

934

CHAPTER 32.

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MUSEUMS AND OTHER CULTURAL ENTITIES.

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Drafting note: Museums and other cultural entities, existing Chapters 18, 18.1, 23,

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24, and 25 of Title 23, are grouped and reorganized as articles within proposed Chapter

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32. Also logically relocated to proposed Chapter 32 are provisions relating to two other

939

cultural entities, the Virginia Commission for the Arts (existing Article 4 [§ 2.2-2508 et

940

seq.] of Chapter 25 of Title 2.2) and the Virginia Arts Foundation (existing Article 1 [§ 2.2-

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2700 et seq.] of Chapter 27 of Title 2.2).

942

CHAPTER 25.

943

FRONTIER CULTURE MUSEUM OF VIRGINIA.

944

Article 1.

945

General Provisions.

946

§ 23.1-xxx. Governing boards of educational institutions; removal of members.

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A. Notwithstanding any other provision of law, the Governor may remove from office

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for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board

949 of any educational institution established pursuant to this chapter and fill the vacancy resulting
950 from the removal.

951 B. The Governor shall set forth in a written public statement his reasons for removing
952 any member pursuant to subsection A at the time the removal occurs. The Governor shall be the
953 sole judge of the sufficiency of the cause for removal as set forth in subsection A.

954 **Drafting note: The provisions of this proposed section are moved from subsections**
955 **A and C of § 2.2-108.**

956 Article 2.

957 Frontier Culture Museum of Virginia.

958 **Drafting note: Existing Chapter 25 (§ 23-296 et seq.) is reorganized as proposed**
959 **Article 2 of Chapter 32.**

960 § ~~23-296~~ 23.1-xxx. Frontier Culture Museum of Virginia ~~created; purpose established.~~

961 ~~There is hereby created the~~ The Frontier Culture Museum of Virginia (the Museum) is

962 established as a state agency and educational institution. The purpose of the ~~museum~~ Museum is

963 to construct, operate, and maintain, in the Augusta ~~County/Staunton/Waynesboro~~ County,

964 Staunton, and Waynesboro area of the Commonwealth, an outdoor museum ~~in order~~

965 to commemorate on an international scale the ~~contribution which~~ contributions of the pioneers and

966 colonial frontiersmen and frontierswomen of the eighteenth and nineteenth centuries ~~made~~

967 to the creation and development of the United States. The Museum is ~~an educational institution~~

968 with responsibility to administer certain responsible for administering such historical and

969 interpretive programs as may be established by the board of trustees of the Museum.

970 **Drafting note: Technical changes.**

971 § ~~23-297~~ 23.1-xxx. Board of ~~Trustees; membership; terms; officers and committees;~~

972 compensation trustees.

973 A. ~~The Frontier Culture Museum of Virginia~~ shall be administered by a ~~Board of~~

974 Trustees board of trustees (the board) consisting of no more than 25 members. The members

975 shall be appointed as follows: five members of the House of Delegates shall be appointed by the
976 Speaker of the House of Delegates; in accordance with the rules of proportional representation
977 contained in the Rules of the House of Delegates, three members of the Senate shall be
978 appointed by the Senate Committee on Rules; and nine nonlegislative citizen members shall be
979 appointed by the Governor. The Governor may appoint, upon recommendation of the ~~Board of~~
980 ~~Trustees board~~, up to eight additional nonlegislative members ~~for four-year terms~~ who may be
981 nonresidents of the Commonwealth ~~and who shall serve at no expense to the Commonwealth~~.

982 B. Legislative members shall serve terms coincident with their terms of office. ~~After the~~
983 ~~initial staggering of terms, nonlegislative~~ Nonlegislative citizen members shall be appointed
984 ~~shall serve~~ for ~~four-year~~ terms of four years. Appointments to fill vacancies, other than by
985 expiration of a term, shall be ~~made~~ for the unexpired ~~term~~ terms. Vacancies shall be filled in the
986 same manner as the original appointments. All members may be reappointed.

987 C. The ~~Board of Trustees board~~ shall elect a chairman, vice-chairman, and such other
988 officers as it deems necessary. ~~Seven or more of the members of the Board of Trustees shall~~
989 ~~constitute an executive committee~~. A majority of the members shall constitute a quorum. The
990 meetings of the board shall be held at the call of the chairman or whenever the majority of the
991 members so request. The board may appoint an executive committee for the transaction of
992 business in the recess of the board consisting of at least seven members.

993 ~~The Board of Trustees~~ D. Members of the board shall be reimbursed for all reasonable
994 and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813
995 and 2.2-2825 ~~and shall be compensated at the per diem rate established for members of the~~
996 ~~General Assembly for meetings~~. Nonlegislative members shall receive no compensation for
997 their services. Legislative members shall be compensated as provided in § 30-19.12. Funding
998 for the costs of compensation and expenses of the members shall be provided by the ~~Frontier~~
999 ~~Culture~~ Museum.

1000 **Drafting note: Technical changes are made including adding standard language for**
1001 **a quorum and how meetings are called. A substantive change is made in subsections A**
1002 **and D to (i) remove the restriction that members who are not residents of the**
1003 **Commonwealth shall serve at no expense to the Commonwealth and (ii) specify that all**
1004 **members are entitled to reimbursement for reasonable and necessary expenses but only**
1005 **legislative members are entitled to be compensated at a per diem rate. A substantive**
1006 **change is made in proposed subsection C to specify that the board may appoint an**
1007 **executive committee for the transaction of business in the recess of the board. Similar**
1008 **language is found in the enabling statutes of other boards in proposed Title 23.1. The**
1009 **existing statute is silent on the appointment and powers of the executive committee.**

1010 § ~~23-298~~ 23.-xxx. Powers of ~~Board of Trustees;~~ donation the board.

1011 A. The ~~Board of Trustees~~ board shall:

1012 1. Establish, operate, and maintain the ~~Frontier Culture~~ Museum of Virginia to
1013 commemorate the contributions ~~which of~~ of the pioneers and colonial frontiersmen and
1014 frontierswomen ~~made~~ to the creation of this nation;

1015 2. Employ an executive director and such assistants as may be required and confer such
1016 duties and responsibilities as determined necessary;

1017 3. Adopt a flag, seal, and other emblems for use in connection with the Museum;

1018 4. Establish a nonprofit corporation to develop and maintain public awareness of the
1019 Frontier Culture Museum of Virginia;

1020 5. Receive and expend gifts, grants, and donations of any kind from whatever sources
1021 determined, including donations accepted by the American Frontier Culture Foundation on
1022 behalf of the Museum;

1023 6.5. Adopt regulations and set fees concerning the use and visitation of properties under
1024 its control;

1025 7.6. Acquire by purchase, lease, gift, devise, or condemnation proceedings, with the
1026 consent of the Governor, lands, property, and structures deemed necessary to the purpose of the
1027 Museum ~~by purchase, lease, gift, devise or condemnation proceedings~~. The title to land and
1028 property acquired shall be in the name of the Commonwealth. In the exercise of the power of
1029 eminent domain granted under this section, the Museum may proceed in the manner provided by
1030 Chapter 3 (§ 25.1-300 et seq.) of Title 25.1;

1031 8.7. Convey by lease land and structures to any person, association, firm, or corporation,
1032 with the consent of the Governor, for such terms and on such conditions as the Museum may
1033 determine;

1034 9.8. Enter into contracts to further the purpose of the Museum, ~~which have been~~
1035 ~~approved by the Attorney General~~; and

1036 10.9. Elect any past member of the ~~Board of Trustees~~ board to the honorary position of
1037 trustee emeritus. Trustees emeriti shall serve as honorary members for life, shall not have voting
1038 privileges, and shall be elected in addition to those positions set forth in § ~~23-297~~ 23.1-xxx.

