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HOUSE BILL NO. 182

Offered January 9, 2008

Prefiled December 26, 2007

A BILL to amend and reenact §§ 2.2-215, 2.2-2905, 2.2-3711, 10.1-2136, 23-239, 23-243, 23-250, 23-251, 23-252, and 23-253 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 18 of Title 23 an article numbered 2, consisting of sections numbered 23-253.01 through 23-253.03; and to repeal Chapter 20 (§§ 10.1-2000 through 10.1-2012) of Title 10.1 of the Code of Virginia, relating to the consolidation of the Virginia Museum of Natural History and Science Museum of Virginia.

Patron—Marshall, R.G.

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-215, 2.2-2905, 2.2-3711, 10.1-2136, 23-239, 23-243, 23-250, 23-251, 23-252, and 23-253 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 18 of Title 23 an article numbered 2, consisting of sections numbered 23-253.01 through 23-253.03 as follows:

§ 2.2-215. Position established; agencies for which responsible.

The position of Secretary of Natural Resources (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Conservation and Recreation, Department of Historic Resources, Marine Resources Commission, Department of Game and Inland Fisheries, Chippokes Plantation Farm Foundation, Virginia Museum of Natural History, Council on Indians, and the Department of Environmental Quality. The Governor may, by executive order, assign any state executive agency to the Secretary of Natural Resources, or reassign any agency listed above to another Secretary.

§ 2.2-2905. Certain officers and employees exempt from chapter.

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents, and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the National Guard and the naval militia;
10. Student employees in institutions of learning, and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees and employees compensated on an hourly or daily basis;
12. County, city, town and district officers, deputies, assistants and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The officers and employees of the Virginia Retirement System;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, Virginia Museum of Natural History and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;
16. Employees of the State Lottery Department;
17. Production workers for the Virginia Industries for the Blind Sheltered Workshop programs;
18. Employees of the Virginia Commonwealth University Health System Authority;
19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of

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59 Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia
60 Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the
61 provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

62 20. In executive branch agencies the employee who has accepted serving in the capacity of chief
63 deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential
64 assistant for policy or administration. An employee serving in either one of these two positions shall be
65 deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve
66 in this exempt capacity;

67 21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the
68 provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

69 22. Officers and employees of the Virginia Port Authority;

70 23. Employees of the Virginia College Savings Plan;

71 24. Directors of state facilities operated by the Department of Mental Health, Mental Retardation and
72 Substance Abuse Services employed or reemployed by the Commissioner after July 1, 1999, under a
73 contract pursuant to § 37.2-707. Such employees shall remain subject to the provisions of the State
74 Grievance Procedure (§ 2.2-3000 et seq.);

75 25. The Director of the Virginia Office for Protection and Advocacy;

76 26. Employees of the Virginia Tobacco Settlement Foundation. Such employees shall be treated as
77 state employees for purposes of participation in the Virginia Retirement System, health insurance, and
78 all other employee benefits offered by the Commonwealth to its classified employees; and

79 27. Employees of the Virginia Indigent Defense Commission.

80 § 2.2-3711. Closed meetings authorized for certain limited purposes.

81 A. Public bodies may hold closed meetings only for the following purposes:

82 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
83 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
84 officers, appointees, or employees of any public body; and evaluation of performance of departments or
85 schools of public institutions of higher education where such evaluation will necessarily involve
86 discussion of the performance of specific individuals. Any teacher shall be permitted to be present
87 during a closed meeting in which there is a discussion or consideration of a disciplinary matter that
88 involves the teacher and some student and the student involved in the matter is present, provided the
89 teacher makes a written request to be present to the presiding officer of the appropriate board.

90 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
91 involve the disclosure of information contained in a scholastic record concerning any student of any
92 Virginia public institution of higher education or any state school system. However, any such student,
93 legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to
94 be present during the taking of testimony or presentation of evidence at a closed meeting, if such
95 student, parents, or guardians so request in writing and such request is submitted to the presiding officer
96 of the appropriate board.

97 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the
98 disposition of publicly held real property, where discussion in an open meeting would adversely affect
99 the bargaining position or negotiating strategy of the public body.

100 4. The protection of the privacy of individuals in personal matters not related to public business.

101 5. Discussion concerning a prospective business or industry or the expansion of an existing business
102 or industry where no previous announcement has been made of the business' or industry's interest in
103 locating or expanding its facilities in the community.

