

081223616

HOUSE BILL NO. 6035

Offered June 23, 2008

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 Rules

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 Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia

INTRODUCED

HB6035

59 Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the
60 provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

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

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

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

69 23. Employees of the Virginia College Savings Plan;

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

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

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

78 27. Employees of the Virginia Indigent Defense Commission.

79 § 2.2-3711. Closed meetings authorized for certain limited purposes.

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

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

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

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

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

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

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

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

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

(i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

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

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

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

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

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

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

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

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

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

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

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

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

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, and those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, and those portions of meetings in which individual death cases are discussed

182 by family violence fatality review teams established pursuant to § 32.1-283.3.

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

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

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

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

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

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

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

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

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

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

234 32. [Expired.]

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

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

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

242 36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
243 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from

this chapter pursuant to subdivision F 1 of § 2.2-3706.

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

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

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

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

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

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

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

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

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

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

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

D. The chairman of the Board shall submit to the Governor and the General Assembly a biennial executive summary of the interim activity and work of the Board no later than the first day of each even-numbered year regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the

305 processing of legislative documents and reports and shall be posted on the General Assembly's website.

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

309 Chapter 18.

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

311 *Article 1.*

312 *The Science Museum of Virginia.*

313 § 23-239. Museum created; essential governmental function.

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

319 § 23-243. To be governed by board of trustees; appointment of members.

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

325 § 23-250. Powers and duties of board.

326 The board is hereby authorized and empowered:

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

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

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

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

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

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

340 7. To adopt a seal; and

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

343 § 23-251. Agents and employees.

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

347 § 23-252. Acceptance of gifts; expenditures; application of §§ 23-3.1 and 23-9.2.

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

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

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

357 § 23-253. Annual report.

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

362 *Article 2.*

363 *The Virginia Museum of Natural History.*

364 § 23-253.01. Museum created; essential governmental function.

365 *There is hereby created an institution of the Commonwealth of Virginia to be known as "The*
366 *Virginia Museum of Natural History," hereinafter referred to as the "Museum." The Museum is hereby*

declared to be a public body and instrumentality for the purpose of preserving and protecting Virginia's natural history.

§ 23-253.02. Purposes.

The purposes of the Virginia Museum of Natural History are:

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

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

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

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

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

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

§ 23-253.03. Museum governance.

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

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

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

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

5. That any monetary savings realized from the implementation of this act shall be applied to the Transportation Trust Fund established pursuant to § 33.1-23.03:1.