

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 8.01-40, 8.01-44.5, 8.01-622.1, 38.2-1501, 38.2-1603, 38.2-1701,
 2 46.2-1527.5, 46.2-1527.10, 51.5-46, 54.1-1123, and 54.1-2116 of the Code of Virginia, relating
 3 to punitive damages.

4 **Be it enacted by the General Assembly of Virginia:**

5 **1. That §§ 8.01-40, 8.01-44.5, 8.01-622.1, 38.2-1501, 38.2-1603, 38.2-1701, 46.2-1527.5, 46.2-1527.10,**
 6 **51.5-46, 54.1-1123, and 54.1-2116 of the Code of Virginia are amended and reenacted as follows:**

7 **§ 8.01-40. Unauthorized use of name or picture of any person; punitive damages; statute of**
 8 **limitations.**

9 A. Any person whose name, portrait, or picture is used without having first obtained the written
 10 consent of such person, or if dead, of the surviving consort and if none, of the next of kin, or if a minor,
 11 the written consent of his or her parent or guardian, for advertising purposes or for the purposes of trade,
 12 such persons may maintain a suit in equity against the person, firm, or corporation so using such
 13 person's name, portrait, or picture to prevent and restrain the use thereof; and may also sue and recover
 14 damages for any injuries sustained by reason of such use. And if the defendant shall have knowingly
 15 used such person's name, portrait or picture in such manner as is forbidden or declared to be unlawful by
 16 this chapter, the jury, in its discretion, may award ~~exemplary punitive~~ damages.

17 B. No action shall be commenced under this section more than ~~twenty~~ 20 years after the death of
 18 such person.

19 **§ 8.01-44.5. Punitive damages for persons injured by intoxicated drivers.**

20 In any action for personal injury or death arising from the operation of a motor vehicle, engine or
 21 train, the finder of fact may, in its discretion, award ~~exemplary punitive~~ damages to the plaintiff if the
 22 evidence proves that the defendant acted with malice toward the plaintiff or the defendant's conduct was
 23 so willful or wanton as to show a conscious disregard for the rights of others.

24 A defendant's conduct shall be deemed sufficiently willful or wanton as to show a conscious
 25 disregard for the rights of others when the evidence proves that (i) when the incident causing the injury

26 or death occurred, the defendant had a blood alcohol concentration of 0.15 percent or more by weight by
27 volume or 0.15 grams or more per 210 liters of breath; (ii) at the time the defendant began drinking
28 alcohol, or during the time he was drinking alcohol, he knew or should have known that his ability to
29 operate a motor vehicle, engine or train would be impaired, or when he was operating a motor vehicle he
30 knew or should have known that his ability to operate a motor vehicle was impaired; and (iii) the
31 defendant's intoxication was a proximate cause of the injury to or death of the plaintiff. For the purposes
32 of clause (i), it shall be rebuttably presumed that the blood alcohol concentration at the time of the
33 incident causing injury or death was at least as high as the test result as shown in a certificate issued
34 pursuant to § 18.2-268.9 or in a certificate of analysis for a blood test administered pursuant to § 18.2-
35 268.7, provided that the test was administered within three hours of the incident causing injury or death.
36 In addition to any other forms of proof, a party may submit a copy of a certificate issued pursuant to §
37 18.2-268.9 or a certificate of analysis for a blood test administered pursuant to § 18.2-268.7, which shall
38 be prima facie evidence of the facts contained therein.

39 However, when a defendant has unreasonably refused to submit to a test of his blood alcohol
40 content as required by § 18.2-268.2, a defendant's conduct shall be deemed sufficiently willful or
41 wanton as to show a conscious disregard for the rights of others when the evidence proves that (a) when
42 the incident causing the injury or death occurred the defendant was intoxicated, which may be
43 established by evidence concerning the conduct or condition of the defendant; (b) at the time the
44 defendant began drinking alcohol, or during the time he was drinking alcohol, he knew or should have
45 known that his ability to operate a motor vehicle was impaired; and (c) the defendant's intoxication was
46 a proximate cause of the injury to the plaintiff or death of the plaintiff's decedent. In addition to any
47 other forms of proof, a party may submit a certified copy of a court's determination of unreasonable
48 refusal pursuant to § 18.2-268.3, which shall be prima facie evidence that the defendant unreasonably
49 refused to submit to the test.

50 **§ 8.01-622.1. Injunction against assisted suicide; damages; professional sanctions.**

51 A. Any person who knowingly and intentionally, with the purpose of assisting another person to
52 commit or attempt to commit suicide, (i) provides the physical means by which another person commits

53 or attempts to commit suicide or (ii) participates in a physical act by which another person commits or
54 attempts to commit suicide shall be liable for damages as provided in this section and may be enjoined
55 from such acts.

56 B. A cause of action for injunctive relief against any person who is reasonably expected to assist
57 or attempt to assist a suicide may be maintained by any person who is the spouse, parent, child, sibling
58 or guardian of, or a current or former licensed health care provider of, the person who would commit
59 suicide; by ~~a Commonwealth's~~ an attorney for the Commonwealth with appropriate jurisdiction; or by
60 the Attorney General. The injunction shall prevent the person from assisting any suicide in the
61 Commonwealth.

62 C. A spouse, parent, child or sibling of a person who commits or attempts to commit suicide may
63 recover compensatory and ~~exemplary punitive~~ damages in a civil action from any person who provided
64 the physical means for the suicide or attempted suicide or who participated in a physical act by which
65 the other person committed or attempted to commit suicide.

66 D. A licensed health care provider who assists or attempts to assist a suicide shall be considered
67 to have engaged in unprofessional conduct for which his certificate or license to provide health care
68 services in the Commonwealth shall be suspended or revoked by the licensing authority.

69 E. Nothing in this section shall be construed to limit or conflict with § 54.1-2971.01 or the
70 Health Care Decisions Act (§ 54.1-2981 et seq.). This section shall not apply to a licensed health care
71 provider who (i) administers, prescribes or dispenses medications or procedures to relieve another
72 person's pain or discomfort and without intent to cause death, even if the medication or procedure may
73 hasten or increase the risk of death, or (ii) withholds or withdraws life-prolonging procedures as defined
74 in § 54.1-2982. This section shall not apply to any person who properly administers a legally prescribed
75 medication without intent to cause death, even if the medication may hasten or increase the risk of death.

76 F. For purposes of this section:

77 "Licensed health care provider" means a physician, surgeon, podiatrist, osteopath, osteopathic
78 physician and surgeon, physician assistant, nurse, dentist or pharmacist licensed under the laws of this
79 Commonwealth.

80 "Suicide" means the act or instance of taking one's own life voluntarily and intentionally.

81 **§ 38.2-1501. Definitions.**

82 As used in this chapter:

83 "Actual direct compensatory damages" does not include punitive ~~or exemplary~~ damages,
84 damages for lost profit or lost opportunity, or damages for pain and suffering, but does include normal
85 and reasonable costs of cover or other reasonable measures of damages utilized in the derivatives,
86 securities, or other market for the contract and agreement claims.

87 "Association" means the Virginia Property and Casualty Insurance Guaranty Association created
88 by Chapter 16 ~~of this title~~ ([§ 38.2-1600 et seq.](#)) or the Virginia Life, Accident and Sickness Insurance
89 Guaranty Association created by Chapter 17 ~~of this title~~ ([§ 38.2-1700 et seq.](#)) or any person performing
90 a similar function in another state.

91 "Commodity contract" means:

92 1. A contract for the purchase or sale of a commodity for future delivery on, or subject to the
93 rules of, a board of trade or contract market under the Commodity Exchange Act (7 U.S.C. § 1 et seq.)
94 or a board of trade outside the United States;

95 2. An agreement that is subject to regulation under § 19 of the Commodity Exchange Act (7
96 U.S.C. § 1 et seq.) and that is commonly known to the commodities trade as a margin account, margin
97 contract, leverage account, or leverage contract;

98 3. An agreement or transaction that is subject to regulation under § 4c(b) of the Commodity
99 Exchange Act (7 U.S.C. § 1 et seq.) and that is commonly known to the commodities trade as a
100 commodity option;

101 4. Any combination of the agreements or transactions referred to in this definition; or

102 5. Any option to enter into an agreement or transaction referred to in this definition.

103 "Contractual right" as used in § 38.2-1522 includes any right set forth in a rule or bylaw of a
104 derivatives clearing organization as defined in the Commodity Exchange Act, a multilateral clearing
105 organization as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991, a
106 national securities exchange, a national securities association, a securities clearing agency, a contract

107 market designated under the Commodity Exchange Act, a derivatives transaction execution facility
108 registered under the Commodities Exchange Act, or a board of trade as defined in the Commodity
109 Exchange Act, or in a resolution of the governing board thereof and any right, whether or not evidenced
110 in writing, arising under statutory or common law, under law merchant, or by reason of normal business
111 practice.

112 "Delinquency proceeding" means any proceeding commenced against an insurance company for
113 the purpose of liquidating, rehabilitating, reorganizing, or conserving an insurer.

114 "Forward contract," "repurchase agreement," "securities contract," and "swap agreement" have
115 the meanings set forth with respect thereto in 12 U.S.C. § 1821(e)(8)(D), as amended.

116 "Insolvent" means (i) the condition of an insurer that has liabilities in excess of assets or (ii) the
117 inability of an insurer to pay its obligations as they become due in the usual course of business.

118 "Netting agreement" means:

119 1. A contract or agreement, including terms and conditions incorporated by reference in it,
120 including a master agreement, which master agreement, together with all schedules, confirmations,
121 definitions, and addenda to it and transactions under any of them, shall be treated as one netting
122 agreement, that documents one or more transactions between the parties to the agreement for or
123 involving one or more qualified financial contracts and that provides for the netting, liquidation, setoff,
124 termination, acceleration, or close-out, under or in connection with one or more qualified financial
125 contracts or present or future payment or delivery obligations or payment or delivery entitlements under
126 it, including liquidation or close-out values relating to those obligations or entitlements, among the
127 parties to the netting agreement;

128 2. Any master agreement or bridge agreement for one or more master agreements described in
129 subdivision 1 of this definition; or

130 3. Any security agreement or arrangement or other credit enhancement or guarantee or
131 reimbursement obligation related to any contract or agreement described in subdivision 1 or 2 of this
132 definition, provided that any contract or agreement described in subdivision 1 or 2 of this definition
133 relating to agreements or transactions that are not qualified financial contracts shall be deemed to be a

134 netting agreement only with respect to those agreements or transactions that are qualified financial
135 contracts.

136 "Qualified financial contract" means any commodity contract, forward contract, repurchase
137 agreement, securities contract, swap agreement, or any similar agreement that the Commission
138 determines to be a qualified financial contract for the purposes of this chapter.

139 "Receiver" means the Commission or any person appointed to manage delinquency proceedings.

140 **§ 38.2-1603. Definitions.**

141 As used in this chapter:

142 "Account" means any one of the three accounts created by § 38.2-1604.

143 "Affiliate" means a person who directly, or indirectly, through one or more intermediaries,
144 controls, is controlled by, or is under common control with an insolvent insurer on December 31 of the
145 year next preceding the date the insurer becomes an insolvent insurer.

146 "Association" means the Virginia Property and Casualty Insurance Guaranty Association created
147 under § 38.2-1604.

148 "Claimant" means any insured making a first party claim or any person instituting a liability
149 claim; provided that no person who is an affiliate of the insolvent insurer may be a claimant.

150 "Control" means the possession, direct or indirect, of the power to direct or cause the direction of
151 the management and policies of a person, whether through the ownership of voting securities, by
152 contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless
153 the power is the result of an official position with or corporate office held by the person. Control shall be
154 presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or
155 holds proxies representing, ~~ten~~ 10 percent or more of the voting securities of any other person. This
156 presumption may be rebutted by a showing that control does not exist in fact.

157 "Covered claim" means an unpaid claim, including one for unearned premiums, submitted by a
158 claimant, that (i) arises out of and is within the coverage and is subject to the applicable limits of a
159 policy covered by this chapter and issued by an insurer who has been declared to be an insolvent insurer
160 or (ii) arises out of and is within the coverage and is subject to the applicable limits of a policy that

161 would not be excluded from the coverage of this chapter under the provisions of § 38.2-1601 if it were a
162 policy of direct insurance and that has been assumed as a direct obligation by an insurer who has been
163 declared to be an insolvent insurer, where such obligation is assumed through a merger or acquisition, or
164 pursuant to an acquisition of assets and assumption of liabilities, an assumption under the provisions of
165 subsection B or C of § 38.2-136 or a substantially similar law of another jurisdiction, or any other
166 novation agreement. The claimant or insured shall be a resident of the Commonwealth at the time of the
167 insured loss, provided that for entities other than an individual, the residence of a claimant or insured is
168 the state in which its principal place of business is located at the time of the insured loss or the property
169 from which the claim arises shall be permanently located in the Commonwealth. "Covered claim" shall
170 not include any amount awarded as punitive ~~or exemplary~~ damages or sought as a return of premium
171 under any retrospective rating plan; any amount due any reinsurer, insurer, insurance pool, or
172 underwriting association as subrogation recoveries, reinsurance recoveries, contribution,
173 indemnification, or otherwise; any amount due under any policy originally issued by a surplus lines
174 carrier or risk retention group; any obligation assumed by an insolvent insurer after the commencement
175 of any delinquency proceeding, as defined in Chapter 15 (§ 38.2-1500 et seq.) ~~of this title~~, involving the
176 insolvent insurer or the original insurer, unless it would have been a "covered claim" absent such
177 assumption; or any obligation assumed by an insolvent insurer in a transaction in which the original
178 insurer remains separately liable. An obligation owing under a contract of reinsurance shall not be
179 deemed a direct obligation for the purposes of this definition unless it shall have been assumed pursuant
180 to the provisions of subsection B or C of § 38.2-136 or a substantially similar law of another jurisdiction.
181 No claim for any amount due any reinsurer, insurer, insurance pool, or underwriting association may be
182 asserted against a person insured under a policy issued by an insolvent insurer other than to the extent
183 the claim exceeds the association obligation limitations set forth in § 38.2-1606.

184 "Insolvent insurer" means an insurer that is (i) licensed to transact the business of insurance in
185 the Commonwealth either at the time the policy was issued, when the obligation with respect to the
186 covered claim was assumed, or when the insured loss occurred and (ii) against whom an order of
187 liquidation with a finding of insolvency has been entered after July 1, 1987, by a court of competent

188 jurisdiction in the insurer's state of domicile or of the Commonwealth under the provisions of Chapter
189 15 (§ 38.2-1500 et seq.) ~~of this title~~, and which order of liquidation has not been stayed or been the
190 subject of a writ of supersedeas or other comparable order.

191 "Member insurer" means any person who (i) writes any class of insurance to which this chapter
192 applies under § 38.2-1601, including reciprocal insurance contracts, and (ii) is licensed to transact the
193 business of insurance in the Commonwealth but shall not include persons listed in subdivision 9 of §
194 38.2-1601.

195 "Net direct written premiums" means direct gross premiums written in the Commonwealth on
196 insurance policies applicable to this chapter, less return premiums and dividends paid or credited to
197 policyholders on direct business. "Net direct written premiums" does not include premiums on contracts
198 between insurers or reinsurers.

199 **§ 38.2-1701. Definitions.**

200 As used in this chapter:

201 "Account" means any one of the two accounts created under § 38.2-1702.

202 "Association" means the Virginia Life, Accident and Sickness Insurance Guaranty Association
203 created under § 38.2-1702.

204 "Authorized assessment" or the term "authorized" when used in the context of assessments
205 means that a resolution by the board of directors has been passed whereby an assessment will be called
206 immediately or in the future from member insurers for a specified amount. An assessment is authorized
207 when the resolution is passed.

208 "Benefit plan" means a specific employee, union, or association of natural persons benefit plan.

209 "Called assessment" or the term "called" when used in the context of assessments means that a
210 notice has been issued by the Association to member insurers requiring that an authorized assessment be
211 paid within the time frame set forth within the notice. An authorized assessment becomes a called
212 assessment when notice is mailed by the Association to member insurers.

213 "Contractual obligation" means an obligation under a policy or contract or certificate under a
214 group policy or contract, or portion thereof for which coverage is provided under § 38.2-1700.

215 "Covered policy" means a policy or contract or portion of a policy or contract for which
216 coverage is provided under § 38.2-1700.

217 "Extra-contractual claims" shall include, for example, claims relating to bad faith in the payment
218 of claims, punitive ~~or exemplary~~ damages, or attorney fees and costs.

219 "Impaired insurer" means a member insurer considered by the Commission to be potentially
220 unable to fulfill its contractual obligations.

221 "Insolvent insurer" means a member insurer that is placed under an order of liquidation by a
222 court of competent jurisdiction with a finding of insolvency.

223 "Member insurer" means an insurer licensed to transact in this Commonwealth any class of
224 insurance to which this chapter applies under § 38.2-1700, including an insurer whose license to transact
225 the business of insurance in the Commonwealth has been suspended, revoked, not renewed or
226 voluntarily withdrawn, but does not include cooperative nonprofit life benefit companies, health
227 maintenance organizations, mutual assessment life, accident and sickness insurance companies, burial
228 societies, fraternal benefit societies, dental and optometric services plans, and health services plans not
229 subject to this chapter pursuant to § 38.2-4213.

230 "Moody's Corporate Bond Yield Average" means the Monthly Average Corporates as published
231 by Moody's Investors Service, Inc., or any successor thereto.

232 "Owner" of a policy or contract or "policy owner" and "contract owner" means the person who is
233 identified as the legal owner under the terms of the policy or contract or who is otherwise vested with
234 legal title to the policy or contract through a valid assignment completed in accordance with the terms of
235 the policy or contract and properly recorded as the owner on the books of the insurer. The terms
236 "owner," "contract owner," and "policy owner" do not include persons with a mere beneficial interest in
237 a policy or contract.

238 "Plan sponsor" means: (i) the employer, in the case of a benefit plan established or maintained by
239 a single employer; (ii) the employee organization in the case of a benefit plan established or maintained
240 by an employee organization; or (iii) in the case of a benefit plan established or maintained by two or
241 more employers or jointly by one or more employers and one or more employee organizations, the

242 association, committee, joint board of trustees, or other similar group of representatives of the parties
243 who establish or maintain the benefit plan.

244 "Premiums" means amounts or considerations, by whatever name called, received on covered
245 policies or contracts, less any returned premiums, considerations, and deposits and less dividends and
246 experience credits. "Premiums" does not include amounts or considerations received for policies or
247 contracts or for the portions of policies or contracts for which coverage is not provided under subsection
248 C of § 38.2-1700 except that assessable premium shall not be reduced on account of subdivision C 2 of §
249 38.2-1700 relating to interest limitations and ~~subsection~~ subdivision D 2 of § 38.2-1700 relating to
250 limitations with respect to one individual, one participant, and one contract owner. "Premiums" shall not
251 include (i) premiums for coverage in excess of \$5 million on an unallocated annuity contract covered
252 under subdivision D 2 d of § 38.2-1700 or (ii) with respect to multiple nongroup policies of life
253 insurance owned by one owner, whether the policy owner is an individual, firm, corporation, or other
254 person, and whether the persons insured are officers, managers, employees or other persons, premiums
255 for coverage in excess of \$5 million with respect to these policies or contracts, regardless of the number
256 of policies or contracts held by the owner.

257 "Principal place of business" of a plan sponsor or a person other than a natural person means the
258 single state in which the natural persons who establish policy for the direction, control, and coordination
259 of the operations of the entity as a whole primarily exercise that function, determined by the Association
260 in its reasonable judgment by considering the following factors: (i) the state in which the primary
261 executive and administrative headquarters of the entity is located; (ii) the state in which the principal
262 office of the chief executive officer of the entity is located; (iii) the state in which the board of directors
263 (or similar governing person or persons) of the entity conducts the majority of its meetings; (iv) the state
264 from which the management of the overall operations of the entity is directed; and in the case of a
265 benefit plan sponsored by affiliated companies comprising a consolidated corporation, the state in which
266 the holding company or controlling affiliate has its principal place of business as determined using these
267 factors. However, in the case of a plan sponsor, if more than 50 percent of the participants in the benefit
268 plan are employed in a single state, that state shall be deemed to be the principal place of business of the

269 plan sponsor. The principal place of business of a plan sponsor described in clause (iii) of the definition
270 of plan sponsor in this section shall be deemed to be the principal place of business of the association,
271 committee, joint board of trustees, or other similar group of representatives of the parties who establish
272 or maintain the benefit plan that, in lieu of a specific or clear designation of a principal place of
273 business, shall be deemed to be the principal place of business of the employer or employee organization
274 that has the largest investment in the benefit plan in question.

275 "Receivership court" means the court in the insolvent or impaired insurer's state having
276 jurisdiction over the conservation, rehabilitation, or liquidation of the insurer.

277 "Resident" means a person to whom a contractual obligation is owed and who resides in the
278 Commonwealth on the date a member insurer becomes an impaired insurer or a court order is entered
279 that determines a member insurer to be an insolvent insurer. A person may be a resident of only one
280 state, which in the case of a person other than a natural person shall be its principal place of business.
281 Citizens of the United States that are either (i) residents of foreign countries, or (ii) residents of United
282 States possessions, territories, or protectorates that do not have an association similar to the Association,
283 shall be deemed residents of the state of domicile of the insurer that issued the policies or contracts.

284 "Structured settlement annuity" means an annuity purchased in order to fund periodic payments
285 for a plaintiff or other claimant in payment for or with respect to personal injury or sickness suffered by
286 the plaintiff or other claimant.

287 "Supplemental contract" means a written agreement entered into for the distribution of proceeds
288 under a life, health, or annuity policy or contract.

289 "Unallocated annuity contract" means an annuity contract or group annuity certificate that is not
290 issued to and owned by an individual or a trust created by an individual for the benefit of one or more
291 individuals, except to the extent of any annuity benefits guaranteed to an individual or such a trust by an
292 insurer under the contract or certificate.

293 **§ 46.2-1527.5. Limitations on recovery from Fund.**

294 The maximum claim of one judgment creditor against the Fund based on an unpaid final
295 judgment arising out of any loss or damage by reason of a claim submitted under § 46.2-1527.2 or 46.2-

296 1527.3 involving a single transaction shall be limited to \$25,000, including any amount paid from the
297 dealer's surety bond, regardless of the amount of the unpaid final judgment of one judgment creditor.
298 Effective January 1, 2013, and on January 1 of each year thereafter, the amount that may be awarded to
299 any person as a result of loss or damage to that person as provided in this section shall be increased by
300 the percentage increase over the most recently available unadjusted 12-month period in the Consumer
301 Price Index for used cars and trucks, as published by the U.S. Bureau of Labor Statistics or any
302 successor index. In the event that this index decreases over any such 12-month period, there shall be no
303 change in the amount which may be awarded.

304 The aggregate of claims against the Fund based on unpaid final judgments arising out of any loss
305 or damage by reason of a claim submitted under § 46.2-1527.3 involving more than one transaction shall
306 be limited to four times the amount that may be awarded to a single judgment creditor, regardless of the
307 total amounts of the unpaid final judgments of judgment creditors.

308 However, aggregate claims against the Fund under § 46.2-1527.2 shall be limited to the amount
309 that may be paid out of the Fund under the preceding paragraph less the amount of the dealer's bond and
310 then only after the dealer's bond has been exhausted.