104 6. Discussion or consideration of the investment of public funds where competition or bargaining is
105 involved, where, if made public initially, the financial interest of the governmental unit would be
106 adversely affected.

107 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual
108 or probable litigation, where such consultation or briefing in open meeting would adversely affect the
109 negotiating or litigating posture of the public body; and consultation with legal counsel employed or
110 retained by a public body regarding specific legal matters requiring the provision of legal advice by such
111 counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been
112 specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe
113 will be commenced by or against a known party. Nothing in this subdivision shall be construed to
114 permit the closure of a meeting merely because an attorney representing the public body is in attendance
115 or is consulted on a matter.

116 8. In the case of boards of visitors of public institutions of higher education, discussion or
117 consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts
118 for services or work to be performed by such institution. However, the terms and conditions of any such
119 gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign
120 person and accepted by a public institution of higher education in Virginia shall be subject to public

121 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,
 122 (i) "foreign government" means any government other than the United States government or the
 123 government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity
 124 created under the laws of the United States or of any state thereof if a majority of the ownership of the
 125 stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the
 126 membership of any such entity is composed of foreign persons or foreign legal entities, or any legal
 127 entity created under the laws of a foreign government; and (iii) "foreign person" means any individual
 128 who is not a citizen or national of the United States or a trust territory or protectorate thereof.

129 9. In the case of the boards of trustees of the Virginia Museum of Fine Arts; the Virginia Museum
 130 of Natural History, and The Science Museum of Virginia, discussion or consideration of matters relating
 131 to specific gifts, bequests, and grants.

132 10. Discussion or consideration of honorary degrees or special awards.

133 11. Discussion or consideration of tests, examinations, or other records excluded from this chapter
 134 pursuant to subdivision 4 of § 2.2-3705.1.

135 12. Discussion, consideration, or review by the appropriate House or Senate committees of possible
 136 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement
 137 filed by the member, provided the member may request in writing that the committee meeting not be
 138 conducted in a closed meeting.

139 13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
 140 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing
 141 body in open meeting finds that an open meeting will have an adverse effect upon the negotiating
 142 position of the governing body or the establishment of the terms, conditions and provisions of the siting
 143 agreement, or both. All discussions with the applicant or its representatives may be conducted in a
 144 closed meeting.

145 14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
 146 activity and estimating general and nongeneral fund revenues.

147 15. Discussion or consideration of medical and mental records excluded from this chapter pursuant to
 148 subdivision 1 of § 2.2-3705.5.

149 16. Deliberations of the State Lottery Board in a licensing appeal action conducted pursuant to
 150 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
 151 discussion, consideration or review of State Lottery Department matters related to proprietary lottery
 152 game information and studies or investigations exempted from disclosure under subdivision 6 of
 153 § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

154 17. Those portions of meetings by local government crime commissions where the identity of, or
 155 information tending to identify, individuals providing information about crimes or criminal activities
 156 under a promise of anonymity is discussed or disclosed.

157 18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity
 158 of, or information tending to identify, any prisoner who (i) provides information about crimes or
 159 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the
 160 apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders
 161 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

162 19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff
 163 members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to
 164 respond to such activity or a related threat to public safety; or discussion of reports or plans related to
 165 the security of any governmental facility, building or structure, or the safety of persons using such
 166 facility, building or structure.

167 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or
 168 of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the
 169 University of Virginia, acting pursuant to § 23-76.1, regarding the acquisition, holding or disposition of
 170 a security or other ownership interest in an entity, where such security or ownership interest is not
 171 traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns
 172 confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the
 173 retirement system or provided to the retirement system under a promise of confidentiality, of the future
 174 value of such ownership interest or the future financial performance of the entity, and (ii) would have an
 175 adverse effect on the value of the investment to be acquired, held or disposed of by the retirement
 176 system or the Rector and Visitors of the University of Virginia. Nothing in this subdivision shall be
 177 construed to prevent the disclosure of information relating to the identity of any investment held, the
 178 amount invested or the present value of such investment.

179 21. Those portions of meetings in which individual child death cases are discussed by the State Child
 180 Fatality Review team established pursuant to § 32.1-283.1, and those portions of meetings in which
 181 individual child death cases are discussed by a regional or local child fatality review team established

182 pursuant to § 32.1-283.2, and those portions of meetings in which individual death cases are discussed
183 by family violence fatality review teams established pursuant to § 32.1-283.3.