1039 B. In addition to the powers granted by subsection A, the ~~Board~~ board may, ~~from time to~~
1040 ~~time~~, evaluate the significance ~~or~~ and suitability of the furnishings, household items, and other
1041 objects ~~heretofore and hereinafter~~ acquired by purchase, gift ~~or donations~~, or donation with or
1042 for the Museum, for the purpose of accurately presenting the means, tastes, and lifestyles of the
1043 people living during the era depicted by the Museum ~~depicts and within the limitations of the~~
1044 ~~furnishings, household items, and other objects that would have been available to and within the~~
1045 ~~means of such persons~~. The ~~Board~~ board may ~~dispose of~~ exchange or sell those furnishings,
1046 household items, and other objects ~~determined by the Board that it determines~~ to be of little or
1047 no significance or suitability for achieving the purposes or mission of the Museum ~~by exchange~~
1048 ~~or sale, so as~~ long as such disposition is not inconsistent with the terms of the acquisition of the
1049 relevant property. ~~At the discretion of the Board, sales~~ Sales of these items may be conducted by
1050 auction houses recognized for their expertise in the sale of such property.

1051 C. Any furnishings, household goods, and other objects previously acquired by donation
1052 or purchase and the net proceeds of any sale of these items as provided in subsection B shall
1053 constitute a discrete fund of the ~~Frontier Culture~~ Museum ~~of Virginia~~ and shall be used solely
1054 for the acquisition of period furnishings, household goods, and other objects consistent with the
1055 purpose and mission of the Museum.

1056 Donations to the Museum of any funds, securities, and any other property, real or
1057 personal, for use in accordance with its purpose and mission, shall constitute endowments or
1058 unrestricted gifts within the meaning of § ~~23-9.2~~ 23.1-xxx. The ~~Board~~ board may change the
1059 form of investment of any such funds, securities, or other property, real or personal, if the
1060 change in such form is not inconsistent with the terms of the instrument under which such
1061 property was acquired, and may sell, grant, or convey any such property; however, any transfers
1062 of real property ~~may~~ shall be made only with the consent of the Governor.

1063 **Drafting note: Technical changes are made. A substantive change is made in**
1064 **proposed subdivision A 8: the requirement for the Attorney General to approve contracts**
1065 **that the board enters is removed. The Attorney General does not exercise approval of such**
1066 **contracts.**

1067 ~~CHAPTER 24.~~

1068 ~~BOARDS OF REGENTS; GUNSTON HALL.~~

1069 Article 3.

1070 Gunston Hall.

1071 **Drafting note: Existing Chapter 24 (§ 23-295 et seq.) is reorganized as proposed**
1072 **Article 3 of Chapter 32.**

1073 § ~~23-295~~ 23.1-xxx. Board of Regents of Gunston Hall; and Board of Visitors for
1074 Gunston Hall established.

1075 ~~There is hereby created the~~ The Board of Regents of Gunston Hall ~~and the Board of~~
1076 ~~Visitors for Gunston Hall~~ (Board of Regents) is established as an educational institution to

1077 manage, maintain, and operate Gunston Hall and accept and administer gifts of real and
1078 personal property made for the benefit of Gunston Hall. The Board of Visitors for Gunston Hall
1079 is established. Membership of both collegial bodies shall be pursuant to the terms and conditions
1080 of the deed of gift of Gunston Hall from Louis Hertle to the Commonwealth ~~of Virginia~~. The
1081 duties ~~for~~ of the two boards are prescribed in Chapter 138 of the ~~1932~~ Acts of Assembly of 1932
1082 and Chapter 175 of the ~~1948~~ Acts of Assembly of 1948. ~~As such, the Board of Regents is~~
1083 ~~declared an educational institution with all the rights, powers, privileges, and immunities under~~
1084 ~~law. The Board of Regents shall manage, maintain and operate Gunston Hall and accept and~~
1085 ~~administer gifts of real and personal property made for the benefit of Gunston Hall.~~

1086 **Drafting note: Technical changes.**

1087 § ~~23-295.1~~ 23.1-xxx. ~~Certain powers~~ Powers of the Board of Regents.

1088 A. The Board of Regents may ~~from time to time~~ undertake to determine the significance
1089 or suitability of the furnishings, household items, and other objects ~~heretofore and hereafter~~
1090 acquired by purchase, gift, or ~~donations with or~~ donation for Gunston Hall, for the purpose of
1091 accurately presenting Gunston Hall according to the means and taste of George Mason ~~and~~
1092 ~~within the limitations of the furnishings, household items, and other objects that would have~~
1093 ~~been available to him and within his means~~. Those furnishings, household items, and other
1094 objects determined by the Board of Regents to be of little or no significance or unsuitable for
1095 achieving this purpose may be ~~disposed of~~ exchanged or sold by the Board ~~by exchange or sale~~
1096 of Regents if not inconsistent with the terms of the acquisition ~~thereof of the items~~. ~~At the~~
1097 ~~discretion of the Board, such~~ Such sales may be conducted by auction houses recognized for the
1098 expertise in the sale of such items.

1099 B. Any such furnishings, household goods, and other objects ~~previously~~ acquired by
1100 donation or purchase and the net proceeds of any sale of these items as provided in subsection A
1101 shall constitute a discrete fund of Gunston Hall, restricted to future acquisitions of period

1102 furnishings, household goods, and other objects consistent with the purposes set forth in
1103 subsection A, and the conservation of all such holdings of Gunston Hall.

1104 C. Donations to Gunston Hall of any funds, securities, and any other property, real or
1105 personal, for use in accordance with the mission of Gunston Hall, shall constitute endowments
1106 or unrestricted gifts within the meaning of § ~~23-9-2~~ 23.1-xxx. The Board of Regents may (i)
1107 change the form of investment of any such funds, securities, or other property, real or personal,
1108 provided that the same are form is not inconsistent with the terms of the instrument under which
1109 the ~~same were~~ property was acquired, and ~~to~~ (ii) sell, grant, or convey any such property, except
1110 that any transfers of real property may be made only with the consent of the Governor.

1111 **Drafting note: Technical changes.**

1112 ~~CHAPTER 23.~~

1113 ~~JAMESTOWN-YORKTOWN FOUNDATION.~~

1114 Article 4.

1115 Jamestown-Yorktown Foundation.

1116 **Drafting note: Existing Chapter 23 (§ 23-287 et seq.) is reorganized as proposed**
1117 **Article 4 of Chapter 32.**

1118 § ~~23-287~~ 23.1-xxx. Jamestown-Yorktown Foundation ~~continued; Board of Trustees;~~
1119 ~~officers and executive committee established;~~ board of trustees.