311 If a claim has been made against the Fund, and the Board has reason to believe that there may be
312 additional claims against the Fund from other transactions involving the same licensee or registrant, the
313 Board may withhold any payment from the Fund involving the licensee or registrant for a period not to
314 exceed the end of the relevant license or registration period. After this period, if the aggregate of claims
315 against the licensee or registrant exceeds the aggregate amount that may be paid from the Fund under
316 this section, then such amount shall be prorated among the claimants and paid from the Fund in
317 proportion to the amounts of their unpaid final judgments against the licensee or registrant.

318 However, claims against motor vehicle dealers and salespersons participating in the Motor
319 Vehicle Transaction Recovery Fund pursuant to § 46.2-1527.2 shall be prorated when the aggregate
320 exceeds \$50,000. Claims shall be prorated only after the dealer's \$50,000 bond has been exhausted.

321 On receipt of a verified claim filed against the Fund, the Board shall forthwith notify the licensee
322 or registrant who is the subject of the unpaid judgment that a verified claim has been filed and that the

323 licensee or registrant should satisfy the judgment debt. If the judgment debt is not fully satisfied 30 days
324 following the date of the notification by the Board, the Board shall make payment from the Fund subject
325 to the other limitations contained in this article.

326 Excluded from the amount of any unpaid final judgment on which a claim against the Fund is
327 based shall be any sums representing ~~(i) interest, (ii) and~~ punitive damages, ~~and (iii) exemplary~~
328 ~~damages~~. Awards from the Fund shall be limited to reimbursement of costs paid to the dealer for all
329 charges related to the vehicle including without limitation, the sales price, taxes, insurance, and repairs;
330 other out of pocket costs related to the purchase, insuring and registration of the vehicle, and to the loss
331 of use of the vehicle by the purchaser.

332 If at any time the Fund is insufficient to fully satisfy any claims or claim filed with the Board and
333 authorized by this article, the Board shall pay such claims, claim, or portion thereof to the claimants in
334 the order that the claims were filed with the Board. However, claims by retail purchasers shall take
335 precedence over other claims.

336 **§ 46.2-1527.10. Recovery on bond.**

337 With respect to a motor vehicle dealer electing continuous bonding under § 46.2-1527.9,
338 whenever any person is awarded a final ~~judgement~~ judgment in a court of competent jurisdiction in the
339 Commonwealth against the dealer for (i) any loss or damage in connection with the purchase or lease of
340 a motor vehicle by reason of fraud practiced on him or fraudulent representation made to him by the
341 dealer or one of the dealer's salespersons acting within the scope of his employment, (ii) any loss or
342 damage by reason of the violation by the dealer or salesperson of any provision of this chapter in
343 connection with the purchase or lease of a motor vehicle, or (iii) any loss or damage resulting from a
344 breach of an extended service contract, as defined in § 59.1-435, entered into on or after July 1, 2003,
345 the ~~judgement~~ judgment creditor shall have a claim against the dealer bond for such damages as may be
346 awarded such person in final ~~judgement~~ judgment and unpaid by the dealer, and may recover such
347 unpaid damages up to but not exceeding the maximum liability of the surety as set forth in § 46.2-1527.9
348 from the surety who shall be subrogated to the rights of such person against the dealer or salesperson.
349 The liability of such surety shall be limited to actual damages and ~~attorneys'~~ attorney fees assessed

350 against the dealer or salesperson as part of the underlying ~~judgement~~ judgment but this section does not
351 authorize the award of ~~attorneys'~~ attorney fees in the underlying ~~judgement~~ judgment. The liability of
352 such surety shall not include any sums representing interest or punitive ~~or exemplary~~ damages assessed
353 against the dealer or salesperson.

354 The dealer's surety shall notify the Board when a claim is made against a dealer's bond, when a
355 claim is paid, and when the bond is cancelled. Such notification shall include the amount of claim and
356 the circumstances surrounding the claim. Notification of cancellation shall include the effective date and
357 reason for cancellation. The bond may be cancelled as to future liability by the dealer's surety upon 30
358 days' notice to the Board.

359 **§ 51.5-46. Remedies.**

360 A. Any circuit court having jurisdiction and venue pursuant to Title 8.01, on the petition of any
361 person with a disability, shall have the right to enjoin the abridgement of rights set forth in this chapter
362 and to order such affirmative equitable relief as is appropriate and to award compensatory damages and
363 to award to a prevailing party reasonable ~~attorneys'~~ attorney fees, except that a defendant shall not be
364 entitled to an award of ~~attorneys'~~ attorney fees unless the court finds that the claim was frivolous,
365 unreasonable or groundless, or brought in bad faith. Compensatory damages shall not include damages
366 for pain and suffering. Punitive ~~or exemplary~~ damages shall not be awarded.

367 B. An action may be commenced pursuant to this section any time within one year of the
368 occurrence of any violation of rights under this chapter. However, such action shall be forever barred
369 unless such claimant or his agent, attorney or representative has commenced such action or has filed by
370 registered mail a written statement of the nature of the claim with the potential defendant or defendants
371 within 180 days of the occurrence of the alleged violation. Any liability for back pay shall not accrue
372 from a date more than 180 days prior to the filing of the notice or the initial pleading in such civil action
373 and shall be limited to a total of 180 days, reduced by the amount of other earnings over the same
374 period. The petitioner shall have a duty to mitigate damages.

375 C. The relief available for violations of this chapter shall be limited to the relief set forth in this
376 section.

377 **§ 54.1-1123. Limitations upon recovery from Fund; certain actions not a bar to recovery.**

378 A. The maximum claim of one claimant against the Fund based upon an unpaid judgment arising
379 out of the improper or dishonest conduct of one regulant in connection with a single transaction
380 involving contracting, is limited to \$20,000, regardless of the amount of the unpaid judgment of the
381 claimant.

382 B. The aggregate of claims against the Fund based upon unpaid judgments arising out of the
383 improper or dishonest conduct of any one regulant involving contracting, is limited by the Board to
384 \$40,000 during any biennium. If a claim has been made against the Fund, and the Board has reason to
385 believe there may be additional claims against the Fund from other transactions involving the same
386 regulant, the Board may withhold any payment(s) from the Fund involving such regulant for a period of
387 not more than one year from the date on which the claimant is awarded in a court of competent
388 jurisdiction in the Commonwealth the final judgment on which his claim against the Fund is based.
389 After this one-year period, if the aggregate of claims against the regulant exceeds \$40,000, during a
390 biennium, \$40,000 shall be prorated by the Board among the claimants and paid from the Fund in
391 proportion to the amounts of their judgments against the regulant remaining unpaid.

392 C. Excluded from the amount of any unpaid judgment upon which a claim against the Fund is
393 based shall be any sums representing interest, or punitive ~~or exemplary~~ damages, or any amounts that do
394 not constitute actual monetary loss to the claimants. Such claim against the Fund may include court
395 costs and ~~attorneys'~~ attorney fees.

396 D. If, at any time, the amount of the Fund is insufficient to fully satisfy any claims or claim filed
397 with the Board and authorized by this Act, the Board shall pay such claims, claim, or portion thereof to
398 the claimants in the order that the claims were filed with the Board.

399 E. Failure of a claimant to comply with the provisions of subdivisions A 1 and A 2 and
400 subsection B of § 54.1-1120 and the provisions of § 54.1-1124 shall not be a bar to recovery under this
401 Act if the claimant is otherwise entitled to such recovery.

402 F. The Board shall have the authority to deny any claim which otherwise appears to meet the
403 requirements of the Act if it finds by clear and convincing evidence that the claimant has presented false
404 information or engaged in collusion to circumvent any of the requirements of the Act.

405 **§ 54.1-2116. Limitations upon recovery from fund; certain actions not a bar to recovery.**

406 A. The aggregate of claims by claimants against the fund based upon unpaid judgments arising
407 out of the improper or dishonest conduct of one regulant in connection with a single transaction
408 involving the sale, lease, or management of real property, is limited to \$50,000. If a claim has been
409 made against the fund, and the Board has reason to believe that there may be additional claims against
410 the fund arising out of the same transaction, the Board may withhold any payment(s) from the fund for a
411 period of not more than one year. After such one-year period, if the aggregate of claims arising out of
412 the same transaction exceeds \$50,000, such \$50,000 shall be prorated by the Board among the claimants
413 and paid from the fund in proportion to the amounts of their judgments against the regulant remaining
414 unpaid.

415 B. The maximum claim of one claimant against the fund based upon an unpaid judgment arising
416 out of the improper or dishonest conduct of one regulant in connection with a single transaction
417 involving the sale, lease, or management of real property, shall be limited to \$20,000, regardless of the
418 number of claimants and regardless of the amount of the unpaid judgment of the claimant.

419 C. The aggregate of claims against the fund based upon unpaid judgments arising out of the
420 improper or dishonest conduct of one regulant in connection with more than a single transaction
421 involving the sale, lease, or management of real property is limited to \$100,000 during any biennial
422 license period, the biennial periods expiring on June 30 of each even-numbered year. If a claim has been
423 made against the fund, and the Board has reason to believe that there may be additional claims against
424 the fund from other transactions involving the same regulant, the Board may withhold any payment(s)
425 from the fund involving such regulant for a period of not more than one year. After the one-year period,
426 if the aggregate of claims against the regulant exceeds \$100,000, such \$100,000 shall be prorated by the
427 Board among the claimants and paid from the fund in proportion to the amounts of their judgments
428 against the regulant remaining unpaid.

429 D. Excluded from the amount of any unpaid judgment upon which a claim against the fund is
430 based shall be any sums included in the judgment which represent interest, or punitive ~~or exemplary~~
431 damages. The claim against the fund may include court costs and ~~attorneys'~~ attorney fees.

432 E. If, at any time, the amount of the fund is insufficient to satisfy any claims, claim, or portion
433 thereof filed with the Board and authorized by the act, the Board shall, when the amount of the fund is
434 sufficient to satisfy some or all of such claims, claim, or portion thereof, pay the claimants in the order
435 that such claims were filed with the Board.

436 F. Failure of a claimant to comply with the provisions of subdivisions A 1 and 2 ~~of subsection A~~
437 of § 54.1-2114 and the provisions of § 54.1-2117 shall not be a bar to recovery under this act if the
438 claimant is otherwise entitled to such recovery.

439 #

SUMMARY

Severability. Removes severability clauses by repeal or amendment throughout the Code of Virginia pursuant to the general severability clause, § 1-243. Severability clauses currently found in the Code are inconsistent and misleading and create the assumption that other sections of the Code are not severable. Severability sections applying outside of the Code of Virginia, for example to administrative regulations and interstate compacts, are maintained.

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 2.2-2349, 9.1-920, 15.2-4617, 15.2-4715, 15.2-4814, 15.2-4919, 15.2-
2 5364, 15.2-5431, 15.2-5508, 15.2-5515, 15.2-5522, 15.2-5615, 15.2-6320, 15.2-6622, 15.2-6648,
3 15.2-7226, 15.2-7422, 18.2-374.1, 23-9.10:3, 23-30.37, 23-30.58, 33.2-1528, 33.2-1529, 38.2-
4 3407.12, 38.2-3407.15, and 64.2-741 of the Code of Virginia and to repeal §§ 5.1-176, 8.1A-105,
5 13.1-527.01, 13.1-780, 13.1-940, 13.1-1068, 18.2-76.2, 18.2-152.13, 23-38.19, 32.1-322, 33.2-
6 1824, 33.2-2222, 33.2-2920, 36-96.22, 38.2-2628, 38.2-5512, 40.1-51.18, 46.2-341.33, 50-73.74,
7 50-73.146, 53.1-95.23, 55-210.30, 55-297.1, 55-349, 55-422, 55-437, 56-265.27, 57-68, 59.1-
8 9.18, 59.1-21.18, 59.1-261, 59.1-315, 59.1-342, 59.1-428, 59.1-509.1, 60.2-710, and 64.2-807 of
9 the Code of Virginia, relating to severability.

10 **Be it enacted by the General Assembly of Virginia:**

11 **1. That §§ 2.2-2349, 9.1-920, 15.2-4617, 15.2-4715, 15.2-4814, 15.2-4919, 15.2-5364, 15.2-5431, 15.2-
12 5508, 15.2-5515, 15.2-5522, 15.2-5615, 15.2-6320, 15.2-6622, 15.2-6648, 15.2-7226, 15.2-7422, 18.2-
13 374.1, 23-9.10:3, 23-30.37, 23-30.58, 33.2-1528, 33.2-1529, 38.2-3407.12, 38.2-3407.15, and 64.2-741
14 of the Code of Virginia are amended and reenacted as follows:**

15 **§ 2.2-2349. Powers conferred additional and supplemental; liberal construction.**

16 The powers conferred by this article shall be in addition and supplemental to the powers
17 conferred by any other law. ~~The powers granted and the duties imposed in this article shall be construed~~
18 ~~to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of~~
19 ~~this article shall be adjudged unconstitutional or invalid, such adjudication shall not affect, impair, or~~
20 ~~invalidate the remaining provisions thereof, but shall be confined in its operation to the specific~~
21 ~~provisions held unconstitutional or invalid.~~ This article shall be liberally construed to effect the purposes
22 hereof.

23 **§ 9.1-920. Liberal construction.**

24 ~~The provisions of this chapter are severable, and if any of its provisions shall be declared~~
25 ~~unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not~~

26 ~~affect or impair any of the other provisions of this chapter.~~ This chapter, being necessary for the welfare
27 of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.

28 **§ 15.2-4617. Chapter to constitute complete district for acts authorized; liberal**
29 **construction.**

30 This chapter shall constitute full and complete authority for the district, without regard to the
31 provisions of any other law, for the doing of the acts and things herein authorized. ~~The provisions of this~~
32 ~~chapter are severable and if any of its provisions are declared unconstitutional or invalid by any court of~~
33 ~~competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of~~
34 ~~this chapter.~~ This chapter, being necessary for the welfare of the Commonwealth and its inhabitants,
35 shall be liberally construed to effect the purposes hereof. Any court test concerning the validity of any
36 bonds which may be issued for transportation improvements made pursuant to this chapter may be
37 determined pursuant to Article 6 (§ 15.2-2650 et seq.) of Chapter 26.

38 **§ 15.2-4715. Chapter to constitute complete district for acts authorized; liberal**
39 **construction.**

40 This chapter shall constitute full and complete authority for the district, without regard to the
41 provisions of any other law, for the doing of the acts and things herein authorized. ~~The provisions of this~~
42 ~~chapter are severable, and if any of its provisions are declared unconstitutional or invalid by any court of~~
43 ~~competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of~~
44 ~~this chapter.~~ This chapter, being necessary for the welfare of the Commonwealth and its inhabitants,
45 shall be liberally construed to effect the purposes hereof. Any court test concerning the validity of any
46 bonds which may be issued for transportation improvements made pursuant to this chapter may be
47 determined pursuant to Article 6 (§ 15.2-2650 et seq.) of Chapter 26.

48 **§ 15.2-4814. Article to constitute complete authority for district for acts authorized; liberal**
49 **construction.**

50 This article shall constitute full and complete authority for the district, without regard to the
51 provisions of any other law, for doing the acts and things herein authorized. ~~The provisions of this~~
52 ~~article are severable, and if any of its provisions are declared unconstitutional or invalid by any court of~~

53 ~~competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of~~
54 ~~this article.~~ This article, being necessary for the welfare of the Commonwealth and its inhabitants, shall
55 be liberally construed to effect the purposes hereof. Any court test concerning the validity of any bonds
56 which may be issued for transportation improvements made pursuant to this article shall be determined
57 pursuant to Article 6 (§ 15.2-2650 et seq.) of Chapter 26 of this title.

58 **§ 15.2-4919. Provisions of chapter controlling over other statutes and charters.**

59 ~~The powers granted and the duties imposed in this chapter are independent and severable. If any~~
60 ~~one or more sections, subsections, sentences, or parts of any of this chapter are adjudged~~
61 ~~unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the remaining~~
62 ~~provisions thereof, but shall be confined in its operation to the specific provisions so held~~
63 ~~unconstitutional or invalid.~~ Any provision of this chapter which is found to be in conflict with any other
64 statute or charter shall be controlling and shall supersede such other statute or charter to the extent of
65 such conflict.

66 **§ 15.2-5364. Liberal construction.**

67 ~~The provisions of this chapter are severable, and if any of its provisions shall be declared~~
68 ~~unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not~~
69 ~~affect or impair any of the other provisions of this chapter.~~ This chapter, being necessary for the welfare
70 of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.

71 **§ 15.2-5431. Provisions of chapter controlling over other statutes and charters.**

72 ~~The powers granted and the duties imposed in this chapter shall be construed to be independent~~
73 ~~and severable. If any one or more sections, subsections, sentences, or parts of any of this chapter shall be~~
74 ~~adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the~~
75 ~~remaining provisions thereof, but shall be confined in its operation to the specific provisions so held~~
76 ~~unconstitutional or invalid.~~ Any provision of this chapter which is found to be in conflict with any other
77 statute or charter shall be controlling and shall supersede such other statute or charter to the extent of
78 such conflict.

79 **§ 15.2-5508. Provisions of chapter controlling over other statutes and charters.**

80 ~~The powers granted and the duties imposed in this chapter shall be construed to be independent~~
81 ~~and severable. If any one or more sections, subsections, sentences, or parts of any of this chapter are~~
82 ~~adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the~~
83 ~~remaining provisions thereof, but shall be confined in its operation to the specific provisions so held~~
84 ~~unconstitutional or invalid.~~ Any provision of this chapter which is found to be in conflict with any other
85 statute or charter shall be controlling and shall supersede such other statute or charter to the extent of
86 such conflict.

87 **§ 15.2-5515. Provisions of chapter controlling over other statutes and charters.**

88 ~~The powers granted and the duties imposed in this chapter shall be construed to be independent~~
89 ~~and severable. If any one or more sections, subsections, sentences, or parts of any of this chapter are~~
90 ~~adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the~~
91 ~~remaining provisions thereof, but shall be confined in its operation to the specific provisions so held~~
92 ~~unconstitutional or invalid.~~ Any provision of this chapter that is found to be in conflict with any other
93 statute or charter shall be controlling and shall supersede such other statute or charter to the extent of
94 such conflict.

95 **§ 15.2-5522. Provisions of chapter controlling over other statutes and charters.**

96 ~~The powers granted and the duties imposed in this chapter are independent and severable. If any~~
97 ~~one or more sections, subsections, sentences, or parts of any of this chapter are adjudged~~
98 ~~unconstitutional or invalid, such adjudication shall not affect, impair, or invalidate the remaining~~
99 ~~provisions thereof, but shall be confined in its operation to the specific provisions so held~~
100 ~~unconstitutional or invalid.~~ Any provision of this chapter that is found to be in conflict with any other
101 statute or charter shall be controlling and shall supersede such other statute or charter to the extent of
102 such conflict.

103 **§ 15.2-5615. Chapter to constitute complete authority for acts authorized; liberal**
104 **construction.**

105 This chapter shall constitute full and complete authority, without regard to the provisions of any
106 other law, for the doing of the acts and things herein authorized. ~~The provisions of this chapter are~~

107 ~~severable, and if any of its provisions shall be declared unconstitutional or invalid by any court of~~
108 ~~competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of~~
109 ~~this chapter.~~ This chapter, being necessary for the welfare of the Commonwealth and its inhabitants,
110 shall be liberally construed to effect the purposes hereof.

111 **§ 15.2-6320. Powers conferred additional and supplemental; liberal construction.**

112 The powers conferred by this chapter shall be in addition and supplemental to the powers
113 conferred by any other law. ~~The powers granted and the duties imposed in this chapter shall be~~
114 ~~construed to be independent and severable. If any one or more sections, subsections, sentences or parts~~
115 ~~of any of this chapter shall be adjudged unconstitutional or invalid, such adjudication shall not affect,~~
116 ~~impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the~~
117 ~~specific provisions held unconstitutional or invalid.~~ This chapter shall be liberally construed to effect the
118 purposes hereof.

119 **§ 15.2-6622. Liberal construction.**

120 Neither this act nor anything contained herein is or shall be construed as a restriction or
121 limitation upon any powers that the Authority might otherwise have under any laws of the
122 Commonwealth, and this act is cumulative to any such powers. This act does and shall be construed to
123 provide a complete, additional, and alternative method for the doing of the things authorized hereby and
124 shall be regarded as supplemental and additional to powers conferred by other laws. ~~The provisions of~~
125 ~~this act are severable, and if any of its provisions shall be held unconstitutional by any court of~~
126 ~~competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of~~
127 ~~this act.~~

128 **§ 15.2-6648. Liberal construction.**

129 Neither this act nor anything contained herein is or shall be construed as a restriction or
130 limitation upon any powers that the Authority might otherwise have under any laws of the
131 Commonwealth, and this act is cumulative to any such powers. This act does and shall be construed to
132 provide a complete, additional, and alternative method for the doing of the things authorized hereby and
133 shall be regarded as supplemental and additional to powers conferred by other laws. ~~The provisions of~~

134 ~~this act are severable, and if any of its provisions shall be held unconstitutional by any court of~~
135 ~~competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of~~
136 ~~this act.~~

137 **§ 15.2-7226. Liberal construction.**

138 Neither this chapter nor anything contained herein is or shall be construed as a restriction or
139 limitation upon any powers that the Authority might otherwise have under any laws of the
140 Commonwealth, and this chapter is cumulative to any such powers; provided, however, that nothing in
141 the foregoing provision shall be deemed to have expanded the powers of the Authority to provide and
142 operate telecommunication and related services, including without limitation, cable television, internet,
143 and all other services that might be rendered by use of the Authority's fiber optic system, beyond
144 existing restrictions and limitations thereon. This chapter does and shall be construed to provide a
145 complete, additional, and alternative method for the doing of the things authorized hereby and shall be
146 regarded as supplemental and additional to powers conferred by other laws. ~~The provisions of this Act~~
147 ~~are severable, and if any of its provisions shall be invalidated by a court of competent jurisdiction, the~~
148 ~~decision of such court shall not affect or impair any of the other provisions of this chapter unless said~~
149 ~~partial invalidation makes the continued operation of the Authority economically or operationally~~
150 ~~inviably, in which case, this chapter shall be deemed invalid as a whole.~~

151 **§ 15.2-7422. Liberal construction.**

152 Neither this act nor anything contained herein is or shall be construed as a restriction or
153 limitation upon any powers that the Authority might otherwise have under any laws of the
154 Commonwealth, and this act is cumulative to any such powers. This act does and shall be construed to
155 provide a complete, additional, and alternative method for the doing of the things authorized hereby and
156 shall be regarded as supplemental and additional to powers conferred by other laws. ~~The provisions of~~
157 ~~this act are severable, and if any of its provisions shall be held unconstitutional by any court of~~
158 ~~competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of~~
159 ~~this act.~~

160 § 18.2-374.1. Production, publication, sale, financing, etc., of child pornography;
161 presumption as to age.

162 A. For purposes of this article and Article 4 (§ 18.2-362 et seq.) of this chapter, "child
163 pornography" means sexually explicit visual material which utilizes or has as a subject an identifiable
164 minor. An identifiable minor is a person who was a minor at the time the visual depiction was created,
165 adapted, or modified; or whose image as a minor was used in creating, adapting or modifying the visual
166 depiction; and who is recognizable as an actual person by the person's face, likeness, or other
167 distinguishing characteristic, such as a unique birthmark or other recognizable feature; and shall not be
168 construed to require proof of the actual identity of the identifiable minor.

