

VIRGINIA ACTS OF ASSEMBLY -- 1998 RECONVENED SESSION

CHAPTER 786

An Act to amend the Code of Virginia by adding in Title 23 a chapter numbered 23, consisting of sections numbered 23-287 through 23-290, and to repeal Chapter 12 (§§ 9-96 through 9-99) of Title 9, relating to the Jamestown-Yorktown Foundation; penalty.

[S 382]

Approved April 22, 1998

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 23, consisting of sections numbered 23-287 through 23-290, as follows:

CHAPTER 23.

JAMESTOWN-YORKTOWN FOUNDATION.

§ 23-287. *Jamestown-Yorktown Foundation continued; Board of Trustees, officers and executive committee.*

The Jamestown-Yorktown Foundation, hereinafter referred to as the Foundation, is hereby continued and shall be deemed to be an institution of higher education within the meaning of §§ 23-3.1 and 23-9.2. The Foundation shall be administered by the Board of Trustees consisting of the following ex officio trustees: the Governor, Lieutenant Governor, Attorney General, Speaker of the House of Delegates, President Pro Tempore of the Senate, Co-Chairmen of the House Appropriations Committee, Co-Chairs of the Senate Finance Committee, and the Secretary of Education. In addition, there shall be twelve members appointed by the Governor from the Commonwealth at large for four-year terms who shall be subject to confirmation by a majority of the members of each house of the General Assembly; eight members appointed by the Speaker of the House of Delegates from the membership thereof for terms concurrent with the terms for which they have been elected to office; four members appointed by the Committee on Privileges and Elections of the Senate from the membership of the Senate for terms concurrent with the term for which they have been elected to office; and four members annually elected by the Board of Trustees, some of whom may be nonresidents of the Commonwealth. Nonresident members of the Board of Trustees shall serve at no expense to the Commonwealth. Appointments to fill vacancies shall be for the unexpired terms. The Board of Trustees shall elect a chairman, vice-chairman and such other officers as are deemed necessary and, in addition to the chairman and vice-chairman, elect seven or more of its members to constitute an executive committee. Resident members of the Board of Trustees shall be reimbursed for actual expenses of attending its meetings and shall receive compensation at the per diem rate established for members of the General Assembly.

The Foundation is an educational institution and has the further responsibility to administer certain historical museums and such related programs as may be established as defined from time to time.

§ 23-288. *Powers and duties.*

The Foundation shall have the power and duty to:

1. Do all things necessary and proper to further an appreciation of the contributions of the first permanent English-speaking settlers and their American Indian neighbors of Virginia and the United States to the building of our Commonwealth and nation, to commemorate the winning of American independence on the battlefield at Yorktown, and to enhance our understanding of the making of the United States Constitution and Bill of Rights, including Virginia's role in shaping the fundamental principles of the American constitutional system.

2. Administer, develop and maintain at Jamestown and Yorktown permanent commemorative shrines and historical museums.

3. Adopt names, flags, seals and other emblems for use in connection with such shrines and to copyright the same in the name of the Commonwealth.

4. Enter into contracts to further the purposes of the Foundation, which have been approved by the Attorney General.

5. Establish a nonprofit corporation as an instrumentality to assist in the details of administering the affairs of the Foundation.

6. With the consent of the Governor, acquire lands, property and structures deemed necessary for the purposes of the Foundation by purchase, lease, gift, devise or condemnation proceedings. The title to the land and property acquired shall be in the name of the Commonwealth. In the exercise of the power of eminent domain granted under this section, the Foundation may proceed in the manner provided by law for the Commonwealth Transportation Commissioner in §§ 33.1-89 through 33.1-132.

7. With the consent of the Governor, convey, by lease, land to any person, association, firm or corporation for such term and on such conditions as the Foundation may determine.

8. Receive and expend gifts, grants and donations from whatever source derived for the purposes of

the Foundation.

9. Employ an executive director and such deputies and assistants as may be required.

§ 23-289. Authority to adopt regulations as to use and visitation of properties.

A. The Board of Trustees, or the executive committee thereof, of the Foundation may adopt such regulations from time to time, concerning the use and visitation of properties under the control of the Jamestown-Yorktown Foundation, to protect or secure such properties and the public enjoyment thereof.

B. Any person, who knowingly violates a regulation of the Foundation may be requested by an agent or employee of the Foundation to leave the property and upon the failure of such person so to do, shall be guilty of a trespass, as provided in § 18.2-119.

§ 23-290. Authority to contract debts and obligations payable from revenues.

The Foundation, acting by and through the corporation authorized by § 23-288, may contract debts and obligations to the extent of its anticipated revenues. Such debts and obligations shall be paid only from the revenues of the Foundation.

2. That Chapter 12 (§§ 9-96 through 9-99) of Title 9 of the Code of Virginia is repealed.

3. That the provisions of this act shall not require the reappointment of the Board of Trustees of the Jamestown-Yorktown Foundation, and current members of the Board may continue to serve until the expiration of their terms.