as the Governor or the Council may determine to be appropriate subjects of joint consideration.

Such staff support as is necessary for the conduct of the Council's business shall be furnished by the Office of the Governor, the Office of the Secretary of Public Safety, the Department of Military Affairs, and such other executive agencies as the Governor may designate. The Governor shall designate the chairman from among the members.

§ 2.2-2801. Disability to hold state office; exceptions.

A. Section 2.2-2800 shall not be construed to prevent:

1. 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. 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 Virginia National Guard, 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 the Commonwealth;

3. 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;

4. Any civilian employee of the United States government from being appointed and acting as notary public;

5. 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

60 any city or assistant judge of a juvenile and domestic relations district court of any city, or judge of any
61 county court or juvenile and domestic relations district court of any county, or the municipal court or
62 court of limited jurisdiction, by whatever name designated, of any incorporated town;

63 6. Any person employed by, or holding office or a post of profit, trust or emolument, civil,
64 legislative, executive or judicial, under the government of the United States, from being a member of
65 the militia or holding office therein, or from being a member or director of any board, council,
66 commission or institution of the Commonwealth who serves without compensation except one who
67 serves on a per diem compensation basis;

68 7. Foremen, quartermen, leading men, artisans, clerks or laborers, employed in any navy yard or
69 naval reservation in Virginia from holding any office under the government of any city, town or county
70 in the Commonwealth;

71 8. Any United States government clerk from holding any office under the government of any town or
72 city; or from being appointed as special policeman for a county by the circuit court or judge thereof as
73 provided for in § 15.2-1737;

74 9. Any person holding an office under the United States government from holding a position under
75 the management and control of the State Board of Health;

76 10. Any state federal director of the Commonwealth in the employment service of the United States
77 Department of Labor from holding the office of Commissioner of Labor of the Commonwealth;

78 11. Clerks and employees of the federal government engaged in the departmental service in
79 Washington from acting as school trustees;

80 12. Any person, who is otherwise eligible, from serving as a member of the governing body or
81 school board of any county, city or town, or as a member of any public body who is appointed by such
82 governing body or school board, or as an appointive officer or employee of any county, city or town or
83 the school board thereof;

84 13. Game management agents of the United States Fish and Wildlife Service or United States deputy
85 game wardens from acting as special game wardens;

86 14. Any appointive state or local official or employee from serving, with compensation, on an
87 advisory board of the federal government;

88 15. Any state or local law-enforcement officer from serving as a United States law-enforcement
89 officer; however, this subdivision shall not be construed to authorize any law-enforcement officer to
90 receive double compensation;

91 16. Any United States law-enforcement officer from serving as a state or local law-enforcement
92 officer when requested by the chief law-enforcement officer of the subject jurisdiction; however, this
93 subdivision shall not be construed to authorize any law-enforcement officer to receive double
94 compensation;

95 17. Any attorney for the Commonwealth or assistant attorney for the Commonwealth from serving as
96 or performing the duties of a special assistant United States attorney or assistant United States attorney;
97 however, this subdivision shall not be construed to authorize any attorney for the Commonwealth or
98 assistant attorney for the Commonwealth to receive double compensation;

99 18. Any assistant United States attorney from serving as or performing the duties of an assistant
100 attorney for the Commonwealth when requested by the attorney for the Commonwealth of the subject
101 jurisdiction; however, this subdivision shall not be construed to authorize any assistant United States
102 attorney to receive double compensation;

103 19. Any elected state or local official from serving, without compensation, on an advisory board of
104 the federal government; however, this subdivision shall not be construed to prohibit reimbursement for
105 actual expenses;

106 20. Sheriffs' deputies from patrolling federal lands pursuant to contracts between federal agencies and
107 local sheriffs; or

108 21. State judicial officers from performing acts or functions with respect to United States criminal
109 proceedings when such acts or functions are authorized by federal law to be performed by state judicial
110 officers; or

111 22. Any member of the Armed Forces of the United States from serving on the Virginia Military
112 Advisory Council.

113 B. Nor shall § 2.2-2800 be construed to exclude:

114 1. A person to whom a pension has been granted by the United States or who receives retirement
115 compensation in any manner from the United States, or any person receiving or entitled to receive
116 benefits under the Federal Old-Age and Survivors' Insurance System or under the Federal Railroad
117 Retirement Act.

118 2. Officers or soldiers on account of the recompense they may receive from the United States when
119 called out in actual duty.