1120 A. The Jamestown-Yorktown Foundation, ~~hereinafter referred to as the Foundation, is~~
1121 ~~hereby continued and shall be deemed to be~~ (the Foundation) is established as an ~~institution of~~
1122 ~~higher education within the meaning of §§ 23-3.1 and 23-9.2~~ educational institution to
1123 administer certain historical museums and such related programs as may be established by the
1124 board of trustees.

1125 B. The Foundation shall be administered by ~~the Board~~ a board of ~~Trustees consisting of~~
1126 ~~the following ex officio~~ trustees: (the board). The Governor, the Lieutenant Governor, the
1127 Attorney General, the Speaker of the House of Delegates, the President Pro Tempore of the

1128 Senate, the Chairman of the House Appropriations Committee, either the Chairman or the
1129 Chairman Emeritus of the Senate Finance Committee, to be determined by the Senate
1130 Committee on Rules, ~~and~~ the Secretary of Education, and the president of the Jamestown-
1131 Yorktown Foundation, Inc., shall serve ex officio. ~~In addition, there~~ There shall be 12
1132 nonlegislative citizen members appointed by the Governor from the Commonwealth at large for
1133 four-year terms ~~who shall be~~, subject to confirmation by ~~a majority of the members of each~~
1134 ~~house of~~ the General Assembly; eight members of the House of Delegates appointed by the
1135 Speaker of the House of Delegates ~~from the membership thereof for terms concurrent with the~~
1136 ~~terms for which they have been elected to office in~~ accordance with the rules of proportional
1137 representation contained in the Rules of the House of Delegates; four members of the Senate
1138 appointed by the Senate Committee on Rules ~~from the membership of the Senate for terms~~
1139 ~~concurrent with the term for which they have been elected to office~~; five members annually
1140 elected by the ~~Board of Trustees~~ board, some of whom may be nonresidents of the
1141 Commonwealth; and any and all chairmen emeriti elected by the ~~Board of Trustees~~ board
1142 pursuant to § ~~23-288~~ 23.1-xxx. ~~The president of the Jamestown-Yorktown Foundation, Inc.~~
1143 ~~shall also serve as a member of the Board of Trustees. Nonresident members of the Board of~~
1144 ~~Trustees shall serve at no expense to the Commonwealth.~~

1145 Legislative and ex officio members shall serve terms coincident with their terms of
1146 office. Appointments to fill vacancies, other than by expiration of a term, shall be for the
1147 unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

1148 C. ~~The Board of Trustees~~ board shall elect a chairman, vice-chairman, and such other
1149 officers as ~~are deemed it deems~~ necessary. ~~The chairman~~ board shall appoint at least seven ~~or~~
1150 ~~more~~ members ~~of the Board~~ to constitute an executive committee, ~~the membership of~~ which
1151 shall include the chairman and vice-chairman. A majority of the members shall constitute a
1152 quorum. The meetings of the board shall be held at the call of the chairman or whenever the
1153 majority of the members so request.

1154 ~~Resident members of the Board of Trustees~~ D. Nonresident members of the board shall
1155 serve at no expense to the Commonwealth. Members who are residents of the Commonwealth
1156 shall be reimbursed for all reasonable and necessary expenses incurred in the performance of
1157 their duties as provided in §§ 2.2-2813 and 2.2-2825 and shall receive compensation at the per
1158 diem rate established for members of the General Assembly as provided in § 30-19.12. The
1159 funding for the costs of compensation and expenses of the members shall be provided by the
1160 Foundation.

1161 ~~B. The Foundation is an educational institution and has the further responsibility to~~
1162 ~~administer certain historical museums and such related programs as may be established as~~
1163 ~~defined from time to time.~~

1164 **Drafting note: Technical changes are made. A substantive change is made in**
1165 **proposed subsection C. Under existing law, the executive committee is appointed by the**
1166 **chairman. The proposed change gives this appointment power to the board instead.**
1167 **Similar provisions are found in the enabling statutes of other boards in proposed Title**
1168 **23.1.**

1169 § ~~23-288~~ 23.1-xxx. Powers and duties.

1170 The ~~Foundation~~ board shall have the power and duty to:

1171 1. Do all things necessary and proper to (i) foster through its living-history museums,
1172 Jamestown Settlement, and Yorktown Victory Center, an awareness and understanding of the
1173 early history, settlement, and development of the United States through the convergence of
1174 American Indian, European, and African cultures and the enduring legacies bequeathed to the
1175 nation; ~~to~~ (ii) commemorate Jamestown as the first permanent English-speaking settlement in
1176 the United States and its contributions to the building of our Commonwealth and nation; ~~to~~ (iii)
1177 commemorate the winning of American independence on the battlefield at Yorktown; and ~~to~~
1178 (iv) enhance our understanding of the making of the United States Constitution and Bill of

1179 Rights, including Virginia's role in shaping the fundamental principles of the American
1180 constitutional system-;

1181 2. Administer, develop, and maintain at Jamestown and Yorktown permanent
1182 commemorative shrines and historical museums-;

1183 3. Adopt names, flags, seals, and other emblems for use in connection with such shrines
1184 and copyright the same in the name of the Commonwealth-;

1185 4. Enter into contracts to further the purposes of the Foundation, ~~which have been~~
1186 ~~approved by the Attorney General~~;

1187 5. Establish nonprofit corporations as instrumentalities to assist in administering the
1188 affairs of the Foundation.

1189 6. With the consent of the Governor, acquire by purchase, lease, gift, devise, or
1190 condemnation proceedings lands, property, and structures deemed necessary for the purposes of
1191 the Foundation ~~by purchase, lease, gift, devise or condemnation proceedings~~. The title to ~~the~~
1192 such acquired land and property ~~acquired~~ shall be in the name of the Commonwealth. In the
1193 exercise of the power of eminent domain granted under this section, the Foundation may
1194 proceed in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1-;

1195 ~~7.6.~~ With the consent of the Governor, convey by lease land to any person, association,
1196 firm, or corporation for such term and on such conditions as the Foundation may determine-;

1197 ~~8.7.~~ Receive and expend gifts, grants, and donations from whatever source derived for
1198 the purposes of the Foundation-;

1199 ~~9.8.~~ Employ an executive director and such deputies and assistants as may be required-;

1200 ~~10.9.~~ Elect any past chairman of the ~~Board of Trustees~~ board to the honorary position of
1201 ~~Chairman Emeritus~~ chairman emeritus. Chairmen emeriti shall serve as honorary members for
1202 life. Chairmen emeriti shall be elected in addition to the at-large positions defined in § ~~23-287~~.
1203 23.1-xxx;

1204 ~~11.10.~~ With the consent of the Governor, enter into agreements or contracts with private
1205 entities for the promotion of tourism through marketing without participating in competitive
1206 sealed bidding or competitive negotiation, provided that a demonstrable cost savings, as
1207 reviewed by the Secretary of Education, can be realized by the Foundation and such agreements
1208 or contracts are based on competitive principles;

1209 ~~12.11.~~ Determine ~~what~~ which paintings, statuary, works of art, manuscripts, and artifacts
1210 ~~may shall~~ be acquired by purchase, gift, or loan, and exchange or sell ~~the same~~ such items if not
1211 inconsistent with the terms of such purchase, gift, loan, or other acquisition; and

1212 ~~13.12.~~ Change the form of investment of any funds, securities, or other property, real or
1213 personal, provided the ~~same are~~ form is not inconsistent with the terms of the instrument under
1214 which the ~~same were~~ property was acquired, and sell, grant, or convey any such property, except
1215 that any transfers of real property may be made only with the consent of the Governor.

