

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 367

An Act to amend the Code of Virginia by adding in Title 23 a chapter numbered 18.1, consisting of sections numbered 23-253.1 through 23-253.7, and to repeal Chapter 9 (§§ 9-78 through 9-84) of Title 9 of the Code of Virginia, relating to the Virginia Museum of Fine Arts.

[H 1766]

Approved March 15, 1997

Be it enacted by the General Assembly of Virginia:

- 1. That the Code of Virginia is amended by adding in Title 23 a chapter numbered 18.1, consisting of sections numbered 23-253.1 through 23-253.7 as follows:**

CHAPTER 18.1.

VIRGINIA MUSEUM OF FINE ARTS.

§ 23-253.1. Membership of board of trustees; quorum.

The management and control of the Virginia Museum of Fine Arts, hereinafter in this chapter called the "Museum," together with the building, contents, furnishings, grounds and other properties thereof shall be vested in a board of trustees composed of the following persons: (i) ex officio members: the Governor and Lieutenant Governor of Virginia, the Speaker of the House of Delegates and the mayor of the City of Richmond; and (ii) regular members: the trustees who are in office on June 27, 1958, and their successors from time to time, consisting of not less than twenty-five persons and not more than thirty-five persons. The term of office of all regular members who are in office on June 27, 1958, shall continue until June 30, 1963, and shall expire at that time. All successors from time to time, whether for a full term or for the remainder of an unexpired term, shall be appointed and commissioned by the Governor, upon the nomination of the trustees from the list of members of the Museum. The trustees appointed to hold office beginning on July 1, 1963, shall be divided as nearly as may be, into five equal groups, their terms of office to expire, respectively, one, two, three, four and five years thereafter. All trustees subsequently appointed shall hold office for a term of five years unless appointed for the remainder of an unexpired term. No person shall be eligible to serve consecutively for more than two successive complete terms. Nine trustees shall constitute a quorum at any meeting and a majority vote of those present shall control in all matters.

§ 23-253.2. Bylaws; president of Museum.

Such trustees shall adopt bylaws governing their organization and procedure and may from time to time alter and amend the same. The trustees shall elect one of their members president of the Museum.

§ 23-253.3. Executive committee.

Such trustees may also provide for an executive committee, composed of not less than three trustees, which committee may exercise powers vested in and perform duties imposed upon the trustees by this chapter to the extent designated and permitted by the trustees.

§ 23-253.4. Authority of trustees generally.

Such trustees are vested with full authority to: (i) manage, control, maintain and operate the Museum, including the contents, furnishings, grounds funds, property and endowments thereof; (ii) charge for admission to the Museum if deemed proper; (iii) employ such persons as may be necessary to manage, control, maintain and operate the same; (iv) suspend or remove at pleasure any person so employed; (v) determine what paintings, statuary and works of art may be kept, housed or exhibited in the Museum; (vi) acquire by purchase, gift, loan or otherwise paintings, statuary and works of art and to exchange or sell the same if not inconsistent with the terms of the purchase, gift, loan or other acquisition thereof; (vii) enter into agreements with organizations interested in art; (viii) adopt a seal; (ix) stimulate and assist in the formation of new organizations; (x) do such other things as they deem proper to promote education in the realm of art throughout the Commonwealth through the Museum, which is hereby constituted and declared an educational institution, an institution of learning, and a public body and instrumentality for the dissemination of education; and (xi) receive and administer on behalf of the Commonwealth gifts, bequests and devises of real and personal property for the endowment of the Museum or for any special purpose designated by the donor.

The trustees are hereby authorized to change the form of investment of any funds, securities or other property, real or personal, provided the same are not inconsistent with the terms of the instrument under which the same was acquired. The trustees may sell, grant and convey any such property, but, in the case of real property, only by and with the written consent of the Governor. The trustees may from time to time confer the honorary degree of patron of arts on any person who has, in their opinion, made an outstanding contribution in the realm of art, but not more than two such degrees shall be conferred in any calendar year.

Nothing in this section shall be construed to prohibit the assessment and levying of a service charge

pursuant to the provisions of Chapter 34 (§ 58.1-3400 et seq.) of Title 58.1.

The exercise by the Museum of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function.

§ 23-253.5. Classes of membership; testamentary disposition.

Such trustees are vested with full authority to establish classes of membership in the Museum under such regulations as to them may seem proper. All members making a contribution of \$1,000 or more prior to June 27, 1958, may dispose of their membership by last will and testament.

§ 23-253.6. Authority of Art and Architectural Review Board.

The Art and Architectural Review Board shall have no power or authority to control, manage or supervise in any way the trustees in the exercise of the powers and the performance of the duties provided for in this chapter except that in the matter of additions, repairs and alterations of the Museum itself the Art and Architectural Review Board shall continue to exercise the powers now conferred by law, which powers are specifically reserved to the Board.

§ 23-253.7. Expenditures for current expenses; annual report.

All money received by the Museum for current expenses in conducting the Museum shall be paid into the treasury of Virginia, where it shall be set aside as a special fund for the operation of the Museum, for which purpose such money is hereby appropriated, to be paid by the State Treasurer on warrants of the Comptroller issued upon vouchers signed by the president of the Museum or his duly authorized agent. The Museum shall be deemed to be an institution of higher education within the meaning of §§ 23-3.1 and 23-9.2.

The Board of Trustees shall submit an annual report to the Governor and General Assembly on or before November 1 of each year, such report to contain, at a minimum, the annual financial statements of the Museum for the year ending the preceding June 30. The annual report shall be distributed in accordance with the provisions of § 2.1-467.

2. That Chapter 9 (§§ 9-78 through 9-84) of Title 9 of the Code of Virginia is repealed.