

VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 356

An Act to amend and reenact § 23-288 of the Code of Virginia and to repeal § 23-290.1 of the Code of Virginia, relating to the Jamestown-Yorktown Foundation.

[S 1139]

Approved March 22, 2011

Be it enacted by the General Assembly of Virginia:

1. That § 23-288 of the Code of Virginia is amended and reenacted as follows:

§ 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~~ *foster through its living-history museums, Jamestown Settlement and Yorktown Victory Center, an awareness and understanding of the early history, settlement, and development of the United States through the convergence of American Indian, European, and African cultures and the enduring legacies bequeathed to the nation; to commemorate Jamestown as the first permanent English-speaking settlers and their American Indian neighbors of Virginia and settlement in the United States and its contributions 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 nonprofit corporations as instrumentalities to assist in 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 Chapter 3 (§ 25.1-300 et seq.) of Title 25.1.

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.

10. ~~To elect~~ *Elect* any past chairman of the Board of Trustees to the honorary position of Chairman Emeritus. Chairmen emeriti shall serve as honorary members for life. Chairmen emeriti shall be elected in addition to the at-large positions defined in § 23-287.

11. With the consent of the Governor, ~~to~~ enter into agreements or contracts with private entities for the promotion of tourism through marketing without competitive sealed bidding or competitive negotiation provided a demonstrable cost savings, as reviewed by the Secretary of Education, can be realized by the Foundation and such agreements or contracts are based on competitive principles.

12. ~~To determine~~ *Determine* what paintings, statuary, works of art, manuscripts, and artifacts may be acquired by purchase, gift, or loan, and ~~to~~ exchange or sell the same if not inconsistent with the terms of such purchase, gift, loan, or other acquisition.

13. ~~To change~~ *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 were acquired, and ~~to~~ sell, grant, or convey any such property, except that any transfers of real property may be made only with the consent of the Governor.

2. That § 23-290.1 of the Code of Virginia is repealed.