169 For the purposes of this article and Article 4 (§ 18.2-362 et seq.) of this chapter, the term
170 "sexually explicit visual material" means a picture, photograph, drawing, sculpture, motion picture film,
171 digital image, including such material stored in a computer's temporary Internet cache when three or
172 more images or streaming videos are present, or similar visual representation which depicts sexual
173 bestiality, a lewd exhibition of nudity, as nudity is defined in § 18.2-390, or sexual excitement, sexual
174 conduct or sadomasochistic abuse, as also defined in § 18.2-390, or a book, magazine or pamphlet which
175 contains such a visual representation. An undeveloped photograph or similar visual material may be
176 sexually explicit material notwithstanding that processing or other acts may be required to make its
177 sexually explicit content apparent.

178 B. A person shall be guilty of production of child pornography who:

179 1. Accosts, entices or solicits a person less than 18 years of age with intent to induce or force
180 such person to perform in or be a subject of child pornography; or

181 2. Produces or makes or attempts or prepares to produce or make child pornography; or

182 3. Who knowingly takes part in or participates in the filming, photographing, or other production
183 of child pornography by any means; or

184 4. Knowingly finances or attempts or prepares to finance child pornography.

185 5. [Repealed.]

186 B1. [Repealed.]

187 C1. Any person who violates this section, when the subject of the child pornography is a child
188 less than 15 years of age, shall be punished by not less than five years nor more than 30 years in a state
189 correctional facility. However, if the person is at least seven years older than the subject of the child
190 pornography the person shall be punished by a term of imprisonment of not less than five years nor more
191 than 30 years in a state correctional facility, five years of which shall be a mandatory minimum term of
192 imprisonment. Any person who commits a second or subsequent violation of this section where the
193 person is at least seven years older than the subject shall be punished by a term of imprisonment of not
194 less than 15 years nor more than 40 years, 15 years of which shall be a mandatory minimum term of
195 imprisonment.

196 C2. Any person who violates this section, when the subject of the child pornography is a person
197 at least 15 but less than 18 years of age, shall be punished by not less than one year nor more than 20
198 years in a state correctional facility. However, if the person is at least seven years older than the subject
199 of the child pornography the person shall be punished by term of imprisonment of not less than three
200 years nor more than 30 years in a state correctional facility, three years of which shall be a mandatory
201 minimum term of imprisonment. Any person who commits a second or subsequent violation of this
202 section when he is at least seven years older than the subject shall be punished by a term of
203 imprisonment of not less than 10 years nor more than 30 years, 10 years of which shall be a mandatory
204 minimum term of imprisonment.

205 C3. The mandatory minimum terms of imprisonment prescribed for violations of this section
206 shall be served consecutively with any other sentence.

207 D. For the purposes of this section it may be inferred by text, title or appearance that a person
208 who is depicted as or presents the appearance of being less than 18 years of age in sexually explicit
209 visual material is less than 18 years of age.

210 E. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act
211 occurs or where any sexually explicit visual material associated with a violation of this section is
212 produced, reproduced, found, stored, or possessed.

213 ~~F. The provisions of this section shall be severable and, if any of its provisions shall be held~~
214 ~~unconstitutional by a court of competent jurisdiction, then the decision of such court shall not affect or~~
215 ~~impair any of the remaining provisions.~~

216 **§ 23-9.10:3. Authorization for Commonwealth or any political subdivision thereof to**
217 **contract to furnish or to obtain educational or other related services to or from certain nonprofit**
218 **institutions of higher education.**

219 A. For the purposes of this section:

220 1. "Private college" means a private, nonprofit institution of higher education in the
221 Commonwealth approved to confer degrees pursuant to Chapter 21.1 (§ 23-276.1 et seq.) of this title
222 whose primary purpose is to provide collegiate or graduate education and not to provide religious
223 training or theological education.

224 2. "Public college" means any of the institutions of higher education listed in § 23-9.5.

225 3. "Services" includes but is not limited to a program or course of study offered, or approved for
226 offer, by a private college or by a public college; use of professional personnel; use of any real or
227 personal property owned, controlled, or leased for educational or educationally related purposes by such
228 private and public colleges; a study, research or investigation or the like by employees or students or
229 both of such colleges; any other activity dealing with scientific, technological, humanistic, or other
230 educational or related subjects, or providing public service or student service activities.

231 B. The Commonwealth and any of its political subdivisions may contract to obtain or furnish
232 educational or related services from or to private colleges.

233 1. No contract for services between private colleges on the one hand and public colleges or
234 educational agencies of the Commonwealth, including but not limited to the State Board of Education,
235 on the other, shall be valid unless approved by the State Council of Higher Education.

236 2. Except as provided in paragraph B 1, contracts for services between private colleges on the
237 one hand and the Commonwealth or any of its political subdivisions on the other may be entered into in
238 any circumstances where the Commonwealth or its political subdivisions would, by virtue of law, have

239 authority to contract with private contractors for educational or related services and with public
240 institutions of higher education in Virginia.

241 C. When contracts covered by paragraph B 2 of this section are made by private colleges, such
242 colleges shall report the contracts to the State Council of Higher Education for information.

243 D. The State Council shall provide continuing evaluation of the effectiveness of such contracts,
244 whether made under paragraph B 1 or B 2 of this section, and shall make recommendations regarding
245 such contracts.

246 E. The authority to contract for educational or related services shall include authority to accept
247 gifts, donations, and matching funds to facilitate or advance programs.

248 F. Unless an appropriations act specifically provides otherwise, all appropriations shall be
249 construed to authorize contracts with private colleges for the provision of educational or related services
250 which may be the subject of or included in the appropriation. Nothing in this chapter shall be construed
251 to restrict or prohibit the use of any federal, state, or local funds made available under any federal, state,
252 or local appropriation or grant.

253 ~~G. The provisions of this section shall be severable, and if any of its provisions shall be held~~
254 ~~unconstitutional by a court of competent jurisdiction, the decision of such court shall not affect or impair~~
255 ~~any of the remaining provisions.~~

256 **§ 23-30.37. Chapter liberally construed; powers of Authority not subject to supervision by**
257 **municipalities, etc.**

258 This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be
259 liberally construed to effect the purpose thereof. ~~The provisions of this chapter are severable and if any~~
260 ~~of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of~~
261 ~~such court shall not affect or impair any of the remaining provisions of this chapter. It is hereby declared~~
262 ~~to be the legislative intent that this chapter would have been adopted had such unconstitutional~~
263 ~~provisions not been included therein.~~

264 Except as otherwise expressly provided in this chapter, none of the powers granted to the
265 Authority under the provisions of this chapter shall be subject to the supervision or regulation or require

266 the approval or consent of any municipality or political subdivision or any commission, board, bureau,
267 official or agency thereof or of the Commonwealth.

268 **§ 23-30.58. Chapter controls inconsistent laws.**

269 ~~The powers granted and the duties imposed in this chapter shall be construed to be independent~~
270 ~~and severable. If any one or more sections, subsections, sentences, or parts of any of this chapter shall be~~
271 ~~adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the~~
272 ~~remaining provisions thereof, but shall be confined in its operation to the specific provisions so held~~
273 ~~unconstitutional or invalid.~~ To the extent that the provisions of this chapter are inconsistent with the
274 provisions of any general statute or special act or parts thereof, the provisions of this chapter shall be
275 deemed controlling.

276 **§ 33.2-1528. Concession Payments Account.**

277 A. Concession payments to the Commonwealth deposited into the Transportation Trust Fund
278 pursuant to subdivision 7 of § 33.2-1524 from qualifying transportation facilities developed and/or
279 operated pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) shall be held in
280 a separate subaccount to be designated the Concession Payments Account, (the Account) together with
281 all interest, dividends, and appreciation that accrue to the Account and that are not otherwise specifically
282 directed by law or reserved by the Board for other purposes allowed by law.

283 B. The Board may make allocations from the Account upon such terms and subject to such
284 conditions as the Board deems appropriate to:

285 1. Pay or finance all or part of the costs of programs or projects, including the costs of planning,
286 operation, maintenance, and improvements incurred in connection with the acquisition and construction
287 of projects, provided that allocations from the Account shall be limited to programs and projects that are
288 reasonably related to or benefit the users of the qualifying transportation facility that was the subject of a
289 concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.). The
290 priorities of metropolitan planning organizations, planning district commissions, local governments, and
291 transportation corridors shall be considered by the Board in making project allocations from moneys in
292 the Account.

293 2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership
294 Opportunity Fund.

295 3. Pay the Board's reasonable costs and expenses incurred in the administration and management
296 of the Account.

297 C. Concession payments to the Commonwealth for a qualifying transportation facility located
298 within the boundaries of a rapid rail project for which a federal Record of Decision has been issued shall
299 be held in a subaccount separate from the Concession Payments Account together with all interest,
300 dividends, and appreciation that accrue to the subaccount. The Board may make allocations from the
301 subaccount as the Board deems appropriate to:

302 1. Pay or finance all or part of the costs of planning, design, land acquisition, and improvements
303 incurred in connection with the construction of such rapid rail project consistent with the issued federal
304 Record of Decision, as may be revised; and

305 2. Upon determination by the Board that sufficient funds are or will be available to meet the
306 schedule for construction of such rapid rail project, pay or finance all or part of the costs of planning,
307 design, land acquisition, and improvements incurred in connection with other highway and public
308 transportation projects within the corridor of the rapid rail project or within the boundaries of the
309 qualifying transportation facility. In the case of highway projects, the Board shall follow an approval
310 process generally in accordance with subsection B of § 33.2-208.

311 D. The provisions of this section shall be liberally construed to the end that its beneficial
312 purposes may be effectuated. Insofar as this provision is inconsistent with the provisions of any other
313 general, special, or local law, this provision shall be controlling.

314 ~~E. If any provision of this section or the application thereof to any person or circumstances is~~
315 ~~held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or~~
316 ~~applications of this section that can be given effect without the invalid provision or application, and to~~
317 ~~this end the provisions of this section are declared to be severable.~~

318 **§ 33.2-1529. Toll Facilities Revolving Account.**

319 A. All definitions of terms in this section shall be as set forth in the Public-Private Transportation
320 Act of 1995 (§ 33.2-1800 et seq.).

321 B. Subject to any obligations to existing bondholders, but notwithstanding §§ 2.2-1806 and 58.1-
322 13, funds deposited into the Transportation Trust Fund pursuant to subdivision 3 of § 33.2-1524 shall be
323 held in a separate subaccount to be designated the Toll Facilities Revolving Account, (the Account)
324 together with all interest, dividends, and appreciation that accrue to the Transportation Trust Fund and
325 that are not otherwise specifically directed by law or reserved by the Board in the resolution authorizing
326 issuance of bonds to finance toll facilities. In addition, any funds received from the federal government
327 or any agency or instrumentality thereof that, pursuant to federal law, may be made available, as loans or
328 otherwise, to private persons or entities for transportation purposes, hereinafter referred to as "federal
329 funds," shall be deposited in a segregated subaccount within the Account. Payments received with
330 respect to any loan made from such segregated subaccount pursuant to subdivision D 2 shall also be
331 deposited into such segregated subaccount in the Account.

332 C. User fees collected in excess of the annual debt service, operations, and maintenance expenses
333 and necessary administrative costs including any obligations to the Account and any other obligations
334 for qualifying facilities with respect to which an agency of the Commonwealth is the responsible public
335 entity shall be deposited and held in the Regional Toll Facilities Revolving Subaccount, (the Regional
336 Account), together with all interest, dividends, and appreciation for use within the metropolitan planning
337 organization region within which the facility exists. Payments received with respect to any loan made
338 from such Regional Account pursuant to subdivision D 3 shall also be deposited into the Regional
339 Account.

340 D. The Board may make allocations upon such terms and subject to such conditions as the Board
341 deems appropriate from the following funds for the following purposes:

342 1. From any funds in the Account, exclusive of those in the Regional Account, to pay or finance
343 all or part of the costs, including the cost of planning, operation, maintenance, and improvements,
344 incurred in connection with the acquisition and construction of projects financed in whole or in part as
345 toll facilities or to refinance existing toll facilities, provided that any such funds allocated from the

346 Account for a planned or operating toll facility shall be considered as an advance of funding for which
347 the Account shall be reimbursed;

348 2. From funds in the segregated subaccount in the Account into which federal funds are
349 deposited in conjunction with the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) and
350 pursuant to the terms of a comprehensive agreement between a responsible public entity and a private
351 operator as provided for in that act:

352 a. To make a loan to such operator to pay any cost of a qualifying transportation facility,
353 provided that (i) the operator's return on its investment is limited to a reasonable rate and (ii) such loan is
354 limited to a reasonable term; or

355 b. To pay the Commonwealth's or its agency's portion of costs incurred or to be incurred in
356 accordance with a comprehensive agreement with respect to a transportation facility;

357 3. From funds in the Regional Account:

358 a. To pay or finance all or part of the costs, including the cost of planning, operation,
359 maintenance, and improvements incurred in connection with the acquisition and construction of projects
360 financed in whole or in part as toll facilities or to refinance existing toll facilities, provided that (i)
361 allocations from the Regional Account shall be limited to projects located within the same metropolitan
362 planning organization region as the facility that generated the excess revenue and (ii) any such funds
363 allocated from the Regional Account for a planned or operating toll facility shall be considered as an
364 advance of funding for which the Regional Account shall be reimbursed; or

365 b. To pay the Commonwealth's, its agency's, or its political subdivision's costs incurred or to be
366 incurred in accordance with a comprehensive agreement with respect to a transportation facility within
367 the same metropolitan planning organization region as the facility that generated the excess revenue; and

368 4. From any funds in the Account or Regional Account, to pay the Board's reasonable costs and
369 expenses incurred in (i) the administration and management of the Account, (ii) its program of financing
370 or refinancing costs of toll facilities, and (iii) the making of loans and paying of costs described in
371 subdivisions 1 and 2.

372 E. The Board may transfer from the Account to the Transportation Trust Fund for allocation
373 pursuant to subsection C of § 33.2-358 any interest revenues and, subject to applicable federal
374 limitations, federal funds not committed by the Board to the purposes provided for in subsection D.

375 F. The provisions of this section shall be liberally construed to the end that its beneficial
376 purposes may be effectuated. Insofar as this provision is inconsistent with the provisions of any other
377 general, special, or local law, this provision shall be controlling.

378 ~~G. If any provision of this section or the application thereof to any person or circumstances is~~
379 ~~held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or~~
380 ~~applications of this section that can be given effect without the invalid provision or application, and to~~
381 ~~this end the provisions of this section are declared to be severable.~~

382 **§ 38.2-3407.12. Patient optional point-of-service benefit.**

383 A. As used in this section:

384 "Affiliate" shall have the meaning set forth in § 38.2-1322.

385 "Allowable charge" means the amount from which the carrier's payment to a provider for any
386 covered item or service is determined before taking into account any cost-sharing arrangement.

387 "Carrier" means:

388 1. Any insurer licensed under this title proposing to offer or issue accident and sickness
389 insurance policies which are subject to Chapter 34 (§ 38.2-3400 et seq.) or 39 (§ 38.2-3900 et seq.) of
390 this title;

391 2. Any nonstock corporation licensed under this title proposing to issue or deliver subscription
392 contracts for one or more health services plans, medical or surgical services plans or hospital services
393 plans which are subject to Chapter 42 (§ 38.2-4200 et seq.) of this title;

394 3. Any health maintenance organization licensed under this title which provides or arranges for
395 the provision of one or more health care plans which are subject to Chapter 43 (§ 38.2-4300 et seq.) of
396 this title;

397 4. Any nonstock corporation licensed under this title proposing to issue or deliver subscription
398 contracts for one or more dental or optometric services plans which are subject to Chapter 45 (§ 38.2-
399 4500 et seq.) of this title; and

400 5. Any other person licensed under this title which provides or arranges for the provision of
401 health care coverage or benefits or health care plans or provider panels which are subject to regulation as
402 the business of insurance under this title.

403 "Co-insurance" means the portion of the carrier's allowable charge for the covered item or
404 service which is not paid by the carrier and for which the enrollee is responsible.

405 "Co-payment" means the out-of-pocket charge other than co-insurance or a deductible for an
406 item or service to be paid by the enrollee to the provider towards the allowable charge as a condition of
407 the receipt of specific health care items and services.

408 "Cost sharing arrangement" means any co-insurance, co-payment, deductible or similar
409 arrangement imposed by the carrier on the enrollee as a condition to or consequence of the receipt of
410 covered items or services.

411 "Deductible" means the dollar amount of a covered item or service which the enrollee is
412 obligated to pay before benefits are payable under the carrier's policy or contract with the group contract
413 holder.

414 "Enrollee" or "member" means any individual who is enrolled in a group health benefit plan
415 provided or arranged by a health maintenance organization or other carrier. If a health maintenance
416 organization arranges or contracts for the point-of-service benefit required under this section through
417 another carrier, any enrollee selecting the point-of-service benefit shall be treated as an enrollee of that
418 other carrier when receiving covered items or services under the point-of-service benefit.

419 "Group contract holder" means any contract holder of a group health benefit plan offered or
420 arranged by a health maintenance organization or other carrier. For purposes of this section, the group
421 contract holder shall be the person to which the group agreement or contract for the group health benefit
422 plan is issued.

423 "Group health benefit plan" shall mean any health care plan, subscription contract, evidence of
424 coverage, certificate, health services plan, medical or hospital services plan, accident and sickness
425 insurance policy or certificate, or other similar certificate, policy, contract or arrangement, and any
426 endorsement or rider thereto, offered, arranged or issued by a carrier to a group contract holder to cover
427 all or a portion of the cost of enrollees (or their eligible dependents) receiving covered health care items
428 or services. Group health benefit plan does not mean (i) health care plans, contracts or policies issued in
429 the individual market; (ii) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C.
430 § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid) or
431 Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal
432 employees), 10 U.S.C. § 1071 et seq. (TRICARE) or Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state
433 employees); (iii) accident only, credit or disability insurance, or long-term care insurance, plans
434 providing only limited health care services under § 38.2-4300 (unless offered by endorsement or rider to
435 a group health benefit plan), TRICARE supplement, Medicare supplement, or workers' compensation
436 coverages; or (iv) an employee welfare benefit plan (as defined in section 3 (1) of the Employee
437 Retirement Income Security Act of 1974, 29 U.S.C. § 1002 (1)), which is self-insured or self-funded.

438 "Group specific administrative cost" means the direct administrative cost incurred by a carrier
439 related to the offer of the point-of-service benefit to a particular group contract holder.

440 "Health care plan" shall have the meaning set forth in § 38.2-4300.

441 "Person" means any individual, corporation, trust, association, partnership, limited liability
442 company, organization or other entity.

443 "Point-of-service benefit" means a health maintenance organization's delivery system or covered
444 benefits, or the delivery system or covered benefits of another carrier under contract or arrangement with
445 the health maintenance organization, which permit an enrollee (and eligible dependents) to receive
446 covered items and services outside of the provider panel, including optometrists and clinical
447 psychologists, of the health maintenance organization under the terms and conditions of the group
448 contract holder's group health benefit plan with the health maintenance organization or with another
449 carrier arranged by or under contract with the health maintenance organization and which otherwise

450 complies with this section. Without limiting the foregoing, the benefits offered or arranged by a carrier's
451 indemnity group accident and sickness policy under Chapter 34 (§ 38.2-3400 et seq.) of this title, health
452 services plan under Chapter 42 (§ 38.2-4200 et seq.) of this title or preferred provider organization plan
453 under Chapter 34 (§ 38.2-3400 et seq.) or 42 (§ 38.2-4200 et seq.) of this title which permit an enrollee
454 (and eligible dependents) to receive the full range of covered items and services outside of a provider
455 panel, including optometrists and clinical psychologists, and which are otherwise in compliance with
456 applicable law and this section shall constitute a point-of-service benefit.

457 "Preferred provider organization plan" means a health benefit program offered pursuant to a
458 preferred provider policy or contract under § 38.2-3407 or covered services offered under a preferred
459 provider subscription contract under § 38.2-4209.

460 "Provider" means any physician, hospital or other person, including optometrists and clinical
461 psychologists, that is licensed or otherwise authorized in the Commonwealth to deliver or furnish health
462 care items or services.

463 "Provider panel" means the participating providers or referral providers who have a contract,
464 agreement or arrangement with a health maintenance organization or other carrier, either directly or
465 through an intermediary, and who have agreed to provide items or services to enrollees of the health
466 maintenance organization or other carrier.

467 B. To the maximum extent permitted by applicable law, every health care plan offered or
468 proposed to be offered in the large group market in the Commonwealth by a health maintenance
469 organization licensed under this title to a group contract holder shall provide or include, or the health
470 maintenance organization shall arrange for or contract with another carrier to provide or include, a point-
471 of-service benefit to be provided or offered in conjunction with the health maintenance organization's
472 health care plan as an additional benefit for the enrollee, at the enrollee's option, individually to accept
473 or reject. In connection with its group enrollment application, every health maintenance organization
474 shall, at no additional cost to the group contract holder, make available or arrange with a carrier to make
475 available to the prospective group contract holder and to all prospective enrollees, in advance of initial
476 enrollment and in advance of each reenrollment, a notice in form and substance acceptable to the

477 Commission which accurately and completely explains to the group contract holder and prospective
478 enrollee the point-of-service benefit and permits each enrollee to make his or her election. The form of
479 notice provided in connection with any reenrollment may be the same as the approved form of notice
480 used in connection with initial enrollment and may be made available to the group contract holder and
481 prospective enrollee by the carrier in any reasonable manner.

482 C. To the extent permitted under applicable law, a health maintenance organization providing or
483 arranging, or contracting with another carrier to provide, the point-of-service benefit under this section
484 and a carrier providing the point-of-service benefit required under this section under arrangement or
485 contract with a health maintenance organization:

486 1. May not impose, or permit to be imposed, a minimum enrollee participation level on the point-
487 of-service benefit alone;

488 2. May not refuse to reimburse a provider of the type listed or referred to in § 38.2-3408 or 38.2-
489 4221 for items or services provided under the point-of-service benefit required under this section solely
490 on the basis of the license or certification of the provider to provide such items or services if the carrier
491 otherwise covers the items or services provided and the provision of the items or services is within the
492 provider's lawful scope of practice or authority; and

493 3. Shall rate and underwrite all prospective enrollees of the group contract holder as a single
494 group prior to any enrollee electing to accept or reject the point-of-service benefit.

495 D. The premium imposed by a carrier with respect to enrollees who select the point-of-service
496 benefit may be different from that imposed by the health maintenance organization with respect to
497 enrollees who do not select the point-of-service benefit. Unless a group contract holder determines
498 otherwise, any enrollee who accepts the point-of-service benefit shall be responsible for the payment of
499 any premium over the amount of the premium applicable to an enrollee who selects the coverage offered
500 by the health maintenance organization without the point-of-service benefit and for any identifiable
501 group specific administrative cost incurred directly by the carrier or any administrative cost incurred by
502 the group contract holder in offering the point-of-service benefit to the enrollee. If a carrier offers the
503 point-of-service benefit to a group contract holder where no enrollees of the group contract holder elect

504 to accept the point-of-service benefit and incurs an identifiable group specific administrative cost
505 directly as a consequence of the offering to that group contract holder, the carrier may reflect that group
506 specific administrative cost in the premium charged to other enrollees selecting the point-of-service
507 benefit under this section. Unless the group contract holder otherwise directs or authorizes the carrier in
508 writing, the carrier shall make reasonable efforts to ensure that no portion of the cost of offering or
509 arranging the point-of-service benefit shall be reflected in the premium charged by the carrier to the
510 group contract holder for a group health benefit plan without the point-of-service benefit. Any premium
511 differential and any group specific administrative cost imposed by a carrier relating to the cost of
512 offering or arranging the point-of-service benefit must be actuarially sound and supported by a sworn
513 certification of an officer of each carrier offering or arranging the point-of-service benefit filed with the
514 Commission certifying that the premiums are based on sound actuarial principles and otherwise comply
515 with this section. The certifications shall be in a form, and shall be accompanied by such supporting
516 information in a form acceptable to the Commission.