1216 **Drafting note: Technical changes. A substantive change is made in proposed**
1217 **subdivision 4: the requirement for the Attorney General to approve contracts that the**
1218 **board enters is removed. The Attorney General does not exercise approval of such**
1219 **contracts.**

1220 § ~~23-289~~ 23.1-xxx. ~~Authority to adopt regulations as to use and visitation of properties~~
1221 Regulations.

1222 A. The ~~Board of Trustees, or the executive committee thereof, of the Foundation board~~
1223 or its executive committee may adopt ~~such~~ regulations ~~from time to time,~~ concerning the use
1224 and visitation of properties under the control of the Jamestown-Yorktown Foundation, to protect
1225 ~~or and~~ secure such properties and the public enjoyment ~~thereof~~ of such properties.

1226 B. Any person, who knowingly violates a regulation of the Foundation may be requested
1227 by an agent or employee of the Foundation to leave the property and upon the failure of such
1228 person so to do, shall be guilty of a trespass, as provided in § 18.2-119.

1229 **Drafting note: Technical changes.**

1230 § ~~23-290~~ 23.1-xxx. Authority to contract debts and obligations payable from revenues.

1231 The Foundation, acting by and through the corporation authorized by § ~~23-288~~ 23.1-xxx,
1232 may contract debts and obligations to the extent of its anticipated revenues. Such debts and
1233 obligations shall be paid only from the revenues of the Foundation.

1234 **Drafting note: Technical changes.**

1235 § ~~23-290.1~~.

1236 **Drafting note: Repealed by Acts 2011, cc. 345 and 356, cl. 2.**

1237 §§ ~~23-291, 23-292~~.

1238 **Drafting note: Expired by the terms of Acts 1998, c. 799, cl. 2, on July 1, 2008.**

1239 §§ ~~23-293, 23-294~~.

1240 **Drafting note: Existing §§ 23-293 and 23-294, currently reserved, are stricken.**

1241 ~~CHAPTER 18.~~

1242 ~~THE SCIENCE MUSEUM OF VIRGINIA.~~

1243 ~~Article 5.~~

1244 ~~Science Museum of Virginia.~~

1245 **Drafting note: Existing Chapter 18 (§ 23-239 et seq.) is reorganized as proposed**
1246 **Article 5 of Chapter 32.**

1247 § ~~23-239~~ 23.1-xxx. Science Museum—created; essential governmental function of
1248 Virginia established.

1249 ~~There is hereby created and constituted an educational institution of the Commonwealth~~
1250 ~~of Virginia to be known as "The Science Museum of Virginia," hereinafter in this chapter~~
1251 ~~sometimes referred to as the "Museum." The Museum is hereby declared to be~~ (the Museum) is
1252 established as an educational institution of the Commonwealth, and a public body and
1253 instrumentality for the dissemination of education. The exercise by the Museum of the powers
1254 conferred by this ~~chapter~~ article shall be deemed ~~and held~~ to be the performance of an essential
1255 governmental function.

1256 **Drafting note: Technical changes. Language declaring the Museum an institution of**
1257 **higher education has been relocated from existing § 23-252.**

1258 **Drafting note: Technical changes.**

1259 ~~§ 23-241. Reserved.~~

1260 **Drafting note: Existing § 23-241, currently reserved, is stricken.**

1261 ~~§ 23-242. Organization.~~

1262 ~~The Museum shall contain a headquarters and six divisions to encompass the following~~
1263 ~~major areas of science:~~

1264 ~~Physical Sciences~~

1265 ~~Botanical Sciences~~

1266 ~~Natural History~~

1267 ~~Industry and Technology~~

1268 ~~Oceanography and Limnology~~

1269 ~~Zoological Gardens.~~

1270 **Drafting note: Existing § 23-242 is stricken as obsolete.**

1271 ~~§ 23-243. 23.1-xxx. To be governed by board Board of trustees; ~~appointment of~~~~
1272 ~~members.~~

1273 A. The Museum shall be governed by a board of trustees; (the board) consisting of
1274 ~~fifteen~~ 15 members; ~~each of whom who~~ shall be appointed by the Governor. ~~One~~ At least one of
1275 the members ~~appointed to the board~~ shall be a member of the Virginia Academy of Science. The
1276 appointments shall be subject to confirmation by the General Assembly ~~if in session and, if not,~~
1277 ~~then at its next succeeding session. The board of trustees will hereinafter in this chapter be~~
1278 ~~referred to as the "board."~~

1279 B. Members shall be appointed for terms of five years. Appointments to fill vacancies,
1280 other than by expiration of a term, shall be for the unexpired terms. No member shall be eligible

1281 to serve more than two consecutive five-year terms; however, a member appointed to serve an
1282 unexpired term shall be eligible to serve two consecutive five-year terms.

1283 C. No member shall receive a salary for his service on the board.

1284 § 23-245. Officers of board.

1285 D. The board shall ~~select~~ elect a chairman and a secretary from its membership; and
1286 ~~under rules adopted by itself~~ may elect ~~one of its members as a~~ vice-chairman from its
1287 membership. ~~It shall elect one of its members as secretary.~~

1288 § 23-248. Meetings of board.

1289 G. The board shall meet at such times as it deems appropriate ~~and on call of the~~
1290 ~~chairman when in his opinion meetings are expedient or necessary.~~

1291 § 23-249. Quorum of board.

1292 HI. Seven members of the board shall constitute a quorum for all purposes.

1293 **Drafting note: The provisions of existing §§ 23-244, 23-245, 23-248, and 23-249 are**
1294 **incorporated into this proposed section, which includes broader provisions relating to the**
1295 **membership of the board of trustees. Technical changes are made.**

1296 § 23-246. Oath of members.

1297 ~~Before entering upon the discharge of his duties, each member of the board shall take the~~
1298 ~~usual oath of office.~~

1299 **Drafting note: Existing § 23-246 is stricken as obsolete.**

1300 § 23-247. Bonds of members.

1301 ~~Each member of the board shall give bond, with corporate surety, in such penalty as is~~
1302 ~~fixed by the Governor, conditioned upon the faithful discharge of his duties. The premium on~~
1303 ~~the bonds shall be paid from funds available to the Museum.~~

1304 **Drafting note: Existing § 23-247 is stricken as obsolete.**

1305 § 23-244. Terms of members; vacancies.

