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SENATE BILL NO. 383

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 45, consisting of sections numbered 30-293 through 30-300, relating to the Virginia Bicentennial of the American War of 1812 Commission and Fund; report.

Patron—Martin

Referred to Committee on Rules

Whereas, the American War of 1812 was fought between the United States and Britain from June 18, 1812, through February 18, 1815, in eastern and central North America, the Gulf Coast, and the Atlantic and Pacific Oceans; and

Whereas, with naval warfare dominating the American War of 1812, the strategic location of the Chesapeake Bay near the nation's capital made it a prime target for the British, and the coast of Virginia figured prominently in the Atlantic theatre of operations; and

Whereas, as the British army invaded and burned Washington, D.C. in 1814, President James Madison sought refuge in Virginia; and

Whereas, an estimated 40,000 Virginians served during the American War of 1812; and

Whereas, the bicentennial of the American War of 1812 provides an opportunity for all Americans to commemorate the independence for which our forefathers so bravely fought; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 45, consisting of sections numbered 30-293 through 30-300 as follows:

CHAPTER 45.**VIRGINIA BICENTENNIAL OF THE AMERICAN WAR OF 1812 COMMISSION.**

§ 30-293. *Virginia Bicentennial of the American War of 1812 Commission; purpose.*

The Virginia Bicentennial of the American War of 1812 Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to prepare for and commemorate the bicentennial anniversary of Virginia's participation in the American War of 1812.

§ 30-294. *Membership; terms.*

The Commission shall have a total membership of 11 members that shall consist of eight legislative members, and two nonlegislative citizen members and one ex officio member. Members shall be appointed as follows: three members of the Senate, to be appointed by the Senate Committee on Rules; five members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen member who shall represent the Virginia Society of the War of 1812 to be appointed by the Senate Committee on Rules; and one nonlegislative citizen member who shall be a recognized scholar in the American War of 1812 to be appointed by the Speaker of the House of Delegates. The Superintendent of Public Instruction or his designee shall serve ex officio with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

Legislative members and the ex officio member of the Commission shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

Nonlegislative citizen members shall be appointed for a term of two years. No nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

§ 30-295. *Quorum; meetings; voting on recommendations.*

A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

No recommendation of the Commission shall be adopted if a majority of the Senate members or a

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majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

§ 30-296. Compensation; expenses; grants.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such compensation and expenses shall be paid from existing appropriations to the Commission, or, if unfunded, shall be approved by the Joint Rules Committee.

The Commission may solicit, accept, use, and dispose of gifts, grants, donations, bequests, or other funds or real or personal property for the purpose of aiding or facilitating the work of the Commission. In accordance with the appropriation act, the Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements as it may deem necessary to carry out its duties as set forth in this chapter. No contract, lease, or other legal agreements shall be entered into by the Commission that extends beyond the date of expiration of the Commission.

§30-297. Virginia Bicentennial of the American War of 1812 Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Bicentennial of the American War of 1812 Fund, hereafter referred to as the "Fund." The Fund shall be established on the books of the Comptroller and shall consist of gifts, grants, donations, bequests, or other funds from any source as may be received by the Commission for its work. Moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of enabling the Commission to perform its duties. Expenditure and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request of the chairman of the Commission.

§ 30-298. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Plan, develop and carry out programs and activities appropriate to commemorate the bicentennial of the American War of 1812.

2. Promote and encourage research and scholarship to increase historical literacy of the American War of 1812 and the important role that Virginia played therein.

3. Encourage civic, historical, educational, economic and other organizations throughout Virginia to organize and participate in activities to expand the understanding and appreciation of the significance of the American War of 1812.

4. Encourage the development and conduct of programs designed to involve all citizens in activities that commemorate the American War of 1812.

5. Submit to the General Assembly and the Governor an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

6. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this chapter.

§ 30-299. Staffing.

Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission.

§ 30-300. Sunset.

This chapter shall expire on July 1, 2015.

2. For its first year of existence, if the Commission is not funded by a separate appropriation in the appropriation act, the Commission may be funded from the operating budgets of the Clerk of the Senate and the Clerk of the House of Delegates upon the approval of the Joint Rules Committee. If the Commission is not funded by a separate appropriation in the appropriation act for any year thereafter, this chapter shall expire on July 1 of the fiscal year that the Commission fails to receive such funding.