517 E. Any carrier may impose different co-insurance, co-payments, deductibles and other cost-
518 sharing arrangements for the point-of-service benefit required under this section based on whether or not
519 the item or service is provided through the provider panel of the health maintenance organization;
520 provided that, except to the extent otherwise prohibited by applicable law, any such cost-sharing
521 arrangement:

522 1. Shall not impose on the enrollee (or his or her eligible dependents, as appropriate) any co-
523 insurance percentage obligation which is payable by the enrollee which exceeds the greater of: (i) thirty
524 percent of the carrier's allowable charge for the items or services provided by the provider under the
525 point-of-service benefit or (ii) the co-insurance amount which would have been required had the covered
526 items or services been received through the provider panel;

527 2. Shall not impose on an enrollee (or his or her eligible dependents, as appropriate) a co-
528 payment or deductible which exceeds the greatest co-payment or deductible, respectively, imposed by
529 the carrier or its affiliate under one or more other group health benefit plans providing a point-of-service

530 benefit which are currently offered and actively marketed by the carrier or its affiliate in the
531 Commonwealth and are subject to regulation under this title; and

532 3. Shall not result in annual aggregate cost-sharing payments to the enrollee (or his or her
533 eligible dependents, as appropriate) which exceed the greatest annual aggregate cost-sharing payments
534 which would apply had the covered items or services been received under another group health benefit
535 plan providing a point-of-service benefit which is currently offered and actively marketed by the carrier
536 or its affiliate in the Commonwealth and which is subject to regulation under this title.

537 F. Except to the extent otherwise required under applicable law, any carrier providing the point-
538 of-service benefit required under this section may not utilize an allowable charge or basis for
539 determining the amount to be reimbursed or paid to any provider from which covered items or services
540 are received under the point-of-service benefit which is not at least as favorable to the provider as that
541 used:

542 1. By the carrier or its affiliate in calculating the reimbursement or payment to be made to
543 similarly situated providers under another group health benefit plan providing a point-of-service benefit
544 which is subject to regulation under this title and which is currently offered or arranged by the carrier or
545 its affiliate and actively marketed in the Commonwealth, if the carrier or its affiliate offers or arranges
546 another such group health benefit plan providing a point-of-service benefit in the Commonwealth; or

547 2. By the health maintenance organization in calculating the reimbursement or payment to be
548 made to similarly situated providers on its provider panel.

549 G. Except as expressly permitted in this section or required under applicable law, no carrier shall
550 impose on any person receiving or providing health care items or services under the point-of-service
551 benefit any condition or penalty designed to discourage the enrollee's selection or use of the point-of-
552 service benefit, which is not otherwise similarly imposed either: (i) on enrollees in another group health
553 benefit plan, if any, currently offered or arranged and actively marketed by the carrier or its affiliate in
554 the Commonwealth or (ii) on enrollees who receive the covered items or services from the health
555 maintenance organization's provider panel. Nothing in this section shall preclude a carrier offering or
556 arranging a point-of-service benefit from imposing on enrollees selecting the point-of-service benefit

557 reasonable utilization review, preadmission certification or precertification requirements or other
558 utilization or cost control measures which are similarly imposed on enrollees participating in one or
559 more other group health benefit plans which are subject to regulation under this title and are currently
560 offered and actively marketed by the carrier or its affiliates in the Commonwealth or which are
561 otherwise required under applicable law.

562 H. Except as expressly otherwise permitted in this section or as otherwise required under
563 applicable law, the scope of the health care items and services which are covered under the point-of-
564 service benefit required under this section shall at least include the same health care items and services
565 which would be covered if provided under the health maintenance organization's health care plan,
566 including without limitation any items or services covered under a rider or endorsement to the applicable
567 health care plan. Carriers shall be required to disclose prominently in all group health benefit plans and
568 in all marketing materials utilized with respect to such group health benefit plans that the scope of the
569 benefits provided under the point-of-service option are at least as great as those provided through the
570 HMO's health care plan for that group. Filings of point-of-service benefits submitted to the Commission
571 shall be accompanied by a certification signed by an officer of the filing carrier certifying that the scope
572 of the point-of-service benefits includes at a minimum the same health care items and services as are
573 provided under the HMO's group health care plan for that group.

574 I. Nothing in this section shall prohibit a health maintenance organization from offering or
575 arranging the point-of-service benefit (i) as a separate group health benefit plan or under a different
576 name than the health maintenance organization's group health benefit plan which does not contain the
577 point-of-service benefit or (ii) from managing a group health benefit plan under which the point-of-
578 service benefit is offered in a manner which separates or otherwise differentiates it from the group health
579 benefit plan which does not contain the point-of-service benefit.

580 J. Notwithstanding anything in this section to the contrary, to the extent permitted under
581 applicable law, no health maintenance organization shall be required to offer or arrange a point-of-
582 service benefit under this section with respect to any group health benefit plan offered to a group
583 contract holder if the health maintenance organization determines in good faith that the group contract

584 holder will be concurrently offering another group health benefit plan or a self-insured or self-funded
585 health benefit plan which allows the enrollees to access care from their provider of choice whether or
586 not the provider is a member of the health maintenance organization's panel.

587 K. This section shall apply only to group health benefit plans issued in the Commonwealth in the
588 commercial large group market by carriers regulated by this title and shall not apply to (i) health care
589 plans, contracts or policies issued in the individual or small group market; (ii) coverages issued pursuant
590 to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social
591 Security Act, 42 U.S.C. § 1396 et seq. (Medicaid) or Title XXI of the Social Security Act, 42 U.S.C. §
592 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), 10 U.S.C. § 1071 et seq.
593 (TRICARE) or Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (iii) accident only, credit
594 or disability insurance, or long-term care insurance, plans providing only limited health care services
595 under § 38.2-4300 (unless offered by endorsement or rider to a group health benefit plan), TRICARE
596 supplement, Medicare supplement, or workers' compensation coverages; (iv) an employee welfare
597 benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974, 29
598 U.S.C. § 1002 (1)), which is self-insured or self-funded; or (v) a qualified health plan when the plan is
599 offered in the Commonwealth by a health carrier through a health benefit exchange established under §
600 1311 of the federal Patient Protection and Affordable Care Act (P.L. 111-148).

601 L. Nothing in this section shall operate to limit any rights or obligations arising under § 38.2-
602 3407, 38.2-3407.7, 38.2-3407.10, 38.2-3407.11, 38.2-4209, 38.2-4209.1, 38.2-4312, or 38.2-4312.1.

603 ~~M. If any provision of this section or its application to any person or circumstance is held invalid~~
604 ~~for any reason in a court of competent jurisdiction, the invalidity shall not affect the other provisions or~~
605 ~~any other application of this section which shall be given effect without the invalid provision or~~
606 ~~application, and for this purpose the provisions of this section are declared severable.~~

607 **§ 38.2-3407.15. Ethics and fairness in carrier business practices.**

608 A. As used in this section:

609 "Carrier," "enrollee" and "provider" shall have the meanings set forth in § 38.2-3407.10;
610 however, a "carrier" shall also include any person required to be licensed under this title which offers or

611 operates a managed care health insurance plan subject to Chapter 58 (§ 38.2-5800 et seq.) of this title or
612 which provides or arranges for the provision of health care services, health plans, networks or provider
613 panels which are subject to regulation as the business of insurance under this title.

614 "Claim" means any bill, claim, or proof of loss made by or on behalf of an enrollee or a provider
615 to a carrier (or its intermediary, administrator or representative) with which the provider has a provider
616 contract for payment for health care services under any health plan; however, a "claim" shall not include
617 a request for payment of a capitation or a withhold.

618 "Clean claim" means a claim (i) that has no material defect or impropriety (including any lack of
619 any reasonably required substantiation documentation) which substantially prevents timely payment
620 from being made on the claim or (ii) with respect to which a carrier has failed timely to notify the person
621 submitting the claim of any such defect or impropriety in accordance with this section.

622 "Health care services" means items or services furnished to any individual for the purpose of
623 preventing, alleviating, curing, or healing human illness, injury or physical disability.

624 "Health plan" means any individual or group health care plan, subscription contract, evidence of
625 coverage, certificate, health services plan, medical or hospital services plan, accident and sickness
626 insurance policy or certificate, managed care health insurance plan, or other similar certificate, policy,
627 contract or arrangement, and any endorsement or rider thereto, to cover all or a portion of the cost of
628 persons receiving covered health care services, which is subject to state regulation and which is required
629 to be offered, arranged or issued in the Commonwealth by a carrier licensed under this title. Health plan
630 does not mean (i) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395
631 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid) or Title
632 XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal
633 employees), or 10 U.S.C. § 1071 et seq. (TRICARE); or (ii) accident only, credit or disability insurance,
634 long-term care insurance, TRICARE supplement, Medicare supplement, or workers' compensation
635 coverages.

636 "Provider contract" means any contract between a provider and a carrier (or a carrier's network,
637 provider panel, intermediary or representative) relating to the provision of health care services.

638 "Retroactive denial of a previously paid claim" or "retroactive denial of payment" means any
639 attempt by a carrier retroactively to collect payments already made to a provider with respect to a claim
640 by reducing other payments currently owed to the provider, by withholding or setting off against future
641 payments, or in any other manner reducing or affecting the future claim payments to the provider.

642 B. Subject to subsection H, every provider contract entered into by a carrier shall contain specific
643 provisions which shall require the carrier to adhere to and comply with the following minimum fair
644 business standards in the processing and payment of claims for health care services:

645 1. A carrier shall pay any claim within 40 days of receipt of the claim except where the
646 obligation of the carrier to pay a claim is not reasonably clear due to the existence of a reasonable basis
647 supported by specific information available for review by the person submitting the claim that:

648 a. The claim is determined by the carrier not to be a clean claim due to a good faith
649 determination or dispute regarding (i) the manner in which the claim form was completed or submitted,
650 (ii) the eligibility of a person for coverage, (iii) the responsibility of another carrier for all or part of the
651 claim, (iv) the amount of the claim or the amount currently due under the claim, (v) the benefits covered,
652 or (vi) the manner in which services were accessed or provided; or

653 b. The claim was submitted fraudulently.

654 Each carrier shall maintain a written or electronic record of the date of receipt of a claim. The
655 person submitting the claim shall be entitled to inspect such record on request and to rely on that record
656 or on any other admissible evidence as proof of the fact of receipt of the claim, including without
657 limitation electronic or facsimile confirmation of receipt of a claim.

658 2. A carrier shall, within 30 days after receipt of a claim, request electronically or in writing from
659 the person submitting the claim the information and documentation that the carrier reasonably believes
660 will be required to process and pay the claim or to determine if the claim is a clean claim. Upon receipt
661 of the additional information requested under this subsection necessary to make the original claim a
662 clean claim, a carrier shall make the payment of the claim in compliance with this section. No carrier
663 may refuse to pay a claim for health care services rendered pursuant to a provider contract which are
664 covered benefits if the carrier fails timely to notify or attempt to notify the person submitting the claim

665 of the matters identified above unless such failure was caused in material part by the person submitting
666 the claims; however, nothing herein shall preclude such a carrier from imposing a retroactive denial of
667 payment of such a claim if permitted by the provider contract unless such retroactive denial of payment
668 of the claim would violate subdivision 6 of this subsection. Nothing in this subsection shall require a
669 carrier to pay a claim which is not a clean claim.

670 3. Any interest owing or accruing on a claim under § 38.2-3407.1 or 38.2-4306.1 of this title,
671 under any provider contract or under any other applicable law, shall, if not sooner paid or required to be
672 paid, be paid, without necessity of demand, at the time the claim is paid or within 60 days thereafter.

673 4. a. Every carrier shall establish and implement reasonable policies to permit any provider with
674 which there is a provider contract (i) to confirm in advance during normal business hours by free
675 telephone or electronic means if available whether the health care services to be provided are medically
676 necessary and a covered benefit and (ii) to determine the carrier's requirements applicable to the
677 provider (or to the type of health care services which the provider has contracted to deliver under the
678 provider contract) for (a) pre-certification or authorization of coverage decisions, (b) retroactive
679 reconsideration of a certification or authorization of coverage decision or retroactive denial of a
680 previously paid claim, (c) provider-specific payment and reimbursement methodology, coding levels
681 and methodology, downcoding, and bundling of claims, and (d) other provider-specific, applicable
682 claims processing and payment matters necessary to meet the terms and conditions of the provider
683 contract, including determining whether a claim is a clean claim. If a carrier routinely, as a matter of
684 policy, bundles or downcodes claims submitted by a provider, the carrier shall clearly disclose that
685 practice in each provider contract. Further, such carrier shall either (1) disclose in its provider contracts
686 or on its website the specific bundling and downcoding policies that the carrier reasonably expects to be
687 applied to the provider or provider's services on a routine basis as a matter of policy or (2) disclose in
688 each provider contract a telephone or facsimile number or e-mail address that a provider can use to
689 request the specific bundling and downcoding policies that the carrier reasonably expects to be applied
690 to that provider or provider's services on a routine basis as a matter of policy. If such request is made by

691 or on behalf of a provider, a carrier shall provide the requesting provider with such policies within 10
692 business days following the date the request is received.

693 b. Every carrier shall make available to such providers within 10 business days of receipt of a
694 request, copies of or reasonable electronic access to all such policies which are applicable to the
695 particular provider or to particular health care services identified by the provider. In the event the
696 provision of the entire policy would violate any applicable copyright law, the carrier may instead
697 comply with this subsection by timely delivering to the provider a clear explanation of the policy as it
698 applies to the provider and to any health care services identified by the provider.

699 5. Every carrier shall pay a claim if the carrier has previously authorized the health care service
700 or has advised the provider or enrollee in advance of the provision of health care services that the health
701 care services are medically necessary and a covered benefit, unless:

702 a. The documentation for the claim provided by the person submitting the claim clearly fails to
703 support the claim as originally authorized; or

704 b. The carrier's refusal is because (i) another payor is responsible for the payment, (ii) the
705 provider has already been paid for the health care services identified on the claim, (iii) the claim was
706 submitted fraudulently or the authorization was based in whole or material part on erroneous
707 information provided to the carrier by the provider, enrollee, or other person not related to the carrier, or
708 (iv) the person receiving the health care services was not eligible to receive them on the date of service
709 and the carrier did not know, and with the exercise of reasonable care could not have known, of the
710 person's eligibility status.

711 6. No carrier may impose any retroactive denial of a previously paid claim unless the carrier has
712 provided the reason for the retroactive denial and (i) the original claim was submitted fraudulently, (ii)
713 the original claim payment was incorrect because the provider was already paid for the health care
714 services identified on the claim or the health care services identified on the claim were not delivered by
715 the provider, or (iii) the time which has elapsed since the date of the payment of the original challenged
716 claim does not exceed the lesser of (a) 12 months or (b) the number of days within which the carrier
717 requires under its provider contract that a claim be submitted by the provider following the date on

718 which a health care service is provided. Effective July 1, 2000, a carrier shall notify a provider at least
719 30 days in advance of any retroactive denial of a claim.

720 7. Notwithstanding subdivision 6 of this subsection, with respect to provider contracts entered
721 into, amended, extended, or renewed on or after July 1, 2004, no carrier shall impose any retroactive
722 denial of payment or in any other way seek recovery or refund of a previously paid claim unless the
723 carrier specifies in writing the specific claim or claims for which the retroactive denial is to be imposed
724 or the recovery or refund is sought. The written communication shall also contain an explanation of why
725 the claim is being retroactively adjusted.

726 8. No provider contract may fail to include or attach at the time it is presented to the provider for
727 execution (i) the fee schedule, reimbursement policy or statement as to the manner in which claims will
728 be calculated and paid which is applicable to the provider or to the range of health care services
729 reasonably expected to be delivered by that type of provider on a routine basis and (ii) all material
730 addenda, schedules and exhibits thereto and any policies (including those referred to in subdivision 4 of
731 this subsection) applicable to the provider or to the range of health care services reasonably expected to
732 be delivered by that type of provider under the provider contract.

733 9. No amendment to any provider contract or to any addenda, schedule, exhibit or policy thereto
734 (or new addenda, schedule, exhibit, or policy) applicable to the provider (or to the range of health care
735 services reasonably expected to be delivered by that type of provider) shall be effective as to the
736 provider, unless the provider has been provided with the applicable portion of the proposed amendment
737 (or of the proposed new addenda, schedule, exhibit, or policy) at least 60 calendar days before the
738 effective date and the provider has failed to notify the carrier within 30 calendar days of receipt of the
739 documentation of the provider's intention to terminate the provider contract at the earliest date thereafter
740 permitted under the provider contract.

741 10. In the event that the carrier's provision of a policy required to be provided under subdivision
742 8 or 9 of this subsection would violate any applicable copyright law, the carrier may instead comply
743 with this section by providing a clear, written explanation of the policy as it applies to the provider.

744 11. All carriers shall establish, in writing, their claims payment dispute mechanism and shall
745 make this information available to providers.

746 C. Without limiting the foregoing, in the processing of any payment of claims for health care
747 services rendered by providers under provider contracts and in performing under its provider contracts,
748 every carrier subject to regulation by this title shall adhere to and comply with the minimum fair
749 business standards required under subsection B, and the Commission shall have the jurisdiction to
750 determine if a carrier has violated the standards set forth in subsection B by failing to include the
751 requisite provisions in its provider contracts and shall have jurisdiction to determine if the carrier has
752 failed to implement the minimum fair business standards set out in subdivisions B 1 and B 2 in the
753 performance of its provider contracts.

754 D. No carrier shall be in violation of this section if its failure to comply with this section is
755 caused in material part by the person submitting the claim or if the carrier's compliance is rendered
756 impossible due to matters beyond the carrier's reasonable control (such as an act of God, insurrection,
757 strike, fire, or power outages) which are not caused in material part by the carrier.

758 E. Any provider who suffers loss as the result of a carrier's violation of this section or a carrier's
759 breach of any provider contract provision required by this section shall be entitled to initiate an action to
760 recover actual damages. If the trier of fact finds that the violation or breach resulted from a carrier's
761 gross negligence and willful conduct, it may increase damages to an amount not exceeding three times
762 the actual damages sustained. Notwithstanding any other provision of law to the contrary, in addition to
763 any damages awarded, such provider also may be awarded reasonable attorney's fees and court costs.
764 Each claim for payment which is paid or processed in violation of this section or with respect to which a
765 violation of this section exists shall constitute a separate violation. The Commission shall not be deemed
766 to be a "trier of fact" for purposes of this subsection.

767 F. No carrier (or its network, provider panel or intermediary) shall terminate or fail to renew the
768 employment or other contractual relationship with a provider, or any provider contract, or otherwise
769 penalize any provider, for invoking any of the provider's rights under this section or under the provider
770 contract.

771 G. This section shall apply only to carriers subject to regulation under this title.

772 H. This section shall apply with respect to provider contracts entered into, amended, extended or
773 renewed on or after July 1, 1999.

774 I. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules
775 and regulations as it may deem necessary to implement this section.

776 J. ~~If any provision of this section, or the application thereof to any person or circumstance, is~~
777 ~~held invalid or unenforceable, such determination shall not affect the provisions or applications of this~~
778 ~~section which can be given effect without the invalid or unenforceable provision or application, and to~~
779 ~~that end the provisions of this section are severable.~~

780 ~~K.~~ The Commission shall have no jurisdiction to adjudicate individual controversies arising out
781 of this section.

782 **§ 64.2-741. Powers of courts not impaired by §§ 64.2-736 through 64.2-740.**

783 Nothing in §§ 64.2-736 through 64.2-740 shall impair the power of a court of competent
784 jurisdiction with respect to any such foundation or trust, ~~and the invalidity of any one or more of such~~
785 ~~sections shall not be deemed to affect the validity of the other sections.~~

786 2. That §§ 5.1-176, 8.1A-105, 13.1-527.01, 13.1-780, 13.1-940, 13.1-1068, 18.2-76.2, 18.2-152.13, 23-
787 38.19, 32.1-322, 33.2-1824, 33.2-2222, 33.2-2920, 36-96.22, 38.2-2628, 38.2-5512, 40.1-51.18, 46.2-
788 341.33, 50-73.74, 50-73.146, 53.1-95.23, 55-210.30, 55-297.1, 55-349, 55-422, 55-437, 56-265.27, 57-
789 68, 59.1-9.18, 59.1-21.18, 59.1-261, 59.1-315, 59.1-342, 59.1-428, 59.1-509.1, 60.2-710, and 64.2-807
790 of the Code of Virginia are repealed.

791 3. That the General Assembly has determined that all severability clauses removed from the Code
792 of Virginia pursuant to this act are removed because the Code sections that they purport to make
793 severable are already severable pursuant to § 1-243 of the Code of Virginia and shall continue to
794 be severable after the passage of this act.

795 #

§ 1-243. Severability.

The provisions of acts of the General Assembly or the application thereof to any person or circumstances that are held invalid shall not affect the validity of other acts, provisions, or applications that can be given effect without the invalid provisions or applications. The provisions of all acts, except for the title of the act, are severable unless (i) the act specifically provides that its provisions are not severable; or (ii) it is apparent that two or more acts or provisions must operate in accord with one another.