184 22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern
185 Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any
186 persons to whom management responsibilities for the University of Virginia Medical Center or Eastern
187 Virginia Medical School, as the case may be, have been delegated, in which there is discussed
188 proprietary, business-related information pertaining to the operations of the University of Virginia
189 Medical Center or Eastern Virginia Medical School, as the case may be, including business development
190 or marketing strategies and activities with existing or future joint venturers, partners, or other parties
191 with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case
192 may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such
193 information would adversely affect the competitive position of the Medical Center or Eastern Virginia
194 Medical School, as the case may be.

195 23. In the case of the Virginia Commonwealth University Health System Authority, discussion or
196 consideration of any of the following: the acquisition or disposition of real or personal property where
197 disclosure would adversely affect the bargaining position or negotiating strategy of the Authority;
198 operational plans that could affect the value of such property, real or personal, owned or desirable for
199 ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and
200 contracts for services or work to be performed by the Authority; marketing or operational strategies
201 where disclosure of such strategies would adversely affect the competitive position of the Authority;
202 members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications
203 or evaluations of other employees.

204 24. Those portions of the meetings of the Intervention Program Committee within the Department of
205 Health Professions to the extent such discussions identify any practitioner who may be, or who actually
206 is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

207 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein
208 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees
209 by or on behalf of individuals who have requested information about, applied for, or entered into
210 prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.)
211 of Title 23 is discussed.

212 26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created
213 pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et
214 seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless
215 E-911 service.

216 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
217 Professional and Occupational Regulation, Department of Health Professions, or the Board of
218 Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach
219 a decision or meetings of health regulatory boards or conference committees of such boards to consider
220 settlement proposals in pending disciplinary actions or modifications to previously issued board orders as
221 requested by either of the parties.

222 28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of
223 § 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined in
224 § 56-557, or any independent review panel appointed to review information and advise the responsible
225 public entity concerning such records.

226 29. Discussion of the award of a public contract involving the expenditure of public funds, including
227 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where
228 discussion in an open session would adversely affect the bargaining position or negotiating strategy of
229 the public body.

230 30. Discussion or consideration by the Commonwealth Health Research Board of grant application
231 records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6.

232 31. Discussion or consideration by the Commitment Review Committee of records excluded from
233 this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as
234 sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

235 32. [Expired.]

236 33. Discussion or consideration of confidential proprietary records and trade secrets excluded from
237 this chapter pursuant to subdivision 18 of § 2.2-3705.6.

238 34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
239 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets
240 excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

241 35. Discussion or consideration by the State Board of Elections or local electoral boards of voting
242 security matters made confidential pursuant to § 24.2-625.1.

243 36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee

244 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from
245 this chapter pursuant to subdivision F 1 of § 2.2-3706.

246 37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards
247 Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of
248 § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship
249 award, review and consider scholarship applications and requests for scholarship award renewal, and
250 cancel, rescind, or recover scholarship awards.

251 38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter
252 pursuant to subdivision 1 of § 2.2-3705.6.

253 39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
254 pursuant to § 51.1-124.30, or the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
255 or by any local retirement system, acting pursuant to § 51.1-803 of records excluded from this chapter
256 pursuant to subdivision 25 of § 2.2-3705.7.

257 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a
258 closed meeting shall become effective unless the public body, following the meeting, reconvenes in open
259 meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or
260 motion that shall have its substance reasonably identified in the open meeting.

261 C. Public officers improperly selected due to the failure of the public body to comply with the other
262 provisions of this section shall be de facto officers and, as such, their official actions are valid until they
263 obtain notice of the legal defect in their election.

264 D. Nothing in this section shall be construed to prevent the holding of conferences between two or
265 more public bodies, or their representatives, but these conferences shall be subject to the same
266 procedures for holding closed meetings as are applicable to any other public body.

267 E. This section shall not be construed to (i) require the disclosure of any contract between the
268 Intervention Program Committee within the Department of Health Professions and an impaired
269 practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the
270 board of directors of any authority created pursuant to the Industrial Development and Revenue Bond
271 Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or
272 special law, to identify a business or industry to which subdivision A 5 applies. However, such business
273 or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the
274 board's authorization of the sale or issuance of such bonds.

