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SENATE BILL NO. 1128

Senate Amendments in [] — January 20, 2003

A BILL to amend and reenact §§ 23-287 and 23-288 of the Code of Virginia, relating to the Board of Trustees of the Jamestown-Yorktown Foundation.

Patron Prior to Engrossment—Senator Norment

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That §§ 23-287 and 23-288 of the Code of Virginia are amended and reenacted as follows:**

§ 23-287. Jamestown-Yorktown Foundation continued; Board of Trustees, officers and executive committee.

A. The Jamestown-Yorktown Foundation, hereinafter referred to as the Foundation, is hereby continued and shall be deemed to be an institution of higher education within the meaning of §§ 23-3.1 and 23-9.2. The Foundation shall be administered by the Board of Trustees consisting of the following ex officio trustees: the Governor, Lieutenant Governor, Attorney General, Speaker of the House of Delegates, President Pro Tempore of the Senate, ~~Co-Chairmen~~ *Chairman* of the House Appropriations Committee, ~~Co-Chairs~~ *Chairman* of the Senate Finance Committee, and the Secretary of Education. In addition, there shall be ~~twelve~~ *12* members appointed by the Governor from the Commonwealth at large for ~~four~~ *4*-year terms who shall be subject to confirmation by a majority of the members of each house of the General Assembly; ~~eight~~ *8* members appointed by the Speaker of the House of Delegates from the membership thereof for terms concurrent with the terms for which they have been elected to office; ~~four~~ *4* members appointed by the Committee on Privileges and Elections of the Senate from the membership of the Senate for terms concurrent with the term for which they have been elected to office; ~~and five~~ *5* members annually elected by the Board of Trustees, some of whom may be nonresidents of the Commonwealth; *and any and all chairmen emeriti elected by the Board of Trustees pursuant to § 23-288.* The president of the Jamestown-Yorktown Foundation, Inc. shall also serve as a member of the Board of Trustees. Nonresident members of the Board of Trustees shall serve at no expense to the Commonwealth. Appointments to fill vacancies shall be for the unexpired terms.

The Board of Trustees shall elect a chairman, vice-chairman and such other officers as are deemed necessary ~~and, in addition to the chairman and vice-chairman, elect seven.~~ *The chairman shall appoint 7 or more of its members of the Board to constitute an executive committee, the membership of which shall include the chairman and vice-chairman.*

Resident members of the Board of Trustees shall be reimbursed for actual expenses of attending its meetings and shall receive compensation at the per diem rate established for members of the General Assembly.

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

§ 23-288. Powers and duties.

The Foundation shall have the power and duty to:

1. Do all things necessary and proper to further an appreciation of the contributions of the first permanent English-speaking settlers and their American Indian neighbors of Virginia and the United States to the building of our Commonwealth and nation, to commemorate the winning of American independence on the battlefield at Yorktown, and to enhance our understanding of the making of the United States Constitution and Bill of Rights, including Virginia's role in shaping the fundamental principles of the American constitutional system.

2. Administer, develop and maintain at Jamestown and Yorktown permanent commemorative shrines and historical museums.

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

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

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

6. With the consent of the Governor, acquire lands, property and structures deemed necessary for the purposes of the Foundation by purchase, lease, gift, devise or condemnation proceedings. The title to the land and property acquired shall be in the name of the Commonwealth. In the exercise of the power of eminent domain granted under this section, the Foundation may proceed in the manner provided by law

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59 for the Commonwealth Transportation Commissioner in §§ 33.1-89 through 33.1-132.

60 7. With the consent of the Governor, convey by lease land to any person, association, firm or
61 corporation for such term and on such conditions as the Foundation may determine.

62 8. Receive and expend gifts, grants and donations from whatever source derived for the purposes of
63 the Foundation.

64 9. Employ an executive director and such deputies and assistants as may be required.

65 10. To elect any past chairman of the Board of Trustees to the honorary position of Chairman
66 Emeritus. Chairmen emeriti shall serve as honorary members for life ~~and shall not have voting~~
67 ~~privileges~~. Chairmen emeriti shall be elected in addition to the at-large positions defined in § 23-287.

68 11. With the consent of the Governor, to enter into agreements or contracts with private entities for
69 the promotion of tourism through marketing without competitive sealed bidding or competitive
70 negotiation provided a demonstrable cost savings, as reviewed by the Secretary of Education, can be
71 realized by the Foundation and such agreements or contracts are based on competitive principles.

72 12. To determine what paintings, statuary, works of art, manuscripts, and artifacts may be acquired
73 by purchase, gift, or loan, and to exchange or sell the same if not inconsistent with the terms of such
74 purchase, gift, loan, or other acquisition.

75 13. To change the form of investment of any funds, securities, or other property, real or personal,
76 provided the same are not inconsistent with the terms of the instrument under which the same were
77 acquired, and to sell, grant, or convey any such property, except that any transfers of real property may
78 be made only with the consent of the Governor.

79 **2. That for the period [from November 1, 2002, through the election of officers at the regular**
80 **beginning with the election of officers at the fall 2002 semiannual board meeting through the**
81 **election of officers at the fall] semiannual meeting to be held in 2008, during the preparation for**
82 **and commemoration of the 400th anniversary of the founding of Jamestown, the Board of**
83 **Trustees shall elect 2 Co-Chairmen of the Board of Trustees [and the members of the executive**
84 **committee] . The Board of Trustees shall designate 1 of the 2 Co-Chairmen to exercise annually**
85 **the duties of chairman prescribed by § 23-287.**