Severability Sections in the Code of Virginia		
Code Section	Applies to	Recommendation
§ 1-243. Severability.	whole Code	Keep
§ 2.2-4004. Severability.	Regulations	Keep
§ 2.2-2349. Powers conferred additional and supplemental; severability; liberal construction.	Fort Monroe Authority	Amend
§ 2.2-5600. Form of compact.	Compact	Keep
§ 3.2-725. Construction and severability.	Compact	Keep
§ 3.2-3300. Southern Dairy Compact; form of compact.	Compact	Keep
§ 5.1-176. Constitutional construction.	Metropolitan Washington Airports Authority	Repeal
§ 8.1A-105. Severability.	UCC	Repeal
§ 8.01-377.1. Summary judgment.	Applies to lawsuits	Keep
§ 8.01-581.02. Proceedings to compel or stay arbitration.	Applies to arbitration	Keep
§ 9.1-920. Severability; liberal construction.	Sex Offender and Crimes Against Minors Registry Act	Amend
§ 10.1-1500. Compact entered into and enacted into law.	Southeast Interstate Low-Level Radioactive Waste Management Compact	Keep
§ 13.1-527.01. Severability clause.	Securities Act	Repeal
§ 13.1-780. Severability.	Virginia Stock Corporation Act	Repeal
§ 13.1-940. Severability.	Virginia Nonstock Corporation Act	Repeal

§ 13.1-1068. Severability.	Virginia LLC Act	Repeal
§ 15.2-2303.3. Cash proffers requested or accepted by a locality.	Applies outside of the Code	Keep
§15.2-4617. Chapter to constitute...; provisions severable; liberal construction.	Multicounty Transportation District Improvements Act	Amend - need section text
§15.2-4715. Chapter to constitute...; provisions severable; liberal construction.	Transportation Improvement District in Individual Localities	Amend - need section text
§15.2-4814. Chapter to constitute...; provisions severable; liberal	Virginia Transportation Service District Act	Amend - need section text
§ 15.2-4919. Powers, etc., severable; provisions of chapter controlling over other statutes and charters.	Industrial Development and Revenue Bond Act	Amend
§ 15.2-5364. Severability; liberal construction.	Hospital Authorities	Amend
§ 15.2-5431. Severability; provisions of chapter controlling over other statutes and charters.	Electric Authorities Act	Amend
§ 15.2-5508. Powers, etc., severable; provisions of chapter controlling over other statutes and charters.	Tourism Development Authority	Amend
§ 15.2-5515. Powers, etc., severable; provisions of chapter controlling over other statutes and charters.	Southside Virginia Tourism Development Authority	Amend
§ 15.2-5522. Powers, etc., severable; provisions of chapter controlling over other statutes and charters.	Tourism Financing Development Authority Act	Amend
§ 15.2-5615. Chapter to constitute complete authority for acts authorized; provisions severable; liberal construction.	Public Recreational Facilities Authorities Act	Amend
§ 15.2-6320. Powers conferred additional and supplemental; severability; liberal construction.	Authorities for Development of Former Federal Areas	Amend
§ 15.2-6622. Liberal construction.	Middle Peninsula Chesapeake Bay Public Access Authority Act	Amend
§ 15.2-6648. Liberal construction.	Northern Neck Chesapeake Bay Public Access Authority Act	Amend

§ 15.2-7226. Liberal construction.	BVU Authority Act	Amend
§ 15.2-7422. Liberal construction.	Eastern Shore Water Access Authority	Amend
§ 16.1-323. Governor to execute; form of compact.	Compact	Keep
§ 17.1-308. Court may sit and render final judgment en banc or in divisions; when decision becomes judgment of Court; majority must concur in declaring law unconstitutional; rehearings.	Says Court can find things unconstitutional	Keep
§ 18.2-76.2. Severability.	Crimes Against the Person	Repeal
§ 18.2-152.13. Severability.	Computer Crimes	Repeal
§ 18.2-374.1. Production, publication, sale, financing, etc., of child pornography; presumption as to age; severability.	Crimes Involving Morals and Decency; Obscenity and Related Offenses (child porn)	Amend
§ 22.1-316. Agreement entered into and enacted into law; form of agreement.	Compact - Interstate Agreement on Qualification of Educational Personnel	Keep
§ 22.1-336. Compact entered into and enacted into law; form of compact.	Compact for Education	Keep
§ 22.1-360. Interstate Compact on Educational Opportunity for Military Children.	Compact	Keep
§ 23-9.10:3. Authorization for Commonwealth or any political subdivision thereof to contract to furnish or to obtain educational or other related services to or from certain nonprofit institutions of higher education.	SCHEV	Amend
§ 23-30.37. Chapter liberally construed; provisions severable; powers of Authority not subject to supervision by municipalities, etc.	Virginia College Building Authority	Amend
§ 23-30.58. Severability; chapter controls inconsistent laws.	Educational Facilities Authority Act	Amend
§ 23-38.19. Severability.	Tuition Assistance Grant Act	Repeal

§ 29.1-530.5 Wildlife Violator Compact.	Compact	Keep
§ 30-150. Authority for minor changes to the Virginia Administrative Code.	allows Code Commission to remove severability clauses in VAC	Keep
§ 32.1-322. Severability.	Regulation of Medical Assistance	Repeal
§ 33.2-1528. Concession Payments Account.	includes severability	Amend
§ 33.2-1529. Toll Facilities Revolving Account.	includes severability	Amend
§ 33.2-1824. Severability.	PPTA	Repeal
§ 33.2-2222. Severability.	CBBT	Repeal
§ 33.2-2920. (Effective October 1, 2014) Severability.	RMTA	Repeal
§ 36-96.22. Application of chapter.	Virginia Fair Housing Law	Repeal
§ 38.2-2628. Severability.	Home Protection Companies and Home Service Contract Providers	Repeal
§ 38.2-3407.12. Patient optional point-of-service benefit.	includes severability	Amend
§ 38.2-3407.15. Ethics and fairness in carrier business practices.	Provisions Relating to Accident and Sickness Insurance	Amend
§ 38.2-5512. Severability clause.	Risk-Based Capital Act	Repeal
§ 38.2-6200. Form of Compact.	Interstate Insurance Product Regulation Compact	Keep
§ 40.1-51.18. Severability.	Boiler and Pressure Vessel Safety Act	Repeal
§ 42.1-75. Compact entered into and enacted into law.	Interstate Library Compact	Keep
§ 44-54.1. Compact enacted into law; terms.	National Guard Mutual Assistance Compact	Keep
§ 44-75.1:1. Compact enacted into law; terms.	National Guard Mutual Assistance Counterdrug Activities Compact	Keep
§ 44-146.28:1. Compact enacted into law; terms.	Emergency Management Assistance Compact	Keep
§ 45.1-271. Interstate Mining Compact.	Compact	Keep
§ 46.2-341.33. Severability and savings clause.	Licensure of Drivers; Commercial Driver's Licenses	Repeal

§ 46.2-483. Compact enacted into law; terms.	The Driver License Compact	Keep
§ 50-73.74. Severability.	Virginia Revised Uniform Limited Partnership Act	Repeal
§ 50-73.146. Severability clause.	Virginia Uniform Partnership Act	Repeal
§ 53.1-95.23. Severability.	Jail Authorities	Repeal
§ 53.1-133.10. (See Editor's note) Governor to execute; form of compact.	Compact	Keep
§ 53.1-176.2. Short title; Governor to execute; form of compact.	Compact	Keep
§ 53.1-210. Agreement entered into and enacted into law.	Agreement on Detainers; Compact	Keep
§ 53.1-216. Governor to execute; form of compact.	Compact	Keep
§ 54.1-3040. Construction and severability.	Nurse Licensure Compact	Keep
§ 55-210.30. Severability.	Disposition of Unclaimed Property; Article 4. Procedural and Administrative Matters	Repeal
§ 55-297.1. Severability.	Virginia Coordinate System	Repeal
§ 55-349. Severability.	Subdivided Land Sales Act	Repeal
§ 55-365.1. Severability of provisions of time-share instruments.	Applies outside of the Code	Keep
§ 55-422. Severability.	Virginia Self-Service Storage Act	Repeal
§ 55-437. Severability.	Virginia Real Estate Cooperative Act	Repeal
§ 55-440. Construction and validity of declaration and bylaws.	Virginia Real Estate Cooperative Act	Keep, relates to bylaws
§ 56-265.27. Severability.	Underground Utility Damage Prevention Act	Repeal
§ 57-68. Severability.	Religious and Charitable Matters; Ch. Solicitation of Contributions	Repeal
§ 58.1-422. Manufacturing companies; apportionment.	"shall not be deemed severable"	Keep
§ 58.1-439. Major business facility job tax credit.	"shall not be deemed severable"	Keep
§ 59.1-9.18. Severability.	Virginia Antitrust Act	Repeal

§ 59.1-21.18. Severability.	Virginia Petroleum Products Franchise Act	Repeal
§ 59.1-261. Severability.	Virginia Motion Picture Fair Competition Act	Repeal
§ 59.1-315. Severability.	Virginia Membership Camping Act	Repeal
§ 59.1-342. Severability.	Uniform Trade Secrets Act	Repeal
§ 59.1-394.1. Live Horseracing Compact; form of compact.	Compact	Keep
§ 59.1-428. Severability.	Virginia Public Telephone Information Act	Repeal
§ 59.1-509.1. Severability.	Uniform Computer Information Transactions Act	Repeal
§ 60.2-710. (Effective January 1, 2015; for contingent expiration dates - see notes) Severability.	If any provision of this chapter is found by the U.S. Department of Labor to be in violation of federal law, such finding shall render such provision of this chapter inoperative, but such finding shall (i) not affect, impair, or invalidate the remaining provisions of this chapter and (ii) be confined in its operation to the specific provision found to be in violation of federal law.	Repeal
§ 63.2-1000. Interstate Compact on the Placement of Children; form of compact.	Compact	Keep
§ 64.2-741. Powers of courts not impaired by §§ 642-736 through 642-740; severability.	Creation, Validity, Modification, and Termination of Trust.	Amend
§ 64.2-807. Severability clause.	Uniform Trust Code	Repeal

Organizational Outline for Proposed Title 23.1

SUBTITLE I.

GENERAL PROVISIONS AND THE STATE COUNCIL FOR HIGHER EDUCATION FOR VIRGINIA

Chapter		Definitions and general provisions. *reference to compacts?
Chapter		State Council for Higher Education for Virginia.
	Article	Membership and organization.
	Article	Powers and duties.
	Article	Regulation of certain private and out-of-state institutions.
Chapter		The Virginia Higher Education Opportunity Act of 2011.

SUBTITLE II.

STUDENTS AND CAMPUS

Chapter		General provisions
	Article	Students generally.
	Article	Student records.
Chapter		Tuition eligibility.
Chapter		Financial Assistance.
	Article	General provisions.
	Article	Institution, agency, and program-specific scholarships.
	Article	Unfunded scholarships.
	Article	Nursing scholarships.
	Article	Dental hygienist scholarships.
	Article	Community College Incentive Scholarship Program and Fund.
	Article	Two-year College Transfer Grant Program.
	Article	Tuition Assistance Grant Act.
	Article	Virginia Guaranteed Assistance Program and Fund.
	Article	Advantage Virginia Incentive Program, Foundation, and Fund.
	Article	Institutional loans.
	Article	Senior citizens.
Chapter		Virginia College Savings Plan
Chapter		Health and Campus Safety.
	Article	Student health.
	Article	Emergency management.
	Article	Campus police departments.
Chapter		Academic Policies.
	Article	Programs of instruction.
	Article	Course credit.
	Article	Articulation, transfer, and dual enrollment.
	Article	College Partnership Laboratory Schools.

SUBTITLE III.

MANAGEMENT AND FINANCING.

Chapter		Restructured Higher Edu. Financial & Administrative Operations Act.
Chapter		Institutions; bonds.
Chapter		Virginia College Building Authority.
	Article	General Provisions; membership; organization.
	Article	Powers and duties; bonds; equipment.
	Article	Educational facilities.

SUBTITLE IV.

PUBLIC INSTITUTIONS OF HIGHER EDUCATION

Chapter		Governing Boards
	Article	Membership
	Article	Powers, duties, and governance.
	Article	Reporting requirements.
	Article	Property.
Chapter		Christopher Newport University.
Chapter		George Mason University.
Chapter		James Madison University.
Chapter		Longwood University.
Chapter		University of Mary Washington.
Chapter		Norfolk State University.
Chapter		Old Dominion University.
	Article	General provisions.
	Article	Center for Graduate and Undergraduate Studies.
Chapter		Radford University.
Chapter		University of Virginia.
	Article	General provisions.
	Article	Medical Center.
	Article	University of Virginia's College at Wise.
Chapter		Virginia Commonwealth University.
	Article	General provisions.
	Article	Medical Center.
	Article	Virginia Center on Aging.
Chapter		Virginia Commonwealth University Health System Authority.
Chapter		Virginia Military Institute.
	Article	General provisions.
	Article	Cadets.
Chapter		Virginia Polytechnic and State University.
	Article	General Provisions.
	Article	Governmental Aid and Individual Donations.
	Article	Roanoke Technical Institute.
	Article	Clifton Forge-Covington Branch.

	Article	Wytheville Branch.
	Article	Nautical School.
	Article	Virginia Center for Coal and Energy Research.
	Article	Virginia Water Resources Research Center.
	Article	Virginia Center for Housing Research.
	Article	Virginia Cooperative Extension, Agricultural Experiment Station, and Virginia Truck and Ornamentals Research Station.
Chapter		Virginia State University
Chapter		College of William and Mary.
Chapter		State Board for Community Colleges and Community College System.
	Article	Definitions.
	Article	Membership and management.
	Article	Powers and duties.

SUBTITLE V.

OTHER EDUCATIONAL INSTITUTIONS

Chapter		Eastern Virginia Medical School.
Chapter		Educational authorities, boards, centers, consortia, institutes.
	Article	A.L. Philpott Manufacturing Extension Partnership.
	Article	Commonwealth Health Research Board and Fund.
	Article	Institute for Advanced Learning and Research
	Article	New College Institute.
	Article	Roanoke Higher Education Authority.
	Article	Southern Higher Virginia Education Center.
	Article	Southwest Virginia Higher Education Center.
	Article	Virginia Universities Clean Energy Development and Economic Stimulus Foundation.
	Article	Christopher Reeve Stem Cell Research Fund.
	Article	Miller School of Albemarle.
Chapter		Museums and Other Cultural Entities.
	Article	Frontier Culture Museum.
	Article	Gunston Hall.
	Article	Jamestown-Yorktown Foundation.
	Article	Science Museum of Virginia.
	Article	Virginia Museum of Fine Arts.
	Article	Virginia Commission for the Arts, Virginia Arts Foundation.

1 § 2.2-108. Removal of members of certain boards, commissions, etc.

2 A. ~~Notwithstanding any provision of law to the contrary, the Governor may remove from~~
3 ~~office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the~~
4 ~~board of any public institution of higher education or other educational institution in Virginia,~~
5 ~~and fill the vacancy resulting from the removal. Each appointment to fill a vacancy shall be~~
6 ~~subject to confirmation by the General Assembly.~~

7 B. Notwithstanding any provision of law to the contrary, the Governor may remove from
8 office for malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism,
9 conflict of interests, failure to carry out the policies of the Commonwealth as established in the
10 Constitution or by the General Assembly, or refusal to carry out a lawful directive of the
11 Governor any member of any board, commission, council or other collegial body established by
12 the General Assembly in the executive branch of state government except those boards provided
13 for in ~~subsection A~~ § 23.1-xxxx, and fill the vacancy resulting from the removal subject to
14 confirmation by the General Assembly.

15 C. The Governor shall set forth in a written public statement his reasons for removing
16 any member pursuant to this section at the time the removal occurs. The Governor shall be the
17 sole judge of the sufficiency of the cause for removal as set forth in this section.

18 **Drafting note: The provisions of existing regarding the removal of board members**
19 **from public institution of higher education or other educational institutions governing**
20 **boards § 2.2-108 are stricken and incorporated into proposed Chapter 13.**

21 CHAPTER 13.

22 GOVERNING BOARDS.

23 **Drafting note: Existing provisions that apply generally to governing boards of**
24 **public institutions of higher education are consolidated in Chapter 13.**

25 § 23.1-xxx. Boards of visitors; membership terms and removal.

26 A. Members shall serve for terms of four years. Vacancies occurring other than by
27 expiration of a term shall be filled for the unexpired term. No member shall serve for more than

28 two consecutive terms; however, a member appointed to serve an unexpired term shall be
29 eligible to serve two consecutive four-year terms. All appointments shall be subject to
30 confirmation by the General Assembly. Members shall continue to hold office until their
31 successors have been appointed and confirmed. Ex officio members shall serve a term
32 coincident with their term of office.

33 B. If any member fails to attend the meetings of the board without sufficient cause for
34 one year the remaining members of the board shall record such failure in the minutes at its next
35 meeting and notify the Governor, and the office of such member shall be vacated.

36 C. Notwithstanding subsection B or any other provision of law, the Governor may
37 remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any
38 member of the board of any public institution of higher education or other educational
39 institution in Virginia, and fill the vacancy resulting from the removal.

40 D. The Governor shall set forth in a written public statement his reasons for removing
41 any member pursuant to subsection C at the time the removal occurs. The Governor shall be the
42 sole judge of the sufficiency of the cause for removal as set forth in subsection C.

43 E. The board of visitors of each four-year public institution of higher education shall
44 adopt in its bylaws policies for (i) removing members pursuant to subsection B and (ii) making
45 recommendations to the Governor for the removal of members pursuant to subsection C.

46 **Drafting note: Existing provisions relating to the terms and removal of members of**
47 **the board of visitors of each public institution of higher education are incorporated into**
48 **proposed 23.1-xxxx (this section) with technical changes.**

49 § 23.1-xxx. Boards of visitors; powers.

50 A. The board of visitors of each four-year public institution of higher education may:

51 1. Make all necessary regulations and policies concerning the institution;

52 2. Generally direct the affairs of the institution;

53 3. Control and expend the funds of the institution;

54 4. Lease, sell, and convey its interest in any real property that it has acquired by
55 purchase, will, or deed of gift, subject to the approval of the Governor and any terms and
56 conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and
57 administered in the same manner as all other gifts and bequests;

58 5. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines,
59 and other purposes on any property owned by the institution;

60 6. Adopt regulations and institution policies for parking and traffic on property owned,
61 leased, maintained, or controlled by the institution;

62 7. Appoint the president who shall be chief executive officer of the institution;

63 8. Adopt regulations and institution policies for the employment and dismissal of
64 professors, teachers, instructors, staff members, and other employees;

65 9. Appoint professors, teachers, instructors, staff members, and other employees and fix
66 their salaries;

67 10. Adopt regulations and institution policies for the acceptance and assistance of
68 students, except that (i) individuals who have failed to meet the federal requirement to register
69 for the selective service shall not be eligible to receive any state direct student assistance, (ii) the
70 accreditation status of a public high school in the Commonwealth shall not be considered in
71 making admissions determinations for students who have earned a diploma pursuant to the
72 requirements established by the Board of Education, and (iii) the board of visitors of each four-
73 year institution shall establish policies providing for the admission of certain graduates of
74 community colleges in the Commonwealth as set forth in § 23-9.2:3.02 [23.1-xxx];

75 11. Fix the rates charged to students for tuition, fees, and other necessary charges;

76 12. Adopt regulations and institution policies for the conduct of students in attendance
77 and the rescission or restriction of financial aid, suspension, and dismissal of students who fail
78 or refuse to abide by such regulations or policies;

79 13. Establish programs, in cooperation with the Council, the Department of Criminal
80 Justice Services, and the Office of the Attorney General, to promote (i) student compliance with

81 state laws on the use of alcoholic beverages, and (ii) the awareness and prevention of sexual
82 crimes committed upon students;

83 14. Establish guidelines for the initiation or induction of students into any social
84 fraternity or sorority in accordance with § 18.2-56; and

85 15. Confer degrees.

86 CHAPTER ~~5.3~~ 14.

87 CHRISTOPHER NEWPORT UNIVERSITY.

88 **Drafting note: Existing Chapter 5.3 of Title 23 is logically reorganized as proposed**
89 **Chapters 13 and 14 of Title 23.1. Existing provisions that apply generally to governing**
90 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
91 **Existing provisions relating to the incorporation, membership and meetings, and powers**
92 **and duties of the governing board that are unique to the University are retained in**
93 **proposed Chapter 14.**

94 ~~§ 23-49.23 23.1-xxx. Board of visitors a corporation and under control of General~~
95 ~~Assembly~~ Corporate name; name of the University.

96 ~~There is hereby established a corporate body composed of the~~ A. The board of visitors of
97 Christopher Newport University (the board) shall be a corporation under the name and style of
98 "The Rector and Visitors of Christopher Newport University;" ~~hereafter referred to in this~~
99 ~~chapter as "the board" or "the board of visitors," which and~~ shall have, in addition to its other
100 powers, all the corporate powers given to corporations by the provisions of Title 13.1; ~~except in~~
101 ~~those cases where, by the express terms of the provisions thereof, it is~~ powers that are confined
102 to corporations created ~~under such title, and the board shall also have the power to accept,~~
103 ~~execute and administer any trust in which it may have an interest under the terms of the~~
104 ~~instrument creating the trust. Such corporation pursuant to Title 13.1. The board shall be subject~~
105 at all times ~~to be under~~ the control of the General Assembly.

106 B. The ~~University institution~~ shall be known as Christopher Newport University (the
107 University).

108 **Drafting note: Technical changes are made to conform the language in this section**
109 **to that of each other four-year public institution of higher education.**

110 ~~§ 23-49.24. Transfer and control of certain property in Newport News.~~

111 ~~All real estate and personal property now existing and heretofore standing in the name~~
112 ~~and under the control of the corporate body designated "The College of William and Mary" that~~
113 ~~is located in Newport News and that was heretofore exclusively used by Christopher Newport~~
114 ~~University is hereby transferred to and shall be known and taken as standing in the name and~~
115 ~~under the control of the rector and visitors of Christopher Newport University. The term~~
116 ~~"control" shall include, without limitation, management, control, operation and maintenance.~~
117 ~~Such real estate and personal property shall be the property of the Commonwealth.~~

118 **Drafting note: The provisions of existing § 23-49.24 are stricken as obsolete.**

119 ~~§ 23-49.25 23.1-xxx. Appointments of visitors generally; terms Membership.~~

120 ~~A. The board shall consist of 14 members appointed by the Governor, of whom at least~~
121 ~~six of whom shall be alumni of Christopher Newport the University.~~

122 ~~Appointments shall be for terms of four years; however, appointments to fill vacancies~~
123 ~~occurring otherwise than by expiration of terms shall be for the unexpired terms.~~

124 ~~B. All appointments of the Governor shall be subject to confirmation by the General~~
125 ~~Assembly. Members shall continue to hold office until their successors have been appointed and~~
126 ~~have qualified.~~

127 **Drafting note: Existing provisions relating to the terms and removal of members of**
128 **the board are stricken and incorporated instead into proposed Chapter 13, and technical**
129 **changes are made to conform the language to that of each other four-year public**
130 **institution of higher education.**

131 ~~§ 23-49.26. Eligibility to serve for more than two terms.~~

132 ~~No person shall be eligible to serve on the board of visitors for or during more than two~~
133 ~~successive four-year terms; but after the expiration of a term of two years or less, or after the~~

134 ~~expiration of the remainder of a term to which appointed to fill a vacancy, a member may serve~~
135 ~~two additional four year terms if appointed thereto.~~

136 **Drafting note: The provisions of existing § 23-49.26 are stricken and incorporated**
137 **instead into proposed Chapter 13.**

138 ~~§ 23-49.27. Removal of visitors.~~

139 ~~If any visitor fails to perform the duties of his office for one year without sufficient~~
140 ~~cause shown to the board, the board of visitors shall, at its next meeting after the end of such~~
141 ~~year, cause the fact of such failure to be recorded in the minutes of its proceedings, and certify~~
142 ~~the same to the Governor. The office of such visitor shall be vacated. If so many of such visitors~~
143 ~~fail to perform their duties that a quorum thereof do not attend for a year, upon a certificate~~
144 ~~thereof being made to the Governor by the rector or any member of the board or by the~~
145 ~~president of the University, the offices of all visitors so failing to attend shall be vacated.~~

146 **Drafting note: The provisions of existing § 23-49.27 are stricken and incorporated**
147 **instead into proposed Chapter 13.**

148 ~~§ 23-49.28 23.1-xxx. Powers and duties of visitors generally; meetings; rector, secretary~~
149 ~~and vice rector; executive committee Meetings; officers; committees.~~

150 ~~A. The board of visitors shall be vested with all the rights and powers conferred by the~~
151 ~~provisions of this title insofar as the same are not inconsistent with the provisions of this chapter~~
152 ~~and the general laws of the Commonwealth.~~

153 ~~The board shall control and expend the funds of the University and any appropriation~~
154 ~~hereafter provided; make all needful rules and regulations concerning the University; appoint~~
155 ~~the president, who shall be its chief executive officer, and all teachers; fix their salaries; provide~~
156 ~~for the employment of other personnel as required; and generally direct the affairs of the~~
157 ~~University.~~

158 ~~B. The board of visitors shall meet at the University at least four times a year and at such~~
159 ~~other times as it shall determine, the days of meetings to be fixed by the board determines.~~

160 Special meetings of the board may be called by the rector or any three members. The secretary
 161 shall provide notice of any special meeting to each member.

162 B. Seven members shall constitute a quorum.

163 C. At the first meeting after July 1 in every even-numbered year, the board shall elect
 164 from its membership a rector, ~~who shall to~~ preside at its meetings, ~~a secretary and~~ a vice-rector.
 165 ~~In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and in the~~
 166 ~~absence of all three, the~~ to preside at its meetings in the absence of the rector, and a secretary to
 167 preside at its meetings in the absence of the rector and vice-rector.

