VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 731

An Act to amend and reenact § 30-192.7 and to amend the Code of Virginia by adding in Chapter 27 of Title 2.2, an article numbered 8, consisting of sections numbered 2.2-2725 through 2.2-2731, and to repeal §§ 30-192.8 through 30-192.14 of the Code of Virginia, relating to the Martin Luther King, Jr. Living History and Public Policy Center Board of Trustees.

[S 804]

Approved March 26, 2005

Be it enacted by the General Assembly of Virginia:

1. That § 30-192.7 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 27 of Title 2.2, an article numbered 8, consisting of sections numbered 2.2-2725 through 2.2-2731, as follows:

Article 8.

Martin Luther King, Jr. Living History and Public Policy Center.

§ 2.2-2725. Martin Luther King, Jr. Living History and Public Policy Center created; purpose.

The Martin Luther King, Jr. Living History and Public Policy Center, hereinafter referred to as the "Center," is hereby created as an independent, nonprofit corporation exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code, for the purpose of implementing the provisions of subdivision 6 of § 30-192.4. The Board of Trustees of the Center shall seek, receive, and expend such gifts, grants, donations, bequests, and other funds as may be received or made available for the establishment, administration, operation, and maintenance of the Center. The Center shall be funded solely through nonstate funds. Initially, the Center shall be composed of nine four-year public and private institutions of higher education in the Commonwealth as partner and regional institutions to ensure full access to the Center's programs, activities, scholarship, and resources throughout the Commonwealth. The initial partner institutions shall be Norfolk State University, Old Dominion University, the University of Virginia, Virginia Commonwealth University, and Virginia Polytechnic Institute and State University. The initial regional institutions shall be Eastern Virginia Medical School, Hampton University, James Madison University, and Virginia State University. Virginia Commonwealth University shall be designated as the home site and coordinator of the Center for administrative purposes.

§ 2.2-2726. Board of Trustees membership; terms; vacancies; chairman and vice chairman.

The Center shall be governed by a 19-member Board of Trustees consisting of six legislative members and 13 nonlegislative citizen members to be appointed as follows: two members of the Senate, to be appointed by the Senate Committee on Rules; four 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 representative each of Eastern Virginia Medical School, Hampton University, James Madison University, and Norfolk State University, upon the recommendation of the president of the respective institution of higher education; and two nonlegislative citizen members who shall represent the business and corporate community, to be appointed by the Senate Committee on Rules; one representative each of Old Dominion University, the University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, and Virginia State University, who shall be an employee of the relevant institution, upon the recommendation of the president of the respective institution of higher education; and two nonlegislative citizen members who shall represent private, nonprofit foundations in the Commonwealth, to be appointed by the Speaker of the House of Delegates.

Each representative of an institution of higher education shall be employed by the institution he represents, and shall be familiar with the purpose of the Center and possess specific knowledge or skills to contribute to the work of the Board.

Legislative members and representatives of the named institutions of higher education shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve two-year terms. All members may be reappointed for successive terms. However, members shall be eligible for reappointment only if they have attended at least one-half of all meetings of the Board during their current term of service. 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.

The Board shall elect a chairman, vice chairman, secretary, and such other officers as it may determine necessary from among its members and may establish bylaws as necessary.

§ 2.2-2727. Quorum; meetings of the Board.

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

§ 2.2-2728. Compensation; expenses.

Legislative members of the Board 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 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 nonpublic funds as may be received by the Board.

§ 2.2-2729. Powers and duties of the Board of Trustees and the Center.