1306 ~~The members of the board shall be appointed for terms of five years each beginning~~
1307 ~~from the expiration of the respective terms of their predecessors, except that an appointment to~~
1308 ~~fill a vacancy shall be for the unexpired term and that the initial appointments to increase the~~
1309 ~~board to fifteen members shall be for such terms of less than five years as may be necessary to~~
1310 ~~stagger the expiration of terms so that the terms of not more than four members expire in any~~
1311 ~~one year. Members of the board may be suspended or removed by the Governor at his pleasure.~~
1312 ~~For the purpose of succession, the initial appointments of members for terms of less than five~~
1313 ~~years shall be deemed appointments to fill vacancies. No person shall be eligible to serve for or~~
1314 ~~during more than two successive terms; provided, however, any person appointed to fill a~~
1315 ~~vacaney may be eligible for two additional successive terms after the term of the vacancy for~~
1316 ~~which he was appointed has expired. The members of the board shall receive no salaries.~~

1317 **Drafting note: The provisions of existing § 23-244 are stricken here and**
1318 **incorporated as subsections B, C, and D of proposed § 23.1-xxx of Article 5.**

1319 ~~§ 23-240~~ 23.1-xxx. Purposes Duties of the board.

1320 ~~The purposes of The Science Museum of Virginia are: to deepen~~ board shall seek to:

1321 1. Deepen our understanding of man and his environment; ~~to promote~~

1322 2. Promote a knowledge of the scientific method and thus encourage objectivity in the
1323 everyday affairs of man; ~~to engage~~

1324 3. Engage in instruction and research in the sciences in order to educate citizens of all
1325 ages in the concepts and principles of science and how these concepts and principles form the
1326 foundation upon which rests our technological society and its economy; ~~to use;~~

1327 4. Use, subject to approval of the accredited educational affiliates concerned, Museum
1328 personnel in educational programs; ~~to motivate~~

1329 5. Motivate and stimulate young people to seek careers in science; ~~to encourage~~

1330 6. Encourage an understanding of the history of scientific endeavor; ~~to provide~~

1331 7. Provide special facilities and collections for the study of Virginia's natural resources;
1332 and ~~to foster~~

1333 8. Foster a love of nature and concern for its preservation. ~~These purposes are hereby~~
1334 ~~declared to be a matter of legislative determination.~~

1335 **Drafting note: Technical changes.**

1336 § ~~23-250~~ 23.1-xxx. Powers ~~and duties~~ of the board.

1337 The board ~~is hereby authorized and empowered~~ may:

1338 1. ~~To select~~ Select sites for the Museum and ~~the its~~ divisions ~~thereof~~ and ~~to~~ provide for
1339 the erection, care, and preservation of all property belonging to the Museum;

1340 2. ~~To appoint~~ Appoint the ~~Director~~ director of the Museum; (the director) and prescribe
1341 his duties and salary;

1342 3. ~~To prescribe rules and regulations~~ Establish policies for the operation of the Museum,
1343 including, ~~but not limited to~~, the kinds and types of instruction and exhibits, and the making of
1344 plans for expansion ~~from time to time~~ of the Museum;

1345 4. ~~To employ~~ Employ planning consultants and architects ~~in relation to establishment for~~
1346 any expansion of the Museum ~~and any expansions thereof~~;

1347 5. ~~To acquire~~ Acquire by purchase, gift, loan, or otherwise land necessary for
1348 establishment and exhibits, displays, and expansion of the Museum; ~~and exhibits and displays~~;

1349 6. ~~To enter~~ Enter into contracts for construction of physical facilities;

1350 7. To adopt a seal; ~~and~~

1351 8. ~~To charge~~ Charge for admission to the Museum; ~~if deemed appropriate; and~~

1352 9. On behalf of the Commonwealth and in furtherance of the purposes of the Museum,
1353 receive and administer gifts, bequests, and devises of property of any kind whatsoever and
1354 grants from agencies of the United States government and expend, or authorize the expenditure
1355 of, funds derived from such sources and funds appropriated by the General Assembly to the
1356 Museum.

1357 **Drafting note: Subsection A of existing § 23-252 is stricken and its provisions are**
1358 **incorporated instead into subdivision A 9 this proposed section, which includes broader**
1359 **provisions relating to board powers. Technical changes are made.**

1360 § ~~23-251~~ 23.1-xxx. Agents and employees.

1361 The ~~Director~~ director may engage or authorize the engagement of such agents and
1362 employees as may be needed in the operation and maintenance of the Museum, subject to the
1363 approval of the board.

1364 **Drafting note: Technical changes.**

1365 § ~~23-252~~. ~~Acceptance of gifts; expenditures; application of §§ 23-3.1 and 23-9.2.~~

1366 ~~A. The board is authorized, on behalf of the Commonwealth and in furtherance of the~~
1367 ~~purposes of the Museum, to receive and administer gifts, bequests and devises of property of~~
1368 ~~any kind whatsoever, and grants from agencies of the United States government, and to expend,~~
1369 ~~or authorize the expenditure of, funds derived from such sources and funds appropriated by the~~
1370 ~~General Assembly to the Museum.~~

1371 ~~B. The Museum shall be deemed to be an institution of higher education within the~~
1372 ~~meaning of §§ 23-3.1 and 23-9.2.~~

1373 ~~C. Gifts heretofore made to the Museum by political subdivisions of the Commonwealth~~
1374 ~~are hereby validated.~~

1375 **Drafting note: Subsections A and B of existing § 23-252 are stricken here and**
1376 **incorporated instead into proposed §§ 23.1-xxx and 23.1-xxx in Article 5. Subsection C is**
1377 **stricken as obsolete.**

1378 § ~~23-253~~ 23.1-xxx. Annual report.

1379 The ~~Board of Trustees~~ board shall submit an annual report to the Governor and General
1380 Assembly on or before November 1 of each year. Such report shall contain, at a minimum, the
1381 annual financial statements of the Museum for the fiscal year ending the preceding June 30.

1382 **Drafting note: Technical changes.**

1383

CHAPTER 18.1.

1384

VIRGINIA MUSEUM OF FINE ARTS.

1385

Article 6.

1386

Virginia Museum of Fine Arts.

1387

Drafting note: Existing Chapter 18.1 (§ 23-253.1 et seq.) is reorganized as proposed

1388

Article 6 of Chapter 32.

1389

§ 23.1-xxx. Virginia Museum of Fine Arts established.

1390

The Virginia Museum of Fine Arts is established as an educational institution in the

1391

Commonwealth. The Museum shall be deemed to be an institution of higher education within

1392

the meaning of § 23.1-xxx [23-9.2].

1393

Drafting note: Subdivision (x) of existing § 23-253.4 and the last sentence of the first

1394

paragraph of existing § 23-253.4 are stricken and incorporated instead into this proposed

1395

section relating to the establishment and nature of the Museum.

1396

~~§ 23-253.1~~ 23.1-xxx. Membership of board of trustees; quorum Board of trustees.