168 D. The board may appoint a pro tempore officer to preside at its meetings in the absence
 169 of the rector, vice-rector, and secretary.

170 ~~Any vacancies~~ E. Vacancies in the offices of rector, vice-rector ~~or,~~ and secretary may be
 171 filled by the board for the unexpired term. ~~Special meetings of the board may be called by the~~
 172 ~~rector or any three members. In either of such cases, notice of the time of meetings shall be~~
 173 ~~given by the secretary to every member.~~

174 ~~C.F.~~ At every regular annual meeting of the board, the board may appoint an executive
 175 committee for the transaction of business in the recess of the board, to serve for a period of one
 176 year or until the next regular annual meeting.

177 **Drafting note: Technical changes are made to conform provisions relating to**
 178 **meetings, officers, and committees of the board of visitors to those of each other four-year**
 179 **public institution of higher education.**

180 ~~§ 23-49.29. Rates, fees and charges.~~

181 ~~The board may fix, in its discretion, the rates charged the students of the University for~~
 182 ~~tuition, fees and other necessary charges.~~

183 **Drafting note: The provisions of existing § 23-49.29 are stricken here and**
 184 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

185 ~~§ 23-49.30. Degrees.~~

186 ~~The board shall have the right to confer degrees.~~

187 **Drafting note: The provisions of existing § 23-49.30 are stricken here and**
188 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

189 § ~~23-49.31~~ 23.1-xxx. Curriculum Academic programs.

190 ~~The existing collegiate curriculum of the University shall be continued; however,~~
191 Subject to the provisions of § 23.1-xxx [23-9.6:1], the board may make such alterations therein
192 as it shall from time to time deem necessary approve new academic programs and discontinue
193 academic programs offered by the University.

194 **Drafting note: Technical changes.**

195 § ~~23-49.32. Sale, etc., of real estate.~~

196 ~~The rector and visitors of Christopher Newport University, with the approval of the~~
197 Governor first obtained, are hereby authorized to lease, sell and convey any and all real estate to
198 which it has acquired title by gift, devise or purchase since the commencement of the University
199 under any previous names, or which may hereafter be conveyed or devised to it. The proceeds
200 derived from any such lease, sale or conveyance shall be held by the rector and the visitors of
201 Christopher Newport University, upon identical trusts, and subject to the same uses, limitations
202 and conditions, if any, that are expressed in the original deed or will under which its title was
203 derived; or if there be no such trusts, uses, limitations or conditions expressed in such original
204 deed or will, then such funds shall be applied by the rector and visitors of the University to such
205 purposes as the board may deem best for the University.

206 **Drafting note: The provisions of existing § 23-49.32 are stricken here and**
207 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

208 § ~~23-49.33~~ 23.1-xxx. Use of library; sharing of faculty and facilities Shared use with the
209 College of William and Mary in Virginia.

210 A. ~~Use of the library of the University shall be granted to students~~ The board shall
211 permit students and faculty of the College of William and Mary in Virginia to use the library of
212 the University.

213 B. The board ~~of visitors~~ shall ~~make~~ enter cooperative agreements with the board of
214 visitors of the College of William and Mary in Virginia ~~for the sharing of~~ to share faculty ~~and of~~
215 laboratory and, laboratories, and other facilities.

216 **Drafting note: Technical changes.**

217 CHAPTER ~~9.1~~ 15.

218 GEORGE MASON UNIVERSITY.

219 **Drafting note: Existing Chapter 9.1 of Title 23 is logically reorganized as proposed**
220 **Chapters 13 and 15 of Title 23.1. Existing provisions that apply generally to governing**
221 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
222 **Existing provisions relating to the incorporation, membership, and meetings of the**
223 **governing board that are unique to the University are retained in proposed Chapter 15.**

224 § ~~23-91.24~~ 23.1-xxx. ~~Board of visitors a corporation and under control of General~~
225 Assembly Corporate name; name of the University.

226 ~~There is hereby established a corporate body composed of the~~ A. The board of visitors of
227 George Mason University (the board) shall be a corporation under the name and style of "The
228 Rector and Visitors of George Mason University" ~~hereinafter referred to in this chapter as the~~
229 board. Such corporation and shall have, in addition to its other powers, all the corporate powers
230 given to corporations by the provisions of Title 13.1 except those powers that are confined to
231 corporations created pursuant to Title 13.1. The board shall ~~be subject~~ at all times ~~to be under~~
232 the control of the General Assembly.

233 B. The ~~University institution~~ shall be known as George Mason University (the
234 University).

235 **Drafting note: Technical changes are made to conform the language in this section**
236 **to that of each other four-year public institution of higher education.**

237 § ~~23-91.25~~. ~~Transfer of property.~~

238 ~~All the real estate and personal property now existing and heretofore standing in the~~
239 ~~name of the rector and visitors of the University of Virginia, located in Fairfax and heretofore~~

240 ~~exclusively used by the George Mason College Division of the University of Virginia, shall be~~
241 ~~transferred to and be known and taken as standing in the name and under the control of the~~
242 ~~rector and visitors of George Mason University. Such real estate and personal property shall be~~
243 ~~the property of the Commonwealth.~~

244 **Drafting note: The provisions of existing § 23-91.25 are stricken as obsolete.**

245 ~~§ 23-91.26 23.1-xxx. Appointment and terms of visitors generally Membership.~~

246 ~~(a) A. The board shall consist of ~~sixteen~~ 16 members, ~~who shall be~~ appointed by the~~
247 ~~Governor. Of the sixteen members, two may be nonresidents of Virginia, of whom at least 14~~
248 ~~shall be residents of the Commonwealth and, insofar as it is possible, at least 10 shall be~~
249 ~~residents of Planning District 8 or Fauquier County. At least one member appointed each year~~
250 ~~shall be an alumnus of the University.~~

251 ~~B. The alumni association of the University and the board may submit to the Governor a~~
252 ~~list of at least three nominees for each vacancy on the board of visitors, whether the vacancy~~
253 ~~occurs by expiration of a term or otherwise. The Governor may appoint a member from the list~~
254 ~~of nominees.~~

255 ~~(b) In 1972 the Governor shall appoint the members of the board for terms beginning~~
256 ~~July 1, 1972. At least one of the members appointed each year beginning in 1978 shall be an~~
257 ~~alumnus of George Mason University or of the George Mason College Division of the~~
258 ~~University of Virginia and, insofar as is possible, ten of the sixteen members shall be~~
259 ~~representative of the principal political subdivisions comprising Planning District Number Eight~~
260 ~~and of Fauquier County. Four of such appointments shall be for terms of four years each, four~~
261 ~~for terms of three years, four for terms of two years, and four for terms of one year. Subsequent~~
262 ~~appointments shall be for terms of four years; provided, however, that appointments to fill~~
263 ~~vacancies occurring otherwise than by expiration of terms shall be for the unexpired terms.~~

264 ~~(c) All appointments shall be subject to confirmation by the General Assembly.~~
265 ~~Members shall continue to hold office until their successors have been appointed and have~~
266 ~~qualified.~~

267 **Drafting note: Existing provisions relating to the membership of the board of**
268 **visitors are logically combined in this proposed section, existing provisions relating to the**
269 **terms and removal of members of the board are stricken and incorporated instead into**
270 **proposed Chapter 13, and technical changes are made to conform the language to that of**
271 **each other four-year public institution of higher education.**

272 ~~§ 23-91.27. Appointment of visitors from nominees submitted by board and association.~~

273 ~~(a) The Governor may, if his discretion so dictates appoint visitors from a list of~~
274 ~~qualified persons submitted to him by the board of visitors and the alumni association of George~~
275 ~~Mason University on or before the first day of July of any year next preceding a year in which~~
276 ~~the terms of any of such visitors will expire.~~

277 ~~(b) Every list of prospective appointees submitted by the board and such alumni~~
278 ~~association shall contain at least three names for each vacancy to be filled.~~

279 ~~(c) The Governor is not to be limited in his appointments to the persons so nominated.~~

280 **Drafting note: The provisions of existing § 23-91.27 are stricken and incorporated**
281 **instead into proposed § 23.1-xxx.**

282 ~~§ 23-91.28. No person eligible to serve more than two terms; when office of visitor~~
283 ~~deemed vacant.~~

284 ~~No person shall be eligible to serve for more than two full four-year terms.~~

285 ~~If any visitor fails to perform the duties of his office for one year, without sufficient~~
286 ~~cause shown to the board, the board of visitors shall, at their next meeting after the end of such~~
287 ~~year, cause the fact of such failure to be recorded in the minutes of their proceedings, and certify~~
288 ~~the same to the Governor; and the office of such visitor shall be thereupon vacant. If so many of~~
289 ~~such visitors fail to perform their duties that a quorum thereof do not attend for a year, upon a~~
290 ~~certificate thereof being made to the Governor by the rector or any member of the board, or by~~
291 ~~the president of the University, the offices of all visitors so failing to attend shall be vacated.~~

292 **Drafting note: The provisions of existing § 23-91.28 are stricken and incorporated**
293 **instead into proposed Chapter 13.**

294 § ~~23-91.29~~ 23.1-xxx. ~~Powers and duties of board generally; meetings; Meetings;~~
295 ~~officers; executive committee committees.~~

296 ~~(a) The board of visitors shall be vested with all the rights and powers conferred by the~~
297 ~~provisions of this title insofar as the same are not inconsistent with the provisions of this chapter~~
298 ~~and the general laws of the Commonwealth.~~

299 ~~The board shall control and expend the funds of the University and any appropriation~~
300 ~~hereafter provided, and shall make all needful rules and regulations concerning the University,~~
301 ~~appoint the president, who shall be its chief executive officer, and all professors, teachers, staff~~
302 ~~members and agents, and fix their salaries, and generally direct the affairs of the University.~~

303 ~~(b) A.~~ The board of visitors shall meet at the University once a year, and at such other
304 times as they shall determine, the days of meetings to be fixed by them it determines. Special
305 meetings of the board may be called by the rector or any three members. The secretary shall
306 provide notice of any special meeting to each member.

307 B. Eight members shall constitute a quorum. ~~At the first meeting after July 1, 1972, and~~
308 ~~every second year thereafter, they~~

309 C. Every other year, the board shall appoint from their own body its membership a
310 rector, who shall to preside at their its meetings, a secretary and a vice-rector to preside at its
311 meetings in the absence of the rector, and a secretary to preside at its meetings in the absence of
312 the rector and vice-rector.

313 ~~In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and~~
314 ~~on the absence of all three, the~~ D. The board may appoint a pro tempore officer to preside at its
315 meetings in the absence of the rector, vice-rector, and secretary.

316 ~~Any vacancies~~ E. Vacancies in the offices of rector, vice-rector ~~or, and~~ secretary may be
317 filled by the board for the unexpired term. Special meetings of the board may be called by the
318 rector or any three members. In either of such cases, notice of the time of meetings shall be
319 given by the secretary to every member.

320 ~~(e)~~F. At every regular annual meeting of the board ~~they, the board~~ may appoint an
321 executive committee for the transaction of business in the recess of the board, ~~not less than three~~
322 ~~nor consisting of at least three and not~~ more than five members, to serve for a period of one year
323 or until the next regular annual meeting.

324 **Drafting note: Technical changes are made to conform provisions relating to**
325 **meetings, officers, and committees of the board of visitors to those of each other four-year**
326 **public institution of higher education.**

327 ~~§ 23-91.30. Tuition, fees and other charges.~~

328 ~~The board may fix, in its discretion, the rates charged the students of the University for~~
329 ~~tuition, fees and other necessary charges.~~

330 **Drafting note: The provisions of existing § 23-91.30 are stricken here and**
331 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

332 ~~§ 23-91.31. Right to confer degrees.~~

333 ~~The board shall have the right to confer degrees.~~

334 **Drafting note: The provisions of existing § 23-91.31 are stricken here and**
335 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

336 ~~§ 23-91.32 23.1-15xx. Curriculum Academic programs.~~

337 ~~The existing collegiate curriculum shall be continued; however, Subject to the provisions~~
338 ~~of § 23.1-xxx [23-9.6:1], the board may make such alterations therein as it shall from time to~~
339 ~~time deem necessary approve new academic programs and discontinue academic programs~~
340 ~~offered by the University.~~

341 **Drafting note: Technical changes.**

342 ~~CHAPTER 12.1 16.~~

343 JAMES MADISON UNIVERSITY.

344 **Drafting note: Existing Chapter 12.1 of Title 23 is logically reorganized as proposed**
345 **Chapters 13 and 16 of Title 23.1. Existing provisions that apply generally to governing**
346 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**

347 Existing provisions relating to the incorporation, membership and meetings, and powers
348 and duties of the governing board that are unique to the University are retained in
349 proposed Chapter 16.

350 ~~§ 23-164.1 23.1-xxx. Corporation composed of board of visitors established; style;~~
351 Corporate name; name of the University.

352 A. The corporation composed of the board of visitors of Madison College, heretofore
353 established by law, is continued as the board of visitors of James Madison University (the
354 board) shall be a corporation under the name and style of "The Visitors of James Madison
355 University" ~~hereinafter referred to in this chapter as board~~ and shall have, in addition to its other
356 powers, all the corporate powers given to corporations by the provisions of Title 13.1 except
357 those powers that are confined to corporations created pursuant to Title 13.1. The board shall at
358 all times be under the control of the General Assembly.

359 B. The ~~University institution~~ shall be known as James Madison University (the
360 University).

361 C. All laws relating to Madison College or the board of visitors of Madison College shall
362 be construed as relating to ~~James Madison the~~ University or the board, respectively.

363 **Drafting note: Technical changes are made to conform the language in this section**
364 **to that of each other four-year public institution of higher education.**

365 ~~§ 23-164.2. Transfer of property.~~

366 ~~All the real estate and personal property now existing and heretofore standing in the~~
367 ~~name of the visitors of Madison College shall be known and taken as standing in the name, and~~
368 ~~to be under the control, of the corporate body designated "The Visitors of James Madison~~
369 ~~University." Such real estate and personal property shall be the property of the Commonwealth.~~

370 **Drafting note: The provisions of existing § 23-164.2 are stricken as obsolete.**

371 ~~§ 23-164.3. Appointment of members of board of visitors generally; terms; vacancies.~~
372 23.1-xxx. Membership.

373 A. The board shall consist of ~~fifteen~~ 15 members ~~who shall be~~ appointed by the
374 Governor, of whom at least 13 shall be residents of the Commonwealth.

375 ~~Of the four members of the board appointed for terms beginning July 1, 1989, two~~
376 ~~members shall be appointed for initial terms of two years and two members shall be appointed~~
377 ~~for initial terms of three years. Successors to the members so appointed shall be appointed to~~
378 ~~serve for terms of four years each. Vacancies occurring other than by expiration of term shall be~~
379 ~~filled for the unexpired term. Of the persons so appointed two may be nonresidents of the~~
380 ~~Commonwealth.~~

381 ~~All appointments shall be subject to confirmation by the General Assembly. Members~~
382 ~~shall continue to hold office until their successors have been appointed and have qualified.~~

383 B. The alumni association of the University may submit to the Governor a list of at least
384 three nominees for each vacancy on the board of visitors, whether the vacancy occurs by
385 expiration of a term or otherwise. The Governor may appoint a member from the list of
386 nominees.

387 **Drafting note: Existing provisions relating to the membership of the board of**
388 **visitors are logically combined in this proposed section, existing provisions relating to the**
389 **terms and removal of members of the board are stricken and incorporated instead into**
390 **proposed Chapter 13, and technical changes are made to conform the language to that of**
391 **each other four-year public institution of higher education.**

392 ~~§ 23-164.4. Appointment of visitors from list submitted by alumni.~~

393 ~~(a) The Governor may appoint visitors from a list of qualified persons submitted to him~~
394 ~~by the alumni association of the James Madison University, or its titular successor, on or before~~
395 ~~the first day of July of any year in which the terms of any visitors will expire.~~

396 ~~(b) Every list shall contain at least three names for each vacancy to be filled.~~

397 ~~(c) The Governor shall not be limited in his appointments to the persons so nominated.~~

398 **Drafting note: The provisions of existing § 23-164.4 are stricken and incorporated**
399 **instead into proposed § 23.1-xxx.**

400 ~~§ 23-164.5. Eligibility to serve more than two successive terms.~~

401 ~~No person shall be eligible to serve for or during more than two successive four-year~~
402 ~~terms. A person appointed to serve an unexpired term created by a vacancy shall be eligible to~~
403 ~~serve two additional four-year terms.~~

404 **Drafting note: The provisions of existing § 23-164.5 are stricken and incorporated**
405 **instead into proposed Chapter 13.**

406 ~~§ 23-164.6. Rights and powers of board generally.~~

407 ~~The board shall be vested with all the rights and powers conferred by this chapter insofar~~
408 ~~as the same are not inconsistent with the laws of the Commonwealth.~~

409 ~~The board shall control and expend the funds of the University and any appropriation~~
410 ~~hereafter provided, and shall make all needful rules and regulations concerning the University,~~
411 ~~appoint the president, who shall be its chief executive officer, and all professors, teachers and~~
412 ~~agents, and fix their salaries, and generally direct the affairs of the University.~~

413 **Drafting note: The provisions of existing § 23-164.6 are stricken here and**
414 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

415 ~~§ 23-164.7. Tuition, fees and charges.~~

416 ~~The board may fix the rates charged the students of the University for tuition, fees and~~
417 ~~other necessary charges.~~

418 **Drafting note: The provisions of existing § 23-164.7 are stricken here and**
419 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

420 ~~§ 23-164.8. Degrees.~~

421 ~~The board shall have the right to confer degrees.~~

422 **Drafting note: The provisions of existing § 23-164.8 are stricken here and**
423 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

424 ~~§ 23-164.9 23.1-xxx. Curriculum Program of instruction to educate and train teachers.~~

425 ~~The curriculum of James Madison University board shall embrace such branches of~~
426 ~~learning as relate to teaching in the public free schools of Virginia, without excluding other~~

427 ~~studies in the arts and sciences~~ maintain a program of instruction to educate and train teachers
428 for the public elementary and secondary schools of the Commonwealth without excluding other
429 programs of instruction.

430 **Drafting note: Technical changes.**

431 § ~~23-164.10~~ 23.1-xxx. Granting easements upon, over, ~~etc.~~ across, and under the
432 property of the University.

433 The ~~visitors of James Madison University are~~ board is authorized, subject to the written
434 approval of the Governor ~~in writing first obtained~~, to convey upon such terms and conditions
435 and for such consideration as ~~they deem it deems~~ proper easements upon, over, across or under
436 the property of ~~James Madison the~~ University ~~for which they serve as the governing body~~, to the
437 City of Harrisonburg, the County of Rockingham, the Rockingham Memorial Hospital, or ~~to~~
438 any public utility or public service company, for the purpose of erecting or maintaining power,
439 telephone, water, sewer, or gas lines and mains; ~~provided, that~~ (i) any deed or other conveyance
440 executed ~~hereunder pursuant to this section~~ shall be in a form approved by the Attorney
441 General; and ~~provided, further, that~~ (ii) any funds derived by the ~~visitors~~ board in consideration
442 of the granting of any such easement shall be paid into the state treasury to the account of ~~James~~
443 ~~Madison the~~ University ~~for use to be used~~ for capital outlay expenditures as authorized by the
444 ~~visitors of James Madison University board~~.

445 **Drafting note: Technical changes.**

446 CHAPTER ~~15~~ 17.

447 LONGWOOD UNIVERSITY.

448 **Drafting note: Existing Chapter 15 of Title 23 is logically reorganized as proposed**
449 **Chapters 13 and 17 of Title 23.1. Existing provisions that apply generally to governing**
450 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
451 **Existing provisions relating to the incorporation, membership and meetings, and powers**
452 **and duties of the governing board that are unique to the University are retained in**
453 **proposed Chapter 17.**

454 ~~§ 23-182 23.1-xxx. Board of visitors established as corporation~~ Corporate name; name
455 of the University.

456 ~~There is hereby established a corporation composed of the~~ A. The board of visitors of
457 Longwood University (the board) shall be a corporation under the name and style of "The
458 Visitors of Longwood University;" ~~hereinafter referred to in this chapter as the board and shall~~
459 have, in addition to its other powers, all the corporate powers given to corporations by the
460 provisions of Title 13.1 except those powers that are confined to corporations created pursuant
461 to Title 13.1. The board shall at all times be under the control of the General Assembly.

462 ~~§ 23-183. Name.~~

463 ~~The University~~ B. The institution shall be known as Longwood University (the
464 University).

465 **Drafting note: Existing §§ 23-182 and 23-183 are combined as proposed § 23.1-xxx.**
466 **Technical changes are made to conform the language in this section to that of each other**
467 **four-year public institution of higher education.**

468 ~~§ 23-184. Property transferred to Longwood University and owned by Commonwealth.~~

469 ~~All the real estate and personal property now existing and heretofore standing in the~~
470 ~~name of the State Board of Education, located at Farmville, and heretofore used by Longwood~~
471 ~~University under the State Board of Education, shall be transferred to and be known and taken~~
472 ~~as standing in the name, and to be under the control, of the corporate body designated "The~~
473 ~~Visitors of Longwood University." Such real estate and personal property shall be the property~~
474 ~~of the Commonwealth.~~

475 **Drafting note: The provisions of existing § 23-184 are stricken as obsolete.**

476 ~~§ 23-185 23.1-xxx. Composition of board; appointment and terms of visitors generally;~~
477 ~~vacancies; confirmation.~~ Membership.

478 A. The board shall consist of 13 members who shall be appointed by the Governor, of
479 whom at least two shall be alumni of the University and at least 11 shall be residents of the
480 Commonwealth.