A. The Board of Trustees shall:

1. Manage, control, maintain, and operate the Martin Luther King, Jr. Living History and Public Policy Center;

2. Establish the Center as a nonprofit corporation exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code to conduct the activities, within existing available funds, enumerated in this section;

3. Establish the Center, initially, as a virtual center to facilitate statewide access and links to the partner institutions and regional participants;

4. Employ and establish the qualifications and duties, and fix salaries and compensation of staff for the Center from such funds as may be received. Technical support for the Center shall be provided through the assistance of those partner institutions with high technological capabilities;

5. Establish a procedure to allow additional institutions to apply to become participants in the Center with appropriate roles and responsibilities;

6. Seek, receive, and expend gifts, grants, donations, or bequests from public or private sources on behalf of the Center for its support and to enable it to carry out its duties pursuant to this section;

7. Receive, expend, and administer donations, bequests, or devises of real and personal property for the endowment of the Center or for any special purpose designated by the donor that is consistent with the purposes of the Center set forth in this chapter;

8. Have, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1;

9. Enter into contracts with respect to the duties and responsibilities imposed upon the Center herein;

10. Have the authority to enter into and administer agreements with institutions of higher education in the Commonwealth to effectuate the provisions of this section;

11. Have the authority to request and accept the cooperation of agencies of the Commonwealth or local governments in the performance of its duties;

12. Adopt a logo or other emblems for use in connection with the Center;

13. Adopt policies, set fees as may be necessary for the use of the Center, and determine revenue-generating programs and activities that may be conducted by the Center; and

14. Perform any lawful acts necessary or appropriate to carry out the purposes of the Center.

B. The Center shall:

1. Preserve and advance Dr. King's philosophy and memory through the analysis of public policy relative to principles associated with Dr. King: justice, nonviolence, peace, equality, and the concept of the "Beloved Community;"

2. Determine and implement programs and services consistent with the King legacy and principles. To commence the Center's activities and future endeavors, such programs and services shall include, but not be limited to, education, social policy, politics, economics, and culture and shall be designed to make a permanent contribution to embedding the principles associated with Dr. King into the fabric of Virginia life;

3. Develop and implement programs and services that facilitate fund-raising and revenue generation and provide visibility to the Center. The programs and services shall be a collaborative effort between the partner and regional institutions;

4. Serve as a catalyst for social, economic, and community transformation by leveraging and brokering resources that support scholarly, multidisciplinary research consistent with the purposes of the Center;

5. Promote public education, dialogue, research, scholarship, and the acquisition and preservation of memorabilia to (i) foster an understanding and appreciation of the totality of Dr. King, (ii) enable the examination of a range of matters relevant to King principles and his legacy, (iii) provide available resources to supplement and support the curricula of public and private schools, and (iv) aid the conduct of various research and other projects focused on K-12 education and minority students to promote a better understanding of the needs of educationally at-risk students and the identification of successful strategies to promote their academic achievement;

6. Extend the Center's educational, cultural, and community outreach programs to public and private schools, institutions of higher education, public libraries, appropriate public and private educational and cultural organizations, the religious community, and the public through various media and available technologies such as, TELETECHNET, an interactive distance education program, digital website links,

online degree programs, digital exhibits, and other state-of-the-art technologies;

7. Provide for affiliations with undergraduate and graduate degree programs at all participating institutions of higher education, and, through the existing technological infrastructure and capacity of the institutions, enable the delivery of online degree programs, and make available the academic resources and staff of the Center to assist and support such programs;

8. Expand access to higher education in Virginia by providing undergraduate, graduate and professional programs through partnerships with the Commonwealth's private and public institutions of higher education;

9. Support research in areas consistent with the mission of the Center by eminent or visiting scholars, nationally and internationally, and collaborate with other national and international institutions of higher education and public policy centers on matters of mutual concern;

10. Establish a doctoral fellowship program in which one doctoral or faculty fellowship is supported at each partner institution annually. These fellows shall examine issues relevant to the principles of Martin Luther King, Jr., and shall be recruited carefully to ensure, as much as possible, the production of enduring scholarly publications. At least once each year, the Center shall convene a forum or other appropriate setting in which the work of such fellows may be shared with other scholars and the public;

