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SENATE BILL NO. 72

Offered January 12, 2022

Prefiled January 4, 2022

A BILL to amend and reenact § 23.1-101 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 32 of Title 23.1 an article numbered 8, consisting of sections numbered 23.1-3229 through 23.1-3232, relating to Virginia Museum of Transportation; established.

Patron—Edwards

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-101 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 32 of Title 23.1 an article numbered 8, consisting of sections numbered 23.1-3229 through 23.1-3232, as follows:

§ 23.1-101. Endowment funds of public institutions of higher education.

It is the public policy of the Commonwealth that:

1. Each public institution of higher education, the Frontier Culture Museum of Virginia, Gunston Hall, the Jamestown-Yorktown Foundation, the Science Museum of Virginia, ~~and~~ the Virginia Museum of Fine Arts, *and the Virginia Museum of Transportation* shall be encouraged in their attempts to increase their endowment funds and unrestricted gifts from private sources and reduce the hesitation of prospective donors to make contributions and unrestricted gifts; and

2. Consistent with § 10 of Chapter 33 of the Acts of Assembly of 1927, in measuring the extent to which the Commonwealth shall finance higher education in the Commonwealth, the availability of the endowment funds and unrestricted gifts from private sources received by public institutions of higher education, the Frontier Culture Museum of Virginia, Gunston Hall, the Jamestown-Yorktown Foundation, the Science Museum of Virginia, ~~and~~ the Virginia Museum of Fine Arts, *and the Virginia Transportation Museum* shall neither be taken into consideration in nor used to reduce state appropriations or payments and shall be used in accordance with the wishes of the donors of such funds to strengthen the services rendered by these institutions to the people of the Commonwealth.

*Article 8.**Virginia Museum of Transportation.***§ 23.1-3229. Virginia Museum of Transportation established.**

The Virginia Museum of Transportation (the Museum) is established as a state agency and educational institution for the dissemination of education concerning the Commonwealth's transportation history. The exercise by the Museum of the powers conferred by this article is the performance of an essential governmental function.

§ 23.1-3230. Board of trustees.

A. *The Museum shall be administered by a board of trustees (the board) consisting of 15 members who shall be appointed by the Governor, subject to confirmation by the General Assembly. At least one member shall be a member of the Commonwealth Transportation Board.*

B. *Members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed.*

C. *The board shall elect a chairman, vice-chairman, and such other officers as it deems necessary. The meetings of the board shall be held at the call of the chairman or whenever the majority of the members so request. The board may appoint an executive committee consisting of at least seven members for the transaction of business in the recess of the board.*

D. *Members shall receive no compensation for their services. Members of the board shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Museum.*

§ 23.1-3231. Duties of the board.

A. *The board shall:*

1. *Establish, operate, and maintain the Museum to educate the public about the history of transportation in the Commonwealth, including the history of rail, automobiles, aviation, and transit in the Commonwealth;*

2. *Employ an executive director and such assistants as may be required and confer such duties and responsibilities as determined necessary;*

3. *Adopt a flag, seal, and other emblems for use in connection with the Museum;*

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59 4. Establish or partner with a nonprofit corporation to develop and maintain public awareness of the
60 Museum;

61 5. Receive and expend gifts, grants, and donations of any kind from whatever sources determined,
62 including donations accepted by a nonprofit corporation on behalf of the Museum;

63 6. Adopt regulations and set fees concerning the use and visitation of properties under its control;

64 7. With the consent of the Governor, acquire by purchase, lease, gift, devise, or condemnation
65 proceedings lands, property, and structures deemed necessary for the purpose of the Museum. The title
66 to such acquired land and property shall be in the name of the Commonwealth. In the exercise of the
67 power of eminent domain granted under this section, the Museum may proceed in the manner provided
68 by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1;

69 8. Convey by lease land and structures to any person, association, firm, or corporation, with the
70 consent of the Governor, for such terms and on such conditions as the Museum may determine; and

71 9. Enter into contracts to further the purpose of the Museum.

72 B. Donations to the Museum of any funds, securities, and any other property, real or personal, for
73 use in accordance with its purpose and mission shall constitute endowments or unrestricted gifts for the
74 purposes of § 23.1-101. The board may change the form of investment of any such funds, securities, or
75 other property, real or personal, if the change in such form is not inconsistent with the terms of the
76 instrument under which such property was acquired and may sell, grant, or convey any such property,
77 except that any transfers of real property shall be made only with the consent of the Governor.

78 **§ 23.1-3232. Annual report.**

79 The board shall submit an annual report to the Governor and General Assembly on or before
80 November 1 of each year. Such report shall be submitted as a report document as provided in the
81 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
82 and reports and shall be posted on the General Assembly's website. Such report shall contain, at a
83 minimum, the annual financial statements of the Museum for the fiscal year ending the preceding June
84 30.

85 2. That the board of trustees of the Virginia Museum of Transportation, created by this act, may
86 enter into an agreement with an existing nonprofit corporation for operation of the museum,
87 including to purchase, lease, or borrow any real property or assets of the nonprofit related to the
88 history of transportation in the Commonwealth.