481 ~~B. The Governor shall appoint the 13 appointive members of the board for terms of four~~
482 ~~years each. Members shall be eligible for service for two consecutive terms of four years,~~
483 ~~exclusive of that portion of any unexpired term. Successors to the members so appointed shall~~
484 ~~be appointed to serve for terms of four years each. Vacancies occurring other than by expiration~~
485 ~~of term shall be filled for the unexpired term. Of the persons so appointed two shall be alumni of~~
486 ~~the University, and two may be nonresidents of the Commonwealth, the remaining number to be~~
487 ~~selected from the Commonwealth at large.~~

488 ~~C. All appointments shall be subject to confirmation by the General Assembly. Members~~
489 ~~shall continue to hold office until their successors have been appointed and have qualified. The~~
490 ~~alumni association of the University may submit to the Governor a list of at least three nominees~~
491 ~~for each vacancy on the board of visitors, whether the vacancy occurs by expiration of a term or~~
492 ~~otherwise. The Governor may appoint a member from the list of nominees.~~

493 **Drafting note: Existing provisions relating to the membership of the board of**
494 **visitors are logically combined in this proposed section, existing provisions relating to the**
495 **terms and removal of members of the board are stricken and incorporated instead into**
496 **proposed Chapter 13, and technical changes are made to conform the language to that of**
497 **each other four-year public institution of higher education.**

498 ~~§ 23-186. Appointment of visitors from alumni.~~

499 ~~A. The Governor may appoint visitors from a list of qualified persons submitted to him,~~
500 ~~by the alumni association of the University, or its titular successor, on or before the first day of~~
501 ~~July of any year in which the terms of any visitors will begin or expire.~~

502 ~~B. Every list shall contain at least three names for each vacancy to be filled.~~

503 ~~C. The Governor shall not be limited in his appointments to the persons so nominated.~~

504 **Drafting note: The provisions of existing § 23-186 are stricken and incorporated**
505 **instead into proposed § 23.1-xxx.**

506 ~~§ 23-186.1. Removal of visitors.~~

507 ~~If any visitor fails to perform the duties of his office for one year without sufficient~~
508 ~~cause shown to the board, the board of visitors shall, at its next meeting after the end of such~~
509 ~~year, cause the fact of such failure to be recorded in the minutes of its proceedings and certify~~
510 ~~the same to the Governor. The office of such visitor shall be vacated. If so many of such visitors~~
511 ~~fail to perform their duties that a quorum thereof do not attend for a year, upon a certificate~~
512 ~~thereof being made to the Governor by the rector or any member of the board or by the~~
513 ~~president of the University, the offices of all visitors so failing to attend shall be vacated.~~

514 **Drafting note: The provisions of existing § 23-186.1 are stricken and incorporated**
515 **instead into proposed Chapter 13.**

516 ~~§ 23-187. Eligibility to serve more than two successive terms.~~

517 ~~No person shall be eligible to serve for or during more than two successive terms except~~
518 ~~the persons receiving initial appointments for only two years and who have served an additional~~
519 ~~four year term may be appointed for another four year term.~~

520 **Drafting note: The provisions of existing § 23-187 are stricken and incorporated**
521 **instead into proposed Chapter 13.**

522 ~~§ 23-188. Rights, powers and duties of board generally.~~

523 ~~The board shall be vested with all the rights and powers conferred by this chapter insofar~~
524 ~~as the same are not inconsistent with the laws of the Commonwealth.~~

525 ~~The board shall control and expend the funds of the University and any appropriation~~
526 ~~hereafter provided, and shall make all needful rules and regulations concerning the University,~~
527 ~~appoint the president, who shall be its chief executive officer, and all professors, teachers and~~
528 ~~agents, and fix their salaries, and generally direct the affairs of the University.~~

529 **Drafting note: The provisions of existing § 23-188 are stricken here and**
530 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

531 ~~§ 23-189. Board may fix tuition, fees and other necessary charges.~~

532 ~~The board may fix the rates charged the students of the University for tuition, fees and~~
533 ~~other necessary charges.~~

534 **Drafting note: The provisions of existing § 23-189 are stricken here and**
535 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

536 ~~§ 23-190. Right to confer degrees.~~

537 ~~The board shall have the right to confer degrees.~~

538 **Drafting note: The provisions of existing § 23-190 are stricken here and**
539 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

540 ~~§ 23-194 23.1-xxx. Curriculum Program of instruction to educate and train teachers.~~

541 ~~The curriculum of Longwood University board shall embrace such branches of learning~~
542 ~~as relate to teaching in the public free schools of Virginia, without excluding other studies in the~~
543 ~~arts and sciences maintain a program of instruction to educate and train teachers for the public~~
544 ~~elementary and secondary schools of the Commonwealth without excluding other programs of~~
545 ~~instruction.~~

546 **Drafting note: Technical changes.**

547 CHAPTER ~~9.2~~ 18.

548 UNIVERSITY OF MARY WASHINGTON.

549 **Drafting note: Existing Chapter 9.2 of Title 23 is logically reorganized as proposed**
550 **Chapters 13 and 18 of Title 23.1. Existing provisions that apply generally to governing**
551 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
552 **Existing provisions relating to the incorporation, membership, and meetings of the**
553 **governing board that are unique to the University are retained in proposed Chapter 18.**

554 ~~§ 23-91.34 23.1-xxx. Board of visitors a corporation and under control of General~~
555 ~~Assembly Corporate name; name of the University.~~

556 ~~There is hereby established a corporate body composed of the A. The~~ board of visitors of
557 the University of Mary Washington ~~(the board) shall be a corporation~~ under the ~~name and~~ style
558 ~~of~~ "The Rector and Visitors of the University of Mary Washington" ~~hereinafter referred to in~~
559 ~~this chapter as the board, which and~~ shall have, in addition to its other powers, all the corporate
560 powers given to corporations by the provisions of Title 13.1; except ~~in~~ those ~~cases where by the~~

561 ~~express terms of the provisions thereof, it is powers that are confined to corporations created~~
562 ~~under such title, and the board shall also have the power to accept, execute and administer any~~
563 ~~trust in which it may have an interest under the terms of the instrument creating the trust. Such~~
564 ~~corporation pursuant to Title 13.1. The board shall be subject at all times to be under the control~~
565 of the General Assembly.

566 B. The institution shall be known as the University of Mary Washington (the
567 University).

568 **Drafting note: Technical changes are made to conform the language in this section**
569 **to that of each other four-year public institution of higher education.**

570 ~~§ 23-91.35. Transfer of certain property.~~

571 ~~Upon July 1, 1972, all real estate and personal property held by the University of Mary~~
572 ~~Washington prior to its union with the rector and visitors of the University of Virginia; control~~
573 ~~of the real estate acquired from Corinne Lawton Melchers and known as "Belmont" (see~~
574 ~~Chapter 51 of the Acts of Assembly, 1960), and the real estate known as the James Monroe Law~~
575 ~~Office—Museum and Memorial Library (see Chapter 641 of the Acts of Assembly, 1964),~~
576 ~~together with the personal property associated with the respective real estate, all of such real and~~
577 ~~personal properties existing and standing in the name of the Commonwealth of Virginia but~~
578 ~~controlled by the rector and visitors of the University of Virginia; and all real and personal~~
579 ~~property acquired in the name of the rector and visitors of the University of Virginia for the use~~
580 ~~of the University of Mary Washington during the time in which the University of Mary~~
581 ~~Washington was a part of the University of Virginia, hereby is transferred to and shall be known~~
582 ~~and taken as standing in the name and under the control of the rector and visitors of the~~
583 ~~University of Mary Washington (the term "control" shall include, without limitation,~~
584 ~~"management, control, operation and maintenance"). Such real estate and personal property~~
585 ~~shall be the property of the Commonwealth.~~

586 **Drafting note: The provisions of existing § 23-91.35 are stricken as obsolete.**

587 ~~§ 23-91.36. Appointment of visitors generally; terms. 23.1-xxx. Membership.~~

588 (a) A. The board shall consist of ~~twelve~~ 12 members, ~~who shall be~~ appointed by the
 589 Governor. ~~Of the twelve members, no more than three may be nonresidents of Virginia, of~~
 590 ~~whom at least nine shall be residents of the Commonwealth and at least six shall be alumni of~~
 591 ~~the University.~~

592 (b) ~~In 1972 the Governor shall appoint the members of the board for terms beginning~~
 593 ~~July 1, 1972. Three of such appointments shall be for terms of four years each, three for terms of~~
 594 ~~three years, three for terms of two years, and three for terms of one year. Subsequent~~
 595 ~~appointments shall be for terms of four years; provided, however, that appointments to fill~~
 596 ~~vacancies occurring otherwise than by expiration of terms shall be for the unexpired terms.~~

597 (c) ~~All appointments shall be subject to confirmation by the General Assembly.~~
 598 ~~Members shall continue to hold office until their successors have been appointed and have~~
 599 ~~qualified.~~

600 B. The alumni association of the University may submit to the Governor a list of at least
 601 three nominees for each vacancy on the board of visitors, whether the vacancy occurs by
 602 expiration of a term or otherwise. The Governor may appoint a member from the list of
 603 nominees.

604 **Drafting Note: Existing provisions relating to the membership of the board of**
 605 **visitors are logically combined in this proposed section, existing provisions relating to the**
 606 **terms and removal of members of the board are stricken and incorporated instead into**
 607 **proposed Chapter 13, and technical changes are made to conform the language to that of**
 608 **each other four-year public institution of higher education.**

609 ~~§ 23-91.37. Appointment of visitors from nominees of alumni association.~~

610 (a) ~~The Governor may, if his discretion so dictates, appoint visitors from a list of~~
 611 ~~qualified persons submitted to him by the alumni association of the University of Mary~~
 612 ~~Washington on or before the first day of December of any year next preceding a year in which~~
 613 ~~the terms of any of such visitors will expire.~~

614 ~~(b) Whenever a vacancy occurs otherwise than by expiration of term, the Governor shall~~
615 ~~certify this fact to the association and nominations may be submitted of qualified persons. The~~
616 ~~Governor may fill the vacancy, if his discretion so dictates, from among the eligible nominees of~~
617 ~~the association, whether or not alumni or alumnae.~~

618 ~~(c) Every such list of prospective appointees shall contain at least three names for each~~
619 ~~vacancy to be filled.~~

620 ~~(d) The Governor is not to be limited in his appointments to the persons so nominated.~~

621 ~~(e) At no time shall fewer than six of the members of the board be alumni or alumnae of~~
622 ~~the University.~~

623 **Drafting Note: The provisions of existing § 23-91.37 are stricken and incorporated**
624 **instead into proposed § 23.1-xxx.**

625 ~~§ 23-91.38. Eligibility to serve for more than two terms.~~

626 ~~No person shall be eligible to serve on the board of visitors for or during more than two~~
627 ~~successive four-year terms; but after the expiration of a term of two years or less, or after the~~
628 ~~expiration of the remainder of a term to which appointed to fill a vacancy, a member may serve~~
629 ~~two additional four-year terms if appointed thereto.~~

630 **Drafting Note: The provisions of existing § 23-91.38 are stricken and incorporated**
631 **instead into proposed Chapter 13.**

632 ~~§ 23-91.39. Removal of visitors.~~

633 ~~If any visitor fails to perform the duties of his office for one year, without sufficient~~
634 ~~cause shown to the board, the board of visitors shall, at their next meeting after the end of such~~
635 ~~year, cause the fact of such failure to be recorded in the minutes of their proceedings, and certify~~
636 ~~the same to the Governor; and the office of such visitor shall be thereupon vacant. If so many of~~
637 ~~such visitors fail to perform their duties that a quorum thereof do not attend for a year, upon a~~
638 ~~certificate thereof being made to the Governor by the rector or any member of the board or by~~
639 ~~the president of the University, the offices of all visitors so failing to attend shall be vacated.~~

640 **Drafting Note: The provisions of existing § 23-91.39 are stricken and incorporated**
641 **instead into proposed Chapter 13.**

642 ~~§ 23-91.40. Powers and duties of visitors generally; meetings; rector, secretary and vice-~~
643 ~~rector; executive committee. 23.1-xxx. Meetings; officers; committees.~~

644 ~~(a) The board of visitors shall be vested with all the rights and powers conferred by the~~
645 ~~provisions of this title insofar as the same are not inconsistent with the provisions of this chapter~~
646 ~~and the general laws of the Commonwealth.~~

647 ~~The board shall control and expend the funds of the University and any appropriation~~
648 ~~hereafter provided, and shall make all needful rules and regulations concerning the University;~~
649 ~~appoint the president, who shall be its chief executive officer, and all teachers, and fix their~~
650 ~~salaries, and provide for the employment of other personnel as required, and generally direct the~~
651 ~~affairs of the University.~~

652 ~~(b) A.~~ The board of visitors shall meet at the University once a year, and at such other
653 times as ~~they shall determine, the days of meetings to be fixed by them~~ as it determines.

654 B. A majority of the members shall constitute a quorum.

655 ~~At the first meeting after July 1, 1972, and every second year thereafter, they~~ C. At the
656 first meeting after July 1 in every even-numbered year, the board shall appoint from ~~their own~~
657 body its membership a rector, ~~who shall to~~ preside at their its meetings, ~~a secretary and~~ a vice-
658 rector to preside at its meetings in the absence of the rector, and a secretary to preside at its
659 meetings in the absence of the rector and vice-rector.

660 ~~In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and~~
661 ~~in the absence of all three, the~~ C. The board may appoint a pro tempore officer to preside at its
662 meetings in the absence of the rector, vice-rector, and secretary.

663 ~~Any vacancies~~ D. Vacancies in the offices of rector, vice-rector ~~or, and~~ secretary may be
664 filled by the board for the unexpired term. ~~Special meetings of the board may be called by the~~
665 ~~rector or any three members. In either of such cases, notice of the time of meetings shall be~~
666 ~~given by the secretary to every member.~~

667 ~~(e) F.~~ At every regular annual meeting of the board ~~they it~~ may appoint an executive
668 committee for the transaction of business in the recess of the board, ~~not less than three nor~~
669 ~~consisting of at least three and not~~ more than five members, to serve for a period of one year or
670 until the next regular annual meeting.

671 **Drafting note: Technical changes are made to conform provisions relating to**
672 **meetings, officers, and committees of the board of visitors to those of each other four-year**
673 **public institution of higher education.**

674 ~~§ 23-91.41. Rates, fees and charges.~~

675 ~~The board may fix, in its discretion, the rates charged the students of the University for~~
676 ~~tuition, fees and other necessary charges.~~

677 **Drafting note: The provisions of existing § 23-91.41 are stricken here and**
678 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

679 ~~§ 23-91.42. Degrees.~~

680 ~~The board shall have the right to confer degrees.~~

681 **Drafting note: The provisions of existing § 23-91.42 are stricken here and**
682 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

683 ~~§ 23-91.43 23.1-xxx. Curriculum Academic programs.~~

684 ~~The existing collegiate curriculum of the University shall be continued; however,~~
685 ~~Subject to the provisions of § 23.1-xxx [23-9.6:1], the board may make such alterations therein~~
686 ~~as it shall from time to time deem necessary approve new academic programs and discontinue~~
687 ~~academic programs offered by the University.~~

688 **Drafting note: Technical changes.**

689 ~~§ 23-91.44. Sale, etc., of real estate.~~

690 ~~The rector and visitors of the University of Mary Washington, with the approval of the~~
691 ~~Governor first obtained, are hereby authorized to lease, sell and convey any and all real estate to~~
692 ~~which it has acquired title by gift, devise or purchase since the commencement of the University~~
693 ~~under any previous names, or which may hereafter be conveyed or devised to it. The proceeds~~

694 ~~derived from any such lease, sale or conveyance shall be held by the rector and visitors of the~~
695 ~~University of Mary Washington, upon identical trusts, and subject to the same uses, limitations~~
696 ~~and conditions, if any, that are expressed in the original deed or will under which its title was~~
697 ~~derived; or if there be no such trusts, uses, limitations or conditions expressed in such original~~
698 ~~deed or will, then such funds shall be applied by the rector and visitors of the University to such~~
699 ~~purposes as said board may deem best for the University.~~

700 **Drafting note: The provisions of existing § 23-91.44 are stricken here and**
701 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

702 CHAPTER ~~13.1~~ 19.

703 NORFOLK STATE UNIVERSITY.

704 **Drafting note: Existing Chapter 13.1 of Title 23 is logically reorganized as proposed**
705 **Chapters 13 and 19 of Title 23.1. Existing provisions that apply generally to governing**
706 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
707 **Existing provisions relating to the incorporation, membership, and meetings of the**
708 **governing board that are unique to the University are retained in proposed Chapter 19.**

709 ~~§ 23-174.1~~ 23.1-xxx. ~~Corporation established under control of General Assembly~~
710 Corporate name; name of the University.

711 A. The corporation composed of the board of visitors of Norfolk State College,
712 heretofore established by law, is continued as the board of visitors of Norfolk State University
713 (the board) shall be a corporation under the name and style of "The Visitors of Norfolk State
714 University," and ~~which shall have, in addition to its other powers, all the corporate powers given~~
715 to corporations by the provisions of Title 13.1 except those powers that are confined to
716 corporations created pursuant to Title 13.1. The board shall at all times ~~shall~~ be under the
717 control of the General Assembly.

718 B. The institution shall be known as Norfolk State University (the University).

719 ~~Whenever the term "C. All laws relating to Norfolk State College" is used in any law of~~
720 ~~this Commonwealth, it or the board of visitors of Norfolk State College~~ shall be construed as
721 relating to mean Norfolk State the University or the board, respectively.

722 **Drafting note: Technical changes are made to conform the language in this section**
723 **to that of each other four-year public institution of higher education.**

724 ~~§ 23-174.2. Corporation to establish and maintain University.~~

725 ~~The corporation is formed for the purpose of establishing and maintaining a university in~~
726 ~~the name and style of "Norfolk State University."~~

727 **Drafting note: The provisions of existing § 23-174.2 are stricken here and**
728 **incorporated instead into proposed § 23.1-19xx.**

729 ~~§ 23-174.3. Transfer of property.~~

730 ~~All real estate and personal property existing and standing in the name of the Visitors of~~
731 ~~Norfolk State College shall be known and taken as standing in the name, and to be under the~~
732 ~~control, of the Visitors of Norfolk State University. Such real estate and personal property shall~~
733 ~~be the property of the Commonwealth.~~

734 **Drafting note: The provisions of existing § 23-174.3 are stricken as obsolete.**

735 ~~§ 23-174.4. Composition of board of visitors; appointment, terms, etc. 23.1-xxx.~~
736 Membership.

737 A. The board of visitors shall consist of 13 members ~~who shall be~~ appointed, ~~on or~~
738 ~~before June 30 of any year in which their terms shall expire,~~ by the Governor ~~for terms of four~~
739 ~~years, of whom at least four shall be alumni of the University.~~ Of the ~~persons so~~ alumni
740 appointed, four shall be alumni of Norfolk State University of which three may be nonresidents
741 of the Commonwealth at least one shall be a resident of the Commonwealth. ~~Vacancies~~
742 ~~occurring other than by expiration of term shall be filled by the Governor for the unexpired~~
743 ~~term.~~

744 B. ~~The Governor may appoint alumni visitors from a list of qualified persons submitted~~
745 ~~to him upon the recommendation of the National Alumni Association of Norfolk State~~

746 ~~University on or before November 1 of any year in which the terms of such visitors shall expire.~~
747 ~~The National Alumni Association of Norfolk State University shall submit the names of four~~
748 ~~qualified alumni for each vacancy.~~

749 ~~C. All appointments shall be subject to confirmation by the General Assembly. Members~~
750 ~~shall continue to hold office until their successors have been appointed and qualified. Members~~
751 ~~shall be eligible for two consecutive terms of four years, exclusive of that portion of any term on~~
752 ~~the initial board of less than four years or any unexpired term. The alumni association of the~~
753 ~~University may submit to the Governor a list of four nominees for each vacancy on the board of~~
754 ~~visitors, whether the vacancy occurs by expiration of a term or otherwise. The Governor may~~
755 ~~appoint a member from the list of nominees.~~

756 **Drafting note: Existing provisions relating to the terms and removal of members of**
757 **the board are stricken and incorporated instead into proposed Chapter 13, and technical**
758 **changes are made to conform the language to that of each other four-year public**
759 **institution of higher education.**

760 § 23.1-xxx. Executive committee.

761 The board may appoint at least three and not more than five of its members to an
762 executive committee that shall have and may exercise such powers as the board may prescribe.

763 **Drafting note: Language on the executive committee of the board has been moved**
764 **from § 23.1-xxx to separate provisions relating to meetings, officers, and committees of the**
765 **board of visitors from general rights and powers of the board, and technical changes are**
766 **made.**

767 ~~§ 23-174.5. Rights and powers of board of visitors generally; executive committee.~~

768 ~~The board shall be vested with all the rights and powers conferred by the provisions of~~
769 ~~this chapter and the provisions relating to similar corporations under the laws of this~~
770 ~~Commonwealth so far as they are applicable. The corporation shall also have the power to take,~~
771 ~~hold, receive and enjoy any gift, grant, devise or bequest to Norfolk State University, the same~~
772 ~~to be held for the uses and purposes designated by the donor, if any, or if not so designated, for~~

773 ~~the general purposes of the corporation. The board may designate not less than three nor more~~
774 ~~than five of its members to constitute an executive committee which shall have and may~~
775 ~~exercise such authority of the board as the board may provide.~~

776 **Drafting note: The provisions of existing § 23-174.5 are stricken here and**
777 **incorporated instead into proposed §§ 23.1-13xx and 23.1-13xx of Chapter 13.**

778 ~~§ 23-174.6. Control of funds; rules and regulations; appointment, etc., of president,~~
779 ~~faculty and staff.~~

780 ~~The board shall control and expend the funds of the corporation and any appropriation~~
781 ~~hereafter provided, and shall make all necessary rules and regulations concerning the~~
782 ~~University, appoint a president, who shall be its chief executive officer, and make all provisions~~
783 ~~for teachers, staff members and agents, and shall fix their salaries and shall prescribe their~~
784 ~~duties.~~

785 **Drafting note: The provisions of existing § 23-174.6 are stricken here and**
786 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

787 ~~§ 23-174.7. Right to confer degrees; tuition, fees and other charges.~~

788 ~~The board shall have the right to confer degrees, and may fix the rates charged the~~
789 ~~students of the University for tuition, fees and other necessary charges.~~

790 **Drafting note: The provisions of existing § 23-174.7 are stricken here and**
791 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

792 ~~§ 23-174.8, 23-174.9.~~

793 **Drafting note: Repealed by Acts 1979, c. 146.**

794 **CHAPTER ~~5.2~~ 20.**

795 **OLD DOMINION UNIVERSITY.**

796 **Drafting note: Existing Chapter 5.2 of Title 23 is logically reorganized as proposed**
797 **Chapters 13 and 20 of Title 23.1. Existing provisions that apply generally to governing**
798 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
799 **Existing provisions relating to the incorporation, membership and meetings, and powers**

800 and duties of the governing board that are unique to the University are retained in
801 proposed Chapter 20.

802 ARTICLE 1.

803 GENERAL PROVISIONS.

804 **Drafting note: Article 2 and its contents are stricken as obsolete. As a result, it is no**
805 **longer necessary to retain Article 1.**

806 ~~§ 23-49.11 23.1-xxx. Corporate name; powers; subject to control of General Assembly~~
807 ~~name of the University.~~

808 A. The board of visitors of ~~the~~ Old Dominion University (the board) shall be a
809 corporation under the name and style of "Old Dominion University;" and shall have, in addition
810 to its other powers, all the corporate powers given to corporations by the provisions of Title
811 13.1; ~~except in those cases where, by the express terms of the provisions thereof, it is~~ powers
812 that are confined to corporations created ~~under such title; and shall also have the power to~~
813 ~~accept, execute and administer any trust in which it may have an interest under the terms~~
814 ~~creating the trust pursuant to Title 13.1.~~ The ~~rector and visitors of Old Dominion University~~
815 board shall at all times be ~~subject to~~ under the control of the General Assembly.

816 B. The institution shall be known as Old Dominion University (the University).

817 C. All laws relating to Norfolk College or the board of visitors of Norfolk College shall
818 be construed as relating to the University or the board, respectively.

