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SENATE BILL NO. 28

Offered January 13, 2016

Prefiled December 10, 2015

A *BILL to amend the Code of Virginia by adding in Title 23 a chapter numbered 18.2, consisting of sections numbered 23-253.8 and 23-253.9, relating to the Virginia Sports Hall of Fame.*

Patrons—Lucas, Marsden, Petersen and Wagner; Delegate: Heretick

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding Title 23 a chapter numbered 18.2, consisting of sections numbered 23-253.8 and 23-253.9, as follows:

CHAPTER 18.2.**VIRGINIA SPORTS HALL OF FAME.****§ 23-253.8. Virginia Sports Hall of Fame; Board.**

A. *The Virginia Sports Hall of Fame is a public body and instrumentality for the dissemination of education whose mission is to celebrate athletic excellence in the Commonwealth and serve as an educational resource centered around health, math, science, and character development programs while inspiring visitors through sports history and interactive entertainment.*

B. *The Board of Directors of the Virginia Sports Hall of Fame (the Board) shall have a total membership of 21 members that shall consist of 10 legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: Six 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; four members of the Senate, to be appointed by the Senate Committee on Rules; six nonlegislative citizen members to be appointed by the Governor, subject to confirmation by the General Assembly; and five nonlegislative citizen members to be appointed by a majority vote of the Board. Nonlegislative citizen members of the Board shall be citizens of the Commonwealth.*

C. *Legislative members of the Board shall serve terms coincident with their terms of office. 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. All members may be reappointed. None of the nonlegislative citizen members appointed to the Board by majority vote of the Board shall vote in any such election of a nonlegislative citizen to the Board.*

D. *The members of the Board shall receive no compensation for their services, but a member may be reimbursed by the Board for reasonable expenses actually incurred in the performance of his official duties.*

E. *The members of the Board annually shall elect a chairman and a vice-chairman from their membership; the vice-chairman shall perform the duties of the chairman in the chairman's absence.*

F. *Eleven members of the Board shall constitute a quorum for the purpose of conducting business. Actions of the Board shall receive the affirmative vote of a majority of the quorum to be effective. No vacancy on the Board shall impair the right of a quorum to exercise all rights and perform all the duties of the Board. The Board shall determine the times and places of its regular meetings. Special meetings of the Board shall be held when requested by two or more members of the Board. Any such request for a special meeting shall be in writing, and the request shall specify the time and place of the meeting and the matters to be considered at the meeting. A reasonable effort shall be made to provide each member with notice of any special meeting. Only matters specified in the notice shall be considered at such special meeting unless all the members of the Board are present.*

G. *The Board shall appoint an Executive Director, who is the chief administrative officer and secretary of the Board and serves at the pleasure of the Board. The Executive Director shall be paid from funds received by the Board. No state funds shall be used to pay the salary or the expenses of this office.*

H. *In addition to any other duties set forth in this chapter, the Executive Director shall:*

1. *Direct and supervise the administrative affairs and activities of the Board in accordance with its rules, regulations, and policies;*

2. *Attend all meetings and keep minutes of all proceedings;*

3. *Approve all accounts for salaries, per diem payments, and allowable expenses of the Board and its employees and consultants and approve all expenses incidental to the operation of the Board; and*

4. *Perform any other duty that the Board requires for carrying out the provisions of this chapter.*

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59 **§ 23-253.9. Board powers.**

60 *A. In addition to the powers set forth elsewhere in this chapter, the Board may:*

61 1. *Adopt and alter an official seal;*

62 2. *Sue and be sued in its own name;*

63 3. *Adopt bylaws, rules, and regulations to carry out the provisions of this chapter;*

64 4. *Maintain an office at such place as the Board may designate;*

65 5. *Employ, either as regular employees or independent contractors, accountants, architects, attorneys,*
66 *construction experts and personnel, consultants, curators, docents, engineers, financial experts,*
67 *historians, researchers, superintendents, managers and other professional personnel, personnel, and*
68 *agents as may be necessary in the judgment of the Board and fix their compensation;*

69 6. *Determine the locations of, develop, establish, construct, erect, acquire, own, repair, remodel, add*
70 *to, extend, improve, equip, operate, regulate, and maintain facilities to the extent necessary to*
71 *accomplish the purposes of the Board;*

72 7. *Acquire, hold, lease, use, encumber, transfer, or dispose of real and personal property;*

73 8. *Enter into contracts of any kind and execute all instruments necessary or convenient with respect*
74 *to its carrying out the powers in this chapter to accomplish the purposes of the Board;*

75 9. *Regulate the use and operation of facilities acquired under the provisions of this chapter;*

76 10. *Fix and revise from time to time and charge and collect rates, rents, fees, or other charges for*
77 *the use of facilities or for services rendered in connection with the facilities;*

78 11. *Borrow money from any source for any valid purpose, including working capital for its*
79 *operations, reserve funds, or interest, and mortgage, pledge, or otherwise encumber the property or*
80 *funds of the Board and contract with or engage the services of any person in connection with any*
81 *financing, including financial institutions, issuers of letters of credit, or insurers;*

82 12. *Receive and accept from any source, private or public, contributions, gifts, or grants of money or*
83 *property; and*

84 13. *Do all things necessary or convenient to carry out the powers granted by this chapter.*

85 *B. In addition to the duties set forth elsewhere in this chapter, the Board shall:*

86 1. *Keep records as are consistent with sound business practices and accounting records using*
87 *generally accepted accounting practices;*

88 2. *Cause an audit by an independent certified public accountant to be made of accounts and*
89 *transactions at the conclusion of each fiscal year;*

90 3. *Be subject to audit and examination at any reasonable time of its accounts and transactions by*
91 *the Auditor of Public Accounts; and*

92 4. *Submit a detailed annual report of Board activities and changes in financial standing to the*
93 *Governor and to the General Assembly.*

94 *C. The exercise by the Board of the powers conferred by this chapter shall be deemed and held to be*
95 *the performance of an essential governmental function.*