275 § 10.1-2136. Foundation for Virginia's Natural Resources Board of Trustees; membership; terms;
276 expenses.

277 A. The Foundation shall be governed and administered by a Board of Trustees. The Board shall
278 consist of 13 citizen members from the Commonwealth to be appointed by the Governor, and the
279 Secretaries of Natural Resources and Agriculture and Forestry, or their designees, to serve ex officio
280 with voting privileges. Appointments shall be made so that each of the 13 major river basins, pursuant
281 to § 10.1-2137, is represented insuring there is adequate representation from the agriculture and forestry
282 industries. Citizen members shall be appointed for four-year terms, except that initial appointments shall
283 be made for terms of one to four years in a manner whereby no more than four members shall have
284 terms that expire in the same year. The ex officio members shall serve a term coincident with their
285 terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be made for the
286 unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All
287 members may be reappointed. However, no citizen member shall serve more than two consecutive
288 four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not
289 constitute a term in determining the member's eligibility for reappointment.

290 B. The Governor shall appoint a chairman of the Board of Trustees. The members shall elect a
291 vice-chairman annually from among the members of the Board. A majority of the members of the Board
292 serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet
293 at least four times a year and at the call of the chairman or whenever a majority of the members so
294 request.

295 C. The Board shall seek assistance in developing grant criteria and advice on grant priorities and any
296 other appropriate issues from a task force consisting of the following agency heads or their designees:
297 the Director of the Department of Conservation and Recreation, the Commissioner of Agriculture and
298 Consumer Services, the State Forester, the Director of the Department of Historic Resources, the
299 Director of the Department of Game and Inland Fisheries, and the Director of the Department of
300 Environmental Quality; and the Director of the Virginia Museum of Natural History. The Board may
301 request any other agency head, agency employee, or environmental steward to serve on the task force.

302 D. The chairman of the Board shall submit to the Governor and the General Assembly a biennial
303 executive summary of the interim activity and work of the Board no later than the first day of each
304 even-numbered year regular session of the General Assembly. The executive summary shall be

305 submitted as provided in the procedures of the Division of Legislative Automated Systems for the
 306 processing of legislative documents and reports and shall be posted on the General Assembly's website.

307 E. Members shall receive no compensation for their services, but shall be reimbursed out of the Fund
 308 for all reasonable and necessary expenses incurred in the performance of their duties as provided in
 309 §§ 2.2-2813 and 2.2-2825.

310 Chapter 18.

311 The Science Museum of Virginia *and the Virginia Museum of Natural History*.

312 *Article 1.*

313 *The Science Museum of Virginia.*

314 § 23-239. Museum created; essential governmental function.

315 There is hereby created and constituted an educational institution of the Commonwealth of Virginia
 316 to be known as "The Science Museum of Virginia," hereinafter in this chapter sometimes referred to as
 317 the "Museum." The Museum is hereby declared to be a public body and instrumentality for the
 318 dissemination of education. The exercise by the Museum of the powers conferred by this chapter shall
 319 be deemed and held to be the performance of an essential governmental function.

320 § 23-243. To be governed by board of trustees; appointment of members.

321 The Museum *and the Virginia Museum of Natural History* shall be governed by a board of trustees,
 322 consisting of fifteen members, each of whom shall be appointed by the Governor. One of the members
 323 appointed to the board shall be a member of the Virginia Academy of Science. The appointments shall
 324 be subject to confirmation by the General Assembly if in session and, if not, then at its next succeeding
 325 session. The board of trustees will hereinafter in this chapter be referred to as the "board."

326 § 23-250. Powers and duties of board.

327 The board is hereby authorized and empowered:

328 1. To select sites for the Museum *and the Virginia Museum of Natural History* and the divisions
 329 thereof and to provide for the erection, care and preservation of all property belonging to the
 330 ~~Museum~~ Museums;

331 2. To appoint the Director of the Museum *and the Virginia Museum of Natural History*, and
 332 prescribe his *their* duties and salary;

333 3. To prescribe rules and regulations for the operation of the Museum *and the Virginia Museum of*
 334 *Natural History*, including, but not limited to, the kinds and types of instruction and exhibits, and the
 335 making of plans for expansion from time to time of the ~~Museum~~ Museums;

336 4. To employ planning consultants and architects in relation to establishment of the Museum *and the*
 337 *Virginia Museum of Natural History* and any expansions thereof;

338 5. To acquire by purchase, gift, loan or otherwise land necessary for establishment and expansion of
 339 the Museum *and the Virginia Museum of Natural History*, and exhibits and displays;

340 6. To enter into contracts for construction of physical facilities;

341 7. To adopt a seal; and

342 8. To charge for admission to the Museum *and the Virginia Museum of Natural History*, if deemed
 343 appropriate.