11. Produce policy analyses of issues specific to Virginia and contemporary issues relative to principles associated with Dr. King to further the development of sound, feasible, and fair policies for all Virginians. These analyses may involve, but not be limited to, the assessment of education and health care for the poor and minorities, economic development, the nexus between public policies and quality of life, and other issues with the intent to provide viable and important decision-making information;

12. Conduct public forums, conferences, lectures, and research to address contemporary issues and public policies, including, but not limited to, disparity in health care, economic development, education, ethics, religion, social and environmental justice, civil and human rights, the criminal justice system, the global economic system, community and race relations, and racial, ethnic and cultural diversity;

13. Design and implement a comprehensive database to provide information on minority populations in Virginia. The database shall include, but not be limited to, accurate and reliable information and data concerning demographics, educational attainment, labor and economic development statistics, housing and criminal justice data, a profile of minority businesses, social and cultural issues, health status and chronic conditions and diseases prevalent among minority groups represented in Virginia. The database shall be accessible to researchers, the business and corporate community, and policy makers, in a centralized location, to facilitate and enhance planning and the targeting of resources. Significant works on the history, culture, achievements, and contributions of minorities to society shall be acquired to provide access for research, educational and cultural purposes;

14. Serve as a resource and referral center and living history museum in which electronic media, including, but not limited to, films, digital audio and video recordings, and a digital library, as well as records, oral histories, and memorabilia documenting Dr. King's relationship with and impact on the Commonwealth shall be acquired and preserved. In addition to information concerning his life, work, teachings, writings, and philosophy, the Center shall acquire and maintain historical documents, records, artifacts, and memorabilia related to the Civil Rights Movement, the African Diaspora, and African Americans and other minority populations in the United States for educational purposes. The Center shall establish a working relationship with and a website link to The King Center in Atlanta, The Dr. Martin Luther King, Jr. Papers Project at Stanford University, and Boston University to facilitate research and scholarship;

15. Actively seek and obtain nonstate funding through gifts, public and private grants, donations, federal support, endowments, in-kind services, and revenue-generating enterprises, such as contract research or subscription processes with local governments, local school boards, private organizations, and other entities, creative collaborations between various public and private institutions, and the provision of local programming and training modules for public and private entities. All such funds and resources as may be received or made available to the Center shall be used to provide the financial support for the Center, its staff, and its work in accordance with the provisions of this section; and

16. Submit to the Board of Trustees such reports concerning the status of the Center's programs, activities, cooperative relationships, and fund-raising endeavors as the Board may require.

§ 2.2-2730. Staffing.

The Board may, at its pleasure, appoint, employ, or remove an executive director and a fund-raiser/grant writer for the Center, each of whom may be an employee of one of the participating institutions of higher education, and such other persons as it deems necessary to assist it in carrying out its duties as set forth in this chapter. The Board shall determine the duties of all staff and fix the salaries and compensation of such persons within the amounts allocated therefor from such nonpublic funds as may be received by the Board. During the initial development and implementation phase of the Center, additional staff to support the functions of the Center may be provided by the participating institutions through an arrangement approved by the Board. All agencies of the Commonwealth shall provide assistance to the Board, upon request.

§ 2.2-2731. Annual report.

The chairman of the Board shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Center and the Board, and the status and sources of funding for the Center no later than the first day of each regular session of the General Assembly. The executive summary shall state whether the Board intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a state document. The executive summary shall be submitted 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.

§ 30-192.7. Dr. Martin Luther King, Jr. Commission Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Dr. Martin Luther King, Jr. Commission Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys, including gifts, donations, grants, bequests, and other funds from any source as may be received by the Commission, 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 purposes of supporting the Commission's work~~, the Martin Luther King, Jr. Living History and Public Policy Center,~~ and as seed money to generate additional funds. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman, upon the approval of a majority of the members of the Commission.

2. That §§ 30-192.8 through 30-192.14 of the Code of Virginia are repealed.

3. That the provisions of Article 8 (§§ 2.2-2725 through 2.2-2731) of Chapter 27 of Title 2.2 shall expire on July 1, 2007.