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SENATE BILL NO. 107

Offered January 11, 2006

Prefiled January 9, 2006

A BILL to amend and reenact §§ 2.2-2725, 2.2-2726, and 2.2-2729 of the Code of Virginia, and to repeal §2.2-2731 of the Code of Virginia, relating to the Martin Luther King, Jr. Living History and Public Policy Center.

Patron—Marsh

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2725, 2.2-2726, and 2.2-2729 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2725. (Expires July 1, 2007) 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 partnerparticipating institutions shall be Eastern Virginia Medical School, Hampton University, James Madison University, 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. (Expires July 1, 2007) 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 19 members~~ as follows: two members who may be members of the Senate, to be appointed by the Senate Committee on Rules; four members who may be 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, Old Dominion University, the University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, and Virginia State University, upon the recommendation of the president of the respective institution of higher education, 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 the business and corporate community; 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. The term of office, appointment, and reappointment of members and appointments to fill vacancies shall be made in accordance with the articles of incorporation and bylaws of the Board.

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.

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59 All members may be reappointed for successive terms. However, members shall be eligible for
 60 reappointment only if they have attended at least one-half of all meetings of the Board during their
 61 current term of service. Appointments to fill vacancies, other than by expiration of a term, shall be for
 62 the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

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

65 § 2.2-2729. (Expires July 1, 2007) Powers and duties of the Board of Trustees and the Center.

66 A. The Board of Trustees shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

94 14. *Establish a five-year plan designed to implement incrementally the Center's responsibilities as*
 95 *enumerated in this section; and*

96 ~~14~~15. Perform any lawful acts necessary or appropriate to carry out the purposes of the Center.

97 B. The Center shall:

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

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

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

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

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

119 6. Extend the Center's educational, cultural, and community outreach programs to public and private
 120 schools, institutions of higher education, public libraries, appropriate public and private educational and

121 cultural organizations, the religious community, and the public through various media and available
122 technologies such as, TELETECHNET, an interactive distance education program, digital website links,
123 online degree programs, digital exhibits, and other state-of-the-art technologies;

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

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

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

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

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

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

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

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

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

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

178 **2. That the current members of the Board of Trustees of the Martin Luther King, Jr. Living**
179 **History and Public Policy Center shall continue to serve until the expiration of their terms.**
180 **However, vacancies shall be filled in accordance with the articles of incorporation and bylaws of**
181 **the Board.**

182 3. That § 2.2-2731 of the Code of Virginia is repealed.

183 4. That the provisions of this act shall expire on July 1, 2007.