344 § 23-251. Agents and employees.

345 The Director may engage or authorize the engagement of such agents and employees as may be
 346 needed in the operation and maintenance of the Museum *and the Virginia Museum of Natural History*,
 347 subject to the approval of the board.

348 § 23-252. Acceptance of gifts; expenditures; application of §§ 23-3.1 and 23-9.2.

349 A. The board is authorized, on behalf of the Commonwealth and in furtherance of the purposes of
 350 the Museum *and the Virginia Museum of Natural History*, to receive and administer gifts, bequests and
 351 devises of property of any kind whatsoever, and grants from agencies of the United States government,
 352 and to expend, or authorize the expenditure of, funds derived from such sources and funds appropriated
 353 by the General Assembly to the Museums.

354 B. The Museum *and the Virginia Museum of Natural History* shall be deemed to be an
 355 ~~institution~~ institutions of higher education within the meaning of §§ 23-3.1 and 23-9.2.

356 C. Gifts heretofore made to the Museum *and the Virginia Museum of Natural History* by political
 357 subdivisions of the Commonwealth are hereby validated.

358 § 23-253. Annual report.

359 The Board of Trustees shall submit an annual report to the Governor and General Assembly on or
 360 before November 1 of each year. Such report shall contain, at a minimum, the annual financial
 361 statements of the Museum *and the Virginia Museum of Natural History* for the year ending the
 362 preceding June 30.

363 *Article 2.*

364 *The Virginia Museum of Natural History.*

365 § 23-253.01. Museum created; essential governmental function.

366 *There is hereby created an institution of the Commonwealth of Virginia to be known as "The*

367 Virginia Museum of Natural History," hereinafter referred to as the "Museum." The Museum is hereby
368 declared to be a public body and instrumentality for the purpose of preserving and protecting Virginia's
369 natural history.

370 § 23-253.02. Purposes.

371 The purposes of the Virginia Museum of Natural History are:

372 1. To investigate, preserve, and exhibit the various elements of natural history found in Virginia and
373 other parts of the United States and the world;

374 2. To foster an understanding and appreciation of how man and the earth have evolved;

375 3. To encourage and promote research in the varied natural heritage of Virginia and other parts of
376 the world;

377 4. To encourage individuals and scholars to study our natural history and to apply this
378 understanding of the past to the challenges for the future;

379 5. To establish a state museum of natural history in Virginia where specimens of natural history,
380 especially those of Virginia origin, can be properly housed, cared for, catalogued, and studied to ensure
381 a permanent repository of our natural heritage; and

382 6. To coordinate an efficient network in Virginia where researchers and the public can readily use
383 the natural history material of the Museum, its branches, Virginia's institutions of higher education, and
384 other museums. These purposes are hereby declared to be a matter of legislative determination.

385 § 23-253.03. Museum governance.

386 The Museum shall be governed by the Board of Trustees of the Science Museum of Virginia pursuant
387 to Article 1 (§23-239 et seq.) of this chapter.

388 2. That Chapter 20 (§§ 10.1-2000 through 10.1-2012) of Title 10.1 of the Code of Virginia is
389 repealed.

390 3. That as of July 1, 2008, the Board of Trustees of the Science Museum of Virginia shall be
391 deemed successor in interest to the Board of Trustees of the Virginia Museum of Natural History
392 to the extent that this act transfers powers and duties. All right, title, and interest in and to any
393 real or tangible personal property vested in the Board of Trustees of the Virginia Museum of
394 Natural History shall be transferred to and taken as standing in the name of the Board of
395 Trustees of the Science Museum of Virginia.

396 4. That the Governor may transfer an appropriation or any portion thereof within a state agency
397 established, abolished, or otherwise affected by the provisions of this act, or from one such agency
398 to another, to support the changes in organization or responsibility resulting from or required by
399 the provisions of this act.