1397

A. The management and control of the Virginia Museum of Fine Arts, ~~hereinafter in this~~

1398

~~chapter called the "Museum," together with the~~ (the Museum) and its building, contents,

1399

furnishings, grounds, and other properties ~~thereof~~ shall be vested in a board of trustees (the

1400

board) composed of ~~the following persons:~~ (i) ~~ex-officio members:~~ the Governor, the Speaker of

1401

the House of Delegates, and the mayor of the City of Richmond, who shall serve ex officio, and

1402

(ii) ~~regular members: the trustees who are in office on June 27, 1958, and their successors from~~

1403

~~time to time, consisting of not less than at least 25 persons and but~~ not more than 35 ~~persons~~

1404

nonlegislative citizen members. ~~The term of office of all regular~~ Nonlegislative citizen members

1405

~~who are in office on June 27, 1958, shall continue until June 30, 1963, and shall expire at that~~

1406

~~time. All successors from time to time, whether for a full term or for the remainder of an~~

1407

~~unexpired term,~~ shall be appointed ~~and commissioned~~ by the Governor after consideration of a

1408

list of ~~nominated trustees~~ nominees from the Museum submitted at least 60 days before the

1409 expiration of the member's term for which the nominations are being made. ~~The trustees~~
1410 ~~appointed to hold office beginning on July 1, 1963, shall be divided as nearly as may be, into~~
1411 ~~five equal groups, their terms of office to expire, respectively, one, two, three, four and five~~
1412 ~~years thereafter. All trustees subsequently appointed~~

1413 B. Nonlegislative citizen members shall ~~hold office~~ be appointed for ~~a term~~ terms of five
1414 years ~~unless appointed for the remainder of an unexpired term.~~

1415 No ~~person~~ nonlegislative citizen member shall be eligible to serve ~~consecutively for~~
1416 more than two ~~successive complete~~ consecutive five-year terms; however, a member appointed
1417 to serve an unexpired term shall be eligible to serve two consecutive five-year terms.

1418 C. Nine ~~trustees~~ members shall constitute a quorum at any meeting and a majority vote
1419 of those members present shall control in all matters.

1420 ~~§ 23-253.2. Bylaws; president of Museum.~~

1421 D. Such ~~trustees~~ The board shall adopt bylaws governing ~~their~~ its organization and
1422 procedure and may ~~from time to time~~ alter and amend the ~~same~~ bylaws.

1423 E. The ~~trustees~~ board shall elect one of ~~their~~ its members president of the Museum.

1424 ~~§ 23-253.3. Executive committee.~~

1425 ~~Such trustees~~ F. The board may ~~also~~ provide for an executive committee, composed of
1426 ~~not less than~~ at least three ~~trustees, which committee members that~~ may exercise the powers
1427 vested in it and perform the duties imposed upon ~~the trustees by this chapter to the extent~~
1428 ~~designated and permitted~~ it by the board.

1429 **Drafting note: The provisions of existing §§ 23-253.2 and 23-253.3 are incorporated**
1430 **into this proposed section as subsections D, E, and F, which includes broader provisions**
1431 **relating to membership of the board of trustees. Technical changes are made.**

1432 ~~§ 23-253.4~~ 23.1-xxx. Authority of trustees generally Powers of the board.

1433 ~~Such trustees are vested with full authority to~~ The board may:

- 1434 ~~(i) manage~~ 1. Manage, control, maintain, and operate the Museum, including ~~the its~~
1435 contents, furnishings, grounds funds, property, and endowments ~~thereof~~;
- 1436 ~~(ii) charge~~ 2. Charge for admission to the Museum ~~if deemed proper~~;
- 1437 ~~(iii) employ~~ 3. Employ such persons as may be necessary to manage, control, maintain,
1438 and operate the ~~same~~ Museum;
- 1439 ~~(iv) suspend or~~ 4. Consistent with subdivision 15 of § 2.2-2905, suspend and remove at
1440 ~~pleasure any person so employed~~ employees;
- 1441 ~~(v) determine what paintings, statuary and~~ 5. Determine which works of art ~~may shall~~ be
1442 kept, housed, or exhibited in the Museum;
- 1443 ~~(vi) acquire~~ 6. Acquire by purchase, gift, loan, or otherwise ~~paintings, statuary and~~
1444 works of art and ~~to~~ exchange or sell ~~the same~~ such works if not inconsistent with the terms of
1445 the purchase, gift, loan, or other acquisition ~~thereof~~;
- 1446 ~~(vii) enter~~ 7. Enter into agreements with organizations interested in art;
- 1447 ~~(viii) adopt~~ 8. Adopt a seal;
- 1448 ~~(ix) stimulate~~ 9. Stimulate and assist in the formation of new organizations;
- 1449 ~~(x) do~~ 10. Do such other things as ~~they deem it deems~~ proper to promote art education ~~in~~
1450 ~~the realm of art~~ throughout the Commonwealth through the Museum, ~~which is hereby~~
1451 ~~constituted and declared an educational institution, an institution of learning, and a public body~~
1452 ~~and instrumentality for the dissemination of education; and~~
- 1453 ~~(xi) receive~~ 11. Receive and administer on behalf of the Commonwealth gifts, bequests,
1454 and devises of real and personal property for the endowment of the Museum or ~~for~~ any special
1455 purpose designated by the donor;
- 1456 ~~The trustees are hereby authorized to change~~ 12. Change the form of investment of any
1457 funds, securities, or other property, real or personal, provided that the same are form is not
1458 inconsistent with the terms of the instrument under which the ~~same~~ property was acquired. The

1459 trustees may sell, grant, and convey any such property, but, in the case of real property, only by
1460 ~~and~~ with the written consent of the Governor.;

1461 ~~The trustees may from time to time confer~~ 13. Confer the honorary degree of patron of
1462 arts on any person who has, ~~in their opinion,~~ made an outstanding contribution ~~in the realm of~~ to
1463 art, ~~but not provided that no~~ more than two such degrees shall be conferred in any calendar year;
1464 and

1465 14. Adopt regulations to establish classes of membership in the Museum.

1466 B. Nothing in this section shall be construed to prohibit the assessment and levying of a
1467 service charge pursuant to the provisions of Chapter 34 (§ 58.1-3400 et seq.) of Title 58.1.

1468 C. The exercise ~~by the Museum~~ of the powers conferred on the board by this ~~chapter~~
1469 article shall be deemed ~~and held~~ to be the performance of an essential governmental function.

1470 **Drafting note: The provisions of existing § 23-253.5 are incorporated into this**
1471 **proposed section, which includes broader provisions relating to board powers. A portion**
1472 **of existing subdivision (x) is stricken here and incorporated instead into proposed § 23.1-**
1473 **xxx of Article 6. Existing § 23-253.5 is stricken and incorporated as subdivision A 14 of**
1474 **this proposed section. A substantive change is made in proposed subdivision A 4 to make**
1475 **clear that while the suspension and removal of most employees of the Museum are subject**
1476 **to the provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.), certain employees**
1477 **identified as requiring specialized and professional training are exempt from the**
1478 **provisions of such act. Technical changes are made.**

1479 ~~§ 23-253.5. Classes of membership; testamentary disposition.~~

1480 ~~Such trustees are vested with full authority to establish classes of membership in the~~
1481 ~~Museum under such regulations as to them may seem proper. All members making a~~
1482 ~~contribution of \$1,000 or more prior to June 27, 1958, may dispose of their membership by last~~
1483 ~~will and testament.~~

1484 **Drafting note: The provisions of the first sentence of existing § 23-253.5 are**
1485 **stricken here and incorporated as subdivision A 14 in proposed § 23.1-xxx of Article 6.**
1486 **The second sentence of existing § 23-253.5 is stricken as obsolete.**

1487 § ~~23-253.6~~ 23.1-xxx. Authority of Art and Architectural Review Board.

1488 The Art and Architectural Review Board shall ~~have no power or authority to~~ not control,
1489 manage, or supervise in any way the ~~trustees board~~ in the exercise of ~~the its~~ powers and ~~the~~
1490 ~~performance of the~~ duties ~~provided for in this chapter~~ except that in the matter of additions,
1491 repairs, and alterations ~~of to~~ the exterior of the Museum ~~itself building~~ the Art and Architectural
1492 Review Board shall continue to exercise the powers now conferred on it by law, ~~which powers~~
1493 ~~are specifically reserved to the Board.~~

1494 **Drafting note: Technical changes are made. A substantive change is made to specify**
1495 **that the Art and Architectural Review Board is authorized to exercise powers conferred to**
1496 **it by law in relation to additions, repairs, and alterations to the exterior of the Museum.**
1497 **Existing law does not distinguish between the interior and the exterior of the building.**

1498 § ~~23-253.7~~ 23.1-xxx. Expenditures for current expenses; ~~annual report~~.

1499 All ~~money~~ moneys received by the ~~Museum board~~ for current expenses in conducting
1500 the Museum shall be paid into the state treasury ~~of Virginia~~, where it shall be set aside as a
1501 special fund for the operation of the Museum, ~~for which purpose such money is hereby~~
1502 ~~appropriated~~, to be paid by the State Treasurer on warrants of the Comptroller issued upon
1503 vouchers signed by the president of the Museum or his duly authorized agent. ~~The Museum~~
1504 ~~shall be deemed to be an institution of higher education within the meaning of §§ 23-3.1 and 23-~~
1505 ~~9.2.~~

1506 § 23.1-xxx. Annual report.

1507 The ~~Board of Trustees board~~ shall submit an annual report to the Governor and General
1508 Assembly on or before November 1 of each year, ~~such report to contain~~ containing, at a

1509 | minimum, the annual financial statements of the Museum for the fiscal year ending the
1510 | preceding June 30.

1511 | **Drafting note: The provision in the first paragraph of existing § 23-253.7 declaring**
1512 | **the Museum an institution of higher education is stricken in this section and incorporated**
1513 | **instead into proposed § 23.1-xxx of Article 6. The provision on the annual report of the**
1514 | **board, the second paragraph of this existing section, is reorganized as a distinct section.**

1515 | Article 4.7.

1516 | Virginia Commission for the Arts and Virginia Arts Foundation.

1517 | **Drafting note: Existing Article 4 (§ 2.2-2508 et seq.) of Chapter 25 of Title 2.2 and**
1518 | **Article 1 (§ 2.2-2700 et seq.) of Chapter 27 of Title 2.2 are logically relocated to proposed**
1519 | **Chapter 32 and combined as proposed Article 7.**

1520 | § 2.2-2508 23.1-xxx. Virginia Commission for the Arts ~~established; official agency to~~
1521 | ~~receive and disburse funds from National Foundation on the Arts purpose; membership; terms;~~
1522 | ~~compensation.~~

1523 | A. The Virginia Commission for the Arts (the "Commission") is established as ~~an~~
1524 | advisory a supervisory commission within the meaning of § 2.2-2100; in the executive branch of
1525 | state government.

1526 | B. The Commission is designated the official agency of the Commonwealth to receive
1527 | and disburse any funds made available to the Commonwealth by the National Foundation on the
1528 | Arts.

1529 | C. The Commission shall consist of ~~thirteen~~ 13 members appointed by the Governor
1530 | subject to confirmation by the General Assembly. No employee of the Commonwealth or
1531 | member of the General Assembly shall be eligible for appointment as a member of the
1532 | Commission. At least one ~~member,~~ but no more than two members; shall be appointed from
1533 | each Congressional district in the Commonwealth.

1534 D. ~~Except for initial appointments, each member~~ Members shall ~~serve a five-year term;~~
1535 ~~provided that no member of the Commission who serves a full five-year term shall be eligible~~
1536 ~~for appointment during the five-year period following the expiration of his term~~ be appointed
1537 for one term of five years; however, a member appointed to serve an unexpired term shall be
1538 eligible to serve a full five-year term immediately succeeding the unexpired term. Appointments
1539 to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. ~~All~~
1540 ~~vacancies~~ Vacancies shall be filled ~~for the balance of the unexpired term~~ in the same manner as
1541 the original appointments. No member who serves a full five-year term shall be eligible for
1542 reappointment during the five-year period following the expiration of his term.

1543 E. The Commission shall ~~designate one of its members as~~ elect a chairman from among
1544 its membership.

1545 F. A majority of the members of the Commission shall constitute a quorum.

1546 ~~F. G.~~ The members of the Commission shall ~~not~~ receive ~~any~~ no compensation for their
1547 services; but shall be reimbursed for the reasonable and necessary expenses incurred in the
1548 discharge performance of their duties as provided in § 2.2-2825.

1549 **Drafting note: Technical changes.**

1550 § ~~2.2-2509~~ 23.1-xxx. Duties of the Commission.

1551 A. The Commission shall perform ~~among others~~ the following duties:

1552 1. Stimulate and encourage throughout the Commonwealth growth in artistic quality and
1553 excellence, public interest and participation in the arts, and access to high quality and affordable
1554 art for all Virginians;

1555 2. Make recommendations concerning appropriate methods to encourage economic
1556 viability, an intellectually stimulating environment for artists, and participation in and
1557 appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the
1558 Commonwealth;

1559 3. Promote the development and implementation of a planned, sequential, and
1560 comprehensive program of arts education, taught by licensed teachers endorsed in arts
1561 education, in the public elementary and secondary schools of the Commonwealth;

1562 4. Provide supplemental learning opportunities to the public school arts education
1563 curriculum;

1564 5. Encourage the development of a network of professional arts organizations, the media,
1565 and arts promoters, ~~including, but not limited to, the literary, visual, and performing arts~~ for the
1566 production of classical and new works of art; and diversity in artistic expressions in media
1567 including the literary, visual, and performing arts;

1568 6. Provide funding for and technical assistance to artists, recognized nonprofit arts
1569 organizations, and arts organizations and activities ~~which that~~ celebrate and preserve the various
1570 cultures represented among the citizens of the Commonwealth;

1571 7. Encourage and support the creation of new works of art, arts organizations whose
1572 primary objective is to increase public access to the arts, particularly in underserved areas, and
1573 performing arts tours to increase the availability of this form of artistic expression throughout
1574 the Commonwealth;

1575 8. Establish a program of financial assistance to provide scholarships, grants, and other
1576 awards to artists who demonstrate exceptional ability and talent;

1577 9. Establish an advisory panel composed of artists, art administrators, and citizens to
1578 advise the Commission concerning fiscal matters;

1579 10. Encourage arts organizations to dedicate to ~~endowment~~ their endowments at least
1580 one dollar of the price of each adult admission to performances or exhibitions or at least one
1581 percent of moneys collected in fund campaigns;

1582 11. Encourage arts organizations to develop and implement endowment enlargement
1583 plans ~~which that~~ yield enough income to underwrite one-third of the organizations' annual
1584 operating costs;

1585 12. Apply to and enter into contracts and agreements with the United States or any
1586 appropriate agency or officer of the United States for participation in or receipt of aid from any
1587 federal program respecting the arts, ~~and, in respect thereto, enter into contracts and agreements~~
1588 ~~with the United States or any appropriate agency thereof;~~

1589 13. Provide incentives to local ~~governments~~ governing bodies to encourage public
1590 support and funding of the arts;

1591 14. Accept gifts, contributions, and bequests of money or any other thing to be used for
1592 carrying out the purposes of this article;

1593 15. Develop specific procedures for the administration and implementation of a program,
1594 so long as any such program is for the benefit of a nonprofit organization, qualifying as a § ~~501~~
1595 ~~(e)-(3)~~ 501(c)(3) organization under the Internal Revenue Code, whereby interest earned on
1596 endowment funds donated to stimulate and encourage public interest and enjoyment of music
1597 and the performing arts may be matched by state funds appropriated for this program, and
1598 prepare written guidelines to govern such program; and

1599 16. Administer any funds available to the Commission and disburse such funds in
1600 accordance with the purposes of this article. In allocating funds to be disbursed to arts
1601 organizations, the Commission shall give preferential consideration to arts organizations
1602 actively implementing an endowment enlargement plan; either individually or as members of a
1603 regional consortium of arts organizations.

1604 B. Nothing in this article shall be construed to affect the statutory purposes of the
1605 Virginia Museum of Fine Arts.

1606 **Drafting note: Technical changes.**

1607 § ~~2.2-2510~~ 23.1-xxx. ~~Agency supervision; employment of personnel; budget preparation~~
1608 Director of the Commission.

1609 The Governor may appoint a ~~Director~~ director of the Commission who shall serve at his
1610 pleasure. The ~~Director~~ director may employ the personnel required to assist the Commission in

1611 the exercise and performance of its powers and duties. The ~~Director~~ director shall supervise and
1612 manage such personnel and shall prepare, approve, and submit all requests for appropriations;
1613 and be responsible for all expenditures pursuant to appropriations.

1614 **Drafting note: Technical changes.**

1615 ~~Article 1.~~

1616 ~~Virginia Arts Foundation.~~

1617 **Drafting note: Existing Article 1 (§ 2.2-2700 et seq.) of Chapter 27 of Title 2.2 and**
1618 **Article 4 (§ 2.2-2508 et seq.) of Chapter 25 of Title 2.2 above are logically relocated to**
1619 **proposed Chapter 32 and combined as proposed Article 7.**

1620 § ~~2.2-2700~~ 23.1-xxx. Virginia Arts Foundation established; board of trustees;
1621 compensation; staff.

1622 A. The Virginia Arts Foundation (the "Foundation"); is established to serve as ~~an~~
1623 advisory a supervisory foundation; within the meaning of § 2.2-2100, in the executive branch of
1624 state government and shall be deemed a body politic and corporate to be organized and to have
1625 such powers ~~and duties~~ as provided in ~~this article~~ § 23.1-xxx.

1626 B. The Foundation shall be governed by a board of trustees (the board), consisting of the
1627 members of the Virginia Commission for the Arts.

1628 C. Any person designated by the board ~~of trustees~~ to handle the funds of the Foundation
1629 shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the
1630 faithful discharge of his duties. Any premium on the bond shall be paid from funds available to
1631 the Foundation.

1632 D. The board ~~of trustees~~, acting as members of the Virginia Commission for the Arts,
1633 shall be entitled to reimbursement for all actual and necessary expenses; as provided by § ~~2.2-~~
1634 ~~2509~~ 23.1-xxx.

1635 E. The Director of the Virginia Commission for the Arts shall serve as the chairman; and
1636 the staff of such Commission shall serve as staff for the Foundation.

1637 **Drafting note: Technical changes.**

1638 § ~~2.2-2704~~ 23.1-xxx. Powers of the Foundation.

1639 The Foundation may:

1640 1. Make expenditures from the Fund's interest and income to assist (i) the Virginia

1641 Commission for the Arts in promoting the arts in the Commonwealth in accordance with § ~~2.2-~~

1642 ~~2704~~ 23.1-xxx and ~~to assist~~ (ii) not-for-profit arts and cultural institutions and organizations

1643 within the Commonwealth to assess, enhance, and plan for enhancement of their fiscal stability,

1644 financial management ~~and~~, control capabilities, and capacity to raise funds for the furtherance of

1645 their respective missions from nongovernmental sources~~;~~

1646 2. Accept, hold~~,~~ and administer gifts and bequests of money, securities, or other

1647 property, absolutely or in trust, for the purposes for which the Foundation is created~~;~~

1648 3. Enter into contracts and execute all instruments necessary and appropriate to carry out

1649 the Foundation's purposes~~;~~

1650 4. Explore and make recommendations concerning other possible dedicated revenue

1651 sources for the Fund~~;~~ and

1652 5. Perform any lawful acts necessary or appropriate to carry out the purposes of the

1653 Foundation.

1654 **Drafting note: Technical changes.**

1655 § ~~2.2-2702~~ 23.1-xxx. Virginia Arts Foundation Fund.

1656 A. There is hereby created in the state treasury a special nonreverting fund to be known

1657 as the Virginia Arts Foundation Fund, ~~a special nonreverting trust fund, referred to in this~~

1658 section as "the Fund." The Fund shall be established on the books of the Comptroller, ~~to be~~

1659 administered by the Foundation.

1660 B. The Fund shall include such funds as may be appropriated by the General Assembly;

1661 revenues transferred to the Fund from the special license plates for Virginians for the Arts

1662 program pursuant to § 46.2-749.2:2; voluntary contributions collected through the income tax

1663 checkoff for the arts pursuant to subdivision B 8 of § 58.1-344.3; and designated gifts,
1664 contributions, and bequests of money, securities, or ~~other~~ property of ~~whatsoever~~ any other
1665 character.

1666 C. All money, securities, or other property designated for the Fund ~~and any interest or~~
1667 income therefrom shall be paid into the state treasury and credited to the Fund. Interest earned
1668 on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in
1669 the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general
1670 fund but shall remain in the Fund ~~and shall not revert to the general fund. Expenditures and~~
1671 disbursements from the Fund shall be made by the State Treasurer on warrants issued by the
1672 Comptroller upon written request signed by persons authorized by the Foundation. The Fund's
1673 principal shall not be subject to expenditure by the Foundation.

1674 **Drafting note: Technical changes.**

1675 ~~§ 2.2-2703. Expired.~~

1676 **Drafting note: This section was derived from former § 9-84.09:4, as amended by**
1677 **Acts 1997, c. 878, and amended by Acts 2000, c. 27, and expired by its own terms on June**
1678 **30, 2001.**

1679 ~~§ 2.2-2704~~ 23.1-xxx. Gifts and bequests; exemption from taxation.

1680 Gifts and bequests of money, securities, or other property to the Fund, and the interest or
1681 income ~~therefrom~~ from such gifts and bequests, shall be deemed gifts to the Commonwealth,
1682 and the Fund shall be exempt from all state and local taxes. Unless otherwise restricted by the
1683 terms of the gift or bequest, the Foundation may sell, exchange, or otherwise dispose of such
1684 gifts and bequests. The proceeds from such transactions shall be deposited to the credit of the
1685 Fund. The Foundation shall not actively solicit private donations for the Fund; however, this
1686 limitation shall not prevent the Foundation from actively encouraging financial support for the
1687 Foundation through the special license plate and income tax checkoff programs.
1688 Notwithstanding any other provision of this section, the Foundation may accept and solicit