819

820 **Drafting note: Existing §§ 23-49.11 and 23-49.12 are combined as proposed § 23.1-**
821 **xxx. Technical changes are made to conform the language in this section to that of each**
822 **other four-year public institution of higher education, including the specification in**
823 **subsection C that all laws relating to Norfolk College relate to the University or the board.**

824 ~~§ 23-49.12. Visitors empowered to choose title.~~

825 ~~"The board of visitors of Old Dominion University" is empowered to choose and~~
826 ~~maintain a distinctive and appropriate title, in addition to its other powers.~~

827 **Drafting note: The corporate name and style is already delineated in proposed §**
828 **22.1-20xx. As such, existing § 23-49.12 is stricken.**

829 ~~§ 23-49.13. Property transferred to visitors and owned by Commonwealth; gifts or~~
830 ~~bequests.~~

831 ~~All the real estate and personal property now existing and heretofore (before June 27,~~
832 ~~1966) standing in the name of the corporate body designated "Norfolk College," located in~~
833 ~~Norfolk, and heretofore exclusively used by the Norfolk College, shall be transferred to and be~~
834 ~~known and taken as standing in the name, and to be under the control, of the corporate body~~
835 ~~designated "The Visitors of Old Dominion University." Such real estate and personal property~~
836 ~~shall be the property of the Commonwealth of Virginia.~~

837 ~~Every gift, grant, devise or bequest heretofore or hereafter made to Old Dominion~~
838 ~~University, for any purpose or purposes, designated by the donor, the corporation is empowered~~
839 ~~to receive, take, hold and enjoy the same for the uses and purposes designated by the donor if he~~
840 ~~or she shall so designate, or for the general purposes of the corporation when the gift, grant,~~
841 ~~devise or bequest is not so designated, whether the same be given directly to the corporation, or~~
842 ~~to trustees for its benefit.~~

843 **Drafting note: The first paragraph is stricken as obsolete and the second paragraph**
844 **is stricken here and incorporated instead into proposed § 23.1-13xx of Chapter 13.**

845 ~~§ 23-49.14, 23.1-xxx. Appointment of visitors generally; number and terms; vacancies;~~
846 ~~confirmation Membership.~~

847 ~~(a) A. The board of visitors ~~is to~~ shall consist of ~~seventeen~~ 17 members ~~to be~~ appointed~~
848 ~~by the Governor, ~~three of whom may be nonresidents~~ of whom at least 14 shall be residents of~~
849 ~~the Commonwealth of Virginia and at least three ~~of whom~~ shall be alumni of ~~Old Dominion~~ the~~
850 ~~University.~~

851 ~~(b) Prior to July 1, 1980, the Governor shall appoint successors to the members whose~~
852 ~~terms expire in 1980 for terms of four years and four additional members, one for a term of one~~
853 ~~year, one for a term of two years, one for a term of three years and one for a term of four years.~~

854 ~~Annually thereafter, the Governor shall appoint members to fill vacancies caused by the~~
855 ~~expiration of terms for terms of four years.~~

856 ~~(c) All vacancies, whether occasioned by failure to make an appointment within the sixty~~
857 ~~days preceding any regular expiration as required, or otherwise, are to be filled by the Governor~~
858 ~~for the unexpired term.~~

859 ~~(d) All appointments are subject to confirmation by the General Assembly if in session~~
860 ~~when such appointments are made, and if not in session, then at its next succeeding session.~~
861 ~~Visitors shall continue to discharge their duties after their terms have expired until their~~
862 ~~successors have been appointed and have qualified.~~

863 B. The alumni association of the University may submit to the Governor a list of at least
864 three nominees for each vacancy on the board of visitors, whether the vacancy occurs by
865 expiration of a term or otherwise. The Governor may appoint a member from the list of
866 nominees.

867 **Drafting note: Existing provisions relating to the membership of the board of**
868 **visitors are logically combined in this proposed section, existing provisions relating to the**
869 **terms and removal of members of the board are stricken and incorporated instead into**
870 **proposed Chapter 13, and technical changes are made to conform the language to that of**
871 **each other four-year public institution of higher education.**

872 ~~§ 23-49.15. Nominations for appointment to board of visitors.~~

873 ~~(a) The Governor may appoint visitors from a list of qualified persons submitted to him,~~
874 ~~by the alumni association of Old Dominion University, or its titular successor, on or before~~
875 ~~April 1 of any year in which the terms of any visitors will expire.~~

876 ~~(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall~~
877 ~~certify this fact to the association and nominations may be submitted of qualified persons and~~
878 ~~the Governor may fill the vacancy, if his discretion so dictates, from among the eligible~~
879 ~~nominees of the association, whether or not alumni or alumnae.~~

880 ~~(c) [Repealed.]~~

881 ~~(d) The Governor is not to be limited in his appointments to the persons so nominated.~~

882 **Drafting note: The provisions of existing § 23-49.15 are stricken and incorporated**
883 **instead into proposed § 23.1-xxx.**

884 ~~§ 23-49.16. Visitor ineligible for more than two successive terms; vacating office by~~
885 ~~nonperformance of duties.~~

886 ~~No person shall be eligible to serve for or during more than two successive four-year~~
887 ~~terms.~~

888 ~~If any visitor fails to perform the duties of his office for one year, without sufficient~~
889 ~~cause shown to the board, the board of visitors shall, at their next meeting after the end of such~~
890 ~~year, cause the fact of such failure to be recorded in the minutes of their proceedings, and certify~~
891 ~~the same to the Governor; and the office of such visitor shall be thereupon vacant. If so many of~~
892 ~~such visitors fail to perform their duties that a quorum thereof do not attend for a year, upon a~~
893 ~~certificate thereof being made to the Governor by the rector or any member of the board, or by~~
894 ~~the president of the University, the offices of all visitors so failing to attend shall be vacated.~~

895 **Drafting note: The provisions of existing § 23-49.16 are stricken and incorporated**
896 **instead into proposed Chapter 13.**

897 ~~§ 23-49.17 23.1-xxx. Rights, powers and duties of board in general; meetings; rector,~~
898 ~~vice-rector and secretary; executive committee. Meetings; officers; committees.~~

899 ~~A. The board of visitors shall be vested with all the rights and powers conferred by the~~
900 ~~provisions of this chapter insofar as the same are not inconsistent with the provisions of this~~
901 ~~chapter and the general laws of the Commonwealth.~~

902 ~~The board shall control and expend the funds of the University and any appropriation~~
903 ~~hereafter provided, and shall make all needful rules and regulations concerning the University,~~
904 ~~appoint the president, who shall be its chief executive officer, and all professors, teachers, staff~~
905 ~~members and agents, and fix their salaries, and generally direct the affairs of the University.~~

906 ~~B. The board of visitors shall meet at the University once a year, and at such other times~~
907 ~~as they shall determine, the days of meetings to be fixed by them it determines. Special~~

908 meetings of the board may be called by the rector or any three members. The Secretary shall
909 provide notice of any special meeting to each member.

910 B. A majority of ~~voting~~ members shall constitute a quorum.

911 ~~At the first meeting after July 1, 1962, and every second year thereafter, they~~ C. At the
912 first meeting after July 1 in every even-numbered year, the board shall elect from ~~their own~~
913 body its membership a rector, ~~who shall to~~ preside at their its meetings, ~~a secretary and~~ a vice-
914 rector to preside at its meetings in the absence of the rector, and a secretary to preside at its
915 meetings in the absence of the rector and vice-rector.

916 ~~In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and~~
917 ~~on the absence of all three, the~~ D. The board may appoint a pro tempore officer to preside at its
918 meetings in the absence of the rector, vice-rector, and secretary.

919 ~~Any vacancies~~ E. Vacancies in the offices of rector, vice-rector ~~or, and~~ secretary may be
920 filled by the board for the unexpired term. ~~Special meetings of the board may be called by the~~
921 ~~rector or any three members. In either of such cases, notice of the time of meetings shall be~~
922 ~~given by the secretary to every member.~~

923 ~~C. F.~~ At every regular annual meeting of the board an executive committee of no fewer
924 than five members may be appointed for the transaction of business in the recess of the board.
925 The executive committee shall ~~be~~ consist of the officers of the board and such other members as
926 ~~shall be appointed by~~ the rector may appoint.

927 **Drafting Note: Technical changes are made to conform provisions relating to**
928 **meetings, officers, and committees of the board of visitors to those of each other four-year**
929 **public institution of higher education. Provisions on the powers and duties of the board of**
930 **visitors in subsection A and relocated to § 23.1-xxx.**

931 ~~§ 23-49.18. Board may fix tuition, fees and other necessary charges.~~

932 ~~The board of visitors may fix, in their discretion, the rates charged the students of the~~
933 ~~University for tuition, fees and other necessary charges.~~

934 **Drafting note: The provisions of existing § 23-49.18 are stricken here and**
935 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

936 ~~§ 23-49.19. Right to confer degrees.~~

937 ~~The board of visitors shall have the right to confer degrees.~~

938 **Drafting note: The provisions of existing § 23-49.19 are stricken here and**
939 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

940 ~~§ 23-49.20, 23.1-xxx. Normal course to be maintained~~ Program of instruction to educate
941 and train teachers.

942 ~~The University board may maintain in connection with its collegiate course, which shall~~
943 ~~be continued, a system of normal~~ a program of instruction and training for the purpose of
944 educating and training to educate and train teachers for the public ~~free elementary and~~
945 secondary schools of the Commonwealth.

946 **Drafting note: Technical changes.**

947 ~~§ 23-49.21. Lease or sale of real estate.~~

948 ~~The rector and visitors of Old Dominion University, with the approval of the Governor~~
949 ~~first obtained, are hereby authorized to lease, sell and convey any and all real estate to which it~~
950 ~~has acquired title by gift, devise or purchase since the commencement of the University under~~
951 ~~any previous name or names, or which may hereafter be conveyed or devised to it. The proceeds~~
952 ~~derived from any such lease, sale or sales shall be held by said rector and visitors of Old~~
953 ~~Dominion University upon the identical trusts, and subject to the same uses, limitations and~~
954 ~~conditions, if any, that are expressed in the original deed or will under which its title was~~
955 ~~derived, or if there be no such trusts, uses, limitations or conditions expressed in such original~~
956 ~~deed or will, then said funds shall be applied by the rector and visitors of the University to such~~
957 ~~purposes as said board may deem best for the University.~~

958 **Drafting note: The provisions of existing § 23-49.21 are stricken here and**
959 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

960 ~~§ 23-49.22.~~

961 **Drafting note: Repealed by Acts 1968, c. 545.**

962 ~~Article 2.~~

963 ~~Center for Graduate and Undergraduate Studies.~~

964 **Drafting note: Existing Article 2 and its contents are stricken as obsolete.**

965 ~~§ 23-49.22:1. Center for graduate and undergraduate studies authorized; executive~~
 966 ~~director.~~

967 ~~A. In addition to such powers conferred by this chapter and Chapter 13.1 (§ 23-174.1 et~~
 968 ~~seq.) of this title, the boards of visitors of Old Dominion University and Norfolk State~~
 969 ~~University shall be empowered to jointly establish, from such funds as may be appropriated or~~
 970 ~~received, and to supervise and control a center for graduate and undergraduate studies to serve~~
 971 ~~the Cities of Chesapeake, Portsmouth, and Suffolk. The boards of visitors may enter into~~
 972 ~~agreements for the sharing of faculty and equipment for the operation of the center.~~

973 ~~B. The boards may appoint an executive director for the center, who shall perform the~~
 974 ~~specific duties imposed by the boards of visitors and shall employ such personnel and contract~~
 975 ~~for such services as may be required for the operation of the center.~~

976 **Drafting note: Existing § 23-49.22:1 is stricken as obsolete.**

977 ~~§ 23-49.22:2. Administration.~~

978 ~~The boards of visitors of Old Dominion University and Norfolk State University shall~~
 979 ~~have the same powers as to determining the fields of instruction to be offered; fixing tuition,~~
 980 ~~fees, and other charges; appointing and removing administrative officers, professors, and agents;~~
 981 ~~and the making of rules and regulations as are now vested in their respective boards. The boards~~
 982 ~~shall have the power to grant appropriate diplomas or certificates upon the successful~~
 983 ~~completion of the curriculum of the center.~~

984 **Drafting note: Existing § 23-49.22:2 is stricken as obsolete.**

985 ~~§ 23-49.22:3. Curriculum.~~

986 ~~The curriculum offered by the center shall be limited to upper level undergraduate and~~
 987 ~~graduate courses of instruction which are offered by Old Dominion University and Norfolk~~

988 ~~State University. The approval of the State Council of Higher Education shall be required for~~
989 ~~the addition of any new academic programs pursuant to § 23-9.6:1. In developing upper level~~
990 ~~undergraduate educational programs, the boards shall consider articulation agreements and~~
991 ~~course offerings at area community colleges to ensure the appropriate breadth and availability of~~
992 ~~coursework.~~

993 **Drafting note: Existing § 23-49.22:3 is stricken as obsolete.**

994 ~~§ 23-49.22:4. Care, preservation, and acquisition of property; gifts and donations.~~

995 ~~The boards of visitors of Old Dominion University and Norfolk State University shall be~~
996 ~~charged with the care and preservation of all real and personal property belonging to the center.~~
997 ~~The boards are authorized to lease or acquire by gift or purchase a suitable site for the center~~
998 ~~and to accept and expend gifts and donations of any kind from individuals, firms, corporations,~~
999 ~~and organizations.~~

1000 **Drafting note: Existing § 23-49.22:4 is stricken as obsolete.**

1001 CHAPTER ~~11.1~~ 21.

1002 RADFORD UNIVERSITY.

1003 **Drafting note: Existing Chapter 11.1 of Title 23 is logically reorganized as proposed**
1004 **Chapters 13 and 21 of Title 23.1. Existing provisions that apply generally to governing**
1005 **boards of public institutions of higher education are consolidated in Chapter 13. Existing**
1006 **provisions relating to the incorporation, membership, and meetings of the governing**
1007 **board that are unique to the University are retained in Chapter 21.**

1008 ~~§ 23-155.1~~ 23.1-xxx. ~~Corporation composed of board of visitors created; style Corporate~~
1009 ~~name; name of the University.~~

1010 A. ~~The corporation composed of the board of visitors of Radford College, heretofore~~
1011 ~~established by law, is continued as the~~ board of visitors of Radford University (the board) shall
1012 be a corporation under the name and style of "The Visitors of Radford University" ~~in this~~
1013 ~~chapter hereinafter referred to as the board~~ and shall have, in addition to its other powers, all the
1014 corporate powers given to corporations by the provisions of Title 13.1 except those powers that

1015 are confined to corporations created pursuant to Title 13.1. The board shall at all times be under
 1016 the control of the General Assembly.

1017 ~~All laws relating to Radford College or the board of visitors of Radford College shall be~~
 1018 ~~construed as relating to Radford University or the board.~~

1019 ~~§ 23-155.2. Name of University.~~

1020 B. The University institution shall be known as Radford University (the University).

1021 C. All laws relating to Radford College or the board of visitors of Radford College shall
 1022 be construed as relating to the University or the board, respectively.

1023 **Drafting note: The provisions of existing §§ 23-155.1 and 23-155.2 are combined as**
 1024 **proposed § 23.1-xxx. Technical changes are made to conform the language in this section**
 1025 **to that of each other four-year public institution of higher education.**

1026 ~~§ 23-155.3. Transfer of property from board of visitors of Radford College.~~

1027 ~~All the real estate and personal property now existing and heretofore standing in the~~
 1028 ~~name of the visitors of Radford College shall be transferred to and be known and taken as~~
 1029 ~~standing in the name, and to be under the control, of the visitors of Radford University. Such~~
 1030 ~~real estate and personal property shall be the property of the Commonwealth.~~

1031 **Drafting note: The provisions of existing § 23-155.3 are stricken as obsolete.**

1032 ~~§ 23-155.4 23.1-xxx. Appointment of visitors; terms; vacancies~~ Membership.

1033 ~~(a) A.~~ The board shall consist of 15 members who shall be appointed by the Governor, at
 1034 least 11 of whom shall be residents of the Commonwealth.

1035 ~~(b) Of the four members taking new seats of the board to be appointed by the Governor~~
 1036 ~~for terms beginning July 1, 2007, two shall be appointed for initial terms of three years each and~~
 1037 ~~two for terms of four years each. Successors to all members shall be appointed to serve for~~
 1038 ~~terms of four years each. Vacancies occurring other than by expiration of term shall be filled for~~
 1039 ~~the unexpired term. Of the persons so appointed four may be nonresidents of the~~
 1040 ~~Commonwealth.~~

1041 ~~(c) All appointments shall be subject to confirmation by the General Assembly.~~
1042 ~~Members shall continue to hold office until their successors have been appointed and have~~
1043 ~~qualified.~~

1044 B. The alumni association of the University may submit to the Governor a list of at least
1045 three nominees for each vacancy on the board of visitors, whether the vacancy occurs by
1046 expiration of a term or otherwise. The Governor may appoint a member from the list of
1047 nominees.

1048 **Drafting note: Existing provisions relating to the membership of the board of**
1049 **visitors are logically combined in this proposed section, existing provisions relating to the**
1050 **terms and removal of members of the board are stricken and incorporated instead into**
1051 **proposed Chapter 13, and technical changes are made to conform the language to that of**
1052 **each other four-year public institution of higher education.**

1053 ~~§ 23-155.5. Appointment of visitors from list submitted by alumni association.~~

1054 ~~(a) The Governor may appoint visitors from a list of qualified persons submitted to him,~~
1055 ~~by the alumni association of the Radford College, or its titular successor, on or before the first~~
1056 ~~day of July of any year in which the terms of any visitors will begin or expire.~~

1057 ~~(b) Every list shall contain at least three names of each vacancy to be filled.~~

1058 ~~(c) The Governor is not to be limited in his appointments to the persons so nominated.~~

1059 **Drafting note: The provisions of existing § 23-155.5 are stricken and incorporated**
1060 **instead into proposed § 23.1-xxx.**

1061 ~~§ 23-155.6. Eligibility to serve more than two successive terms.~~

1062 ~~No person shall be eligible to serve for or during more than two successive terms;~~
1063 ~~provided that a person may be appointed to a term of less than four years immediately prior to~~
1064 ~~or after or between two four-year terms.~~

1065 **Drafting note: The provisions of existing § 23-155.6 are stricken and incorporated**
1066 **instead into proposed Chapter 13.**

1067 ~~§ 23-155.7. Rights, powers and duties of board generally.~~

1068 ~~The board shall be vested with all the rights and powers conferred by the provisions of~~
1069 ~~this chapter insofar as the same are not inconsistent with the laws of the Commonwealth.~~

1070 ~~The board shall control and expend the funds of the University and any appropriation~~
1071 ~~hereafter provided, and shall make all needful rules and regulations concerning the University,~~
1072 ~~appoint the president, who shall be its chief executive officer, and all professors, teachers and~~
1073 ~~agents, and fix their salaries, and generally direct the affairs of the University.~~

1074 **Drafting note: The provisions of existing § 23-155.7 are stricken here and**
1075 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1076 ~~§ 23-155.8. Board may fix rates, fees and charges.~~

1077 ~~The board may fix the rates charged the students of the University for tuition, fees and~~
1078 ~~other necessary charges.~~

1079 **Drafting note: The provisions of existing § 23-155.8 are stricken here and**
1080 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1081

1082 ~~§ 23-155.9. Right to confer degrees.~~

1083 ~~The board shall have the right to confer degrees.~~

1084 **Drafting note: The provisions of existing § 23-155.9 are stricken here and**
1085 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1086 ~~§ 23-155.10 23.1-xxx. Curriculum Program of instruction to education and train~~
1087 ~~teachers.~~

1088 ~~The curriculum of Radford University board shall embrace such branches of learning as~~
1089 ~~relate to teaching in the public free schools of Virginia, without excluding other studies in the~~
1090 ~~arts and sciences maintain a program of instruction to educate and train teachers for the public~~
1091 ~~elementary and secondary schools of the Commonwealth without excluding other programs of~~
1092 ~~instruction.~~

1093 **Drafting note: Technical changes.**

1094 **CHAPTER 9 22.**

1095 UNIVERSITY OF VIRGINIA.

1096 **Drafting note: Existing Chapter 9 of Title 23 is logically reorganized as proposed**
1097 **Chapters 13 and 22 of Title 23.1. Existing provisions that apply generally to governing**
1098 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
1099 **Existing provisions relating to the incorporation, membership and meetings, and powers**
1100 **and duties of the governing board that are unique to the University are retained in**
1101 **proposed Chapter 22.**

1102 Article 1.

1103 General Provisions.

1104 ~~§ 23-69 23.1-xxx. Board a corporation~~ Corporate name; name of the University.

1105 A. The board of visitors of the University of Virginia (the board) shall be ~~and remain~~ a
1106 corporation, under the name and style of "the Rector and Visitors of the University of Virginia,"
1107 and shall have, in addition to its other powers, all the corporate powers given to corporations by
1108 the provisions of Title 13.1; ~~except in those cases where, by the express terms of the provisions~~
1109 ~~thereof, it is confined to corporations created under such title; and shall also have the power to~~
1110 ~~accept, execute and administer any trust in which it may have an interest under the terms of the~~
1111 ~~instrument creating the trust~~ those powers that are confined to corporations created pursuant to
1112 Title 13.1. The ~~rector and visitors of the University of Virginia board~~ shall be at all times ~~subject~~
1113 ~~to be under~~ the control of the General Assembly.

1114 B. The institution shall be known as the University of Virginia (the University).

1115 **Drafting Note: Technical changes are made to conform the language in this section**
1116 **to that of each other four-year public institution of higher education.**

1117 ~~§ 23-62. University continued.~~

1118 ~~The University of Virginia shall be continued.~~

1119 **Drafting note: The provisions of existing § 23-62 are stricken as obsolete.**

1120 ~~§ 23-70 23.1-xxx. Appointment of visitors generally; number and terms of office~~
1121 Membership.

1122 A. The board of visitors ~~is to~~ shall consist of 17 ~~visitors~~ members appointed by the
1123 Governor, of whom at least (i) ~~at least~~ 12 shall be appointed from the Commonwealth at large,
1124 (ii) ~~at least~~ 12 shall be alumni of the University of Virginia, and (iii) ~~at least~~ one shall be a
1125 physician with administrative and clinical experience in an academic medical center.

1126 B. ~~All appointments on or after July 1, 2008, shall be for terms of four years and~~
1127 ~~commence July 1 of the first year of appointment, except that appointments to fill vacancies~~
1128 ~~shall be made for the unexpired terms. Members shall complete their service on June 30 of the~~
1129 ~~year in which their respective terms expire, including appointments made prior to July 1, 2008.~~
1130 ~~All appointments for full terms, as well as to fill vacancies, shall be made by the Governor~~
1131 ~~subject to confirmation by the Senate and the House of Delegates.~~ The alumni association of the
1132 University may submit to the Governor a list of at least three nominees for each vacancy on the
1133 board of visitors, whether the vacancy occurs by expiration of a term or otherwise. The
1134 Governor may appoint a member from the list of nominees.

1135 **Drafting note: Existing provisions relating to the membership of the board of**
1136 **visitors are logically combined in this proposed section, existing provisions relating to the**
1137 **terms and removal of members of the board are stricken and incorporated instead into**
1138 **proposed Chapter 13, and technical changes are made to conform the language to that of**
1139 **each other four-year public institution of higher education.**

1140 ~~§ 23-71. Appointment of visitors from nominees of alumni association.~~

1141 ~~A. The Governor may appoint visitors from a list of qualified persons submitted to him,~~
1142 ~~before or after induction into office, by the alumni association of the University of Virginia, on~~
1143 ~~or before the first day of April of any year in which the terms of any visitors will expire.~~

1144 ~~B. Whenever a vacancy occurs otherwise than by expiration of term, the Governor shall~~
1145 ~~certify this fact to the association and nominations may be submitted of qualified persons and~~
1146 ~~the Governor may fill the vacancy, if his discretion so dictates, from among the eligible~~
1147 ~~nominees of the association, whether or not alumni or alumnae.~~

1148 ~~C. Every list shall contain at least three names for each vacancy to be filled.~~

1149 ~~D. The Governor is not to be limited in his appointments to the persons so nominated.~~

1150 ~~E. At no time shall less than 12 of the visitors be alumni or alumnae of the University.~~

1151 **Drafting note: The provisions of existing § 23-71 are stricken and incorporated**
1152 **instead into proposed § 23.1-xxx.**

1153 ~~§ 23-72. Eligibility to serve more than two successive terms.~~

1154 ~~No person shall be eligible to serve for or during more than two successive four-year~~
1155 ~~terms; but after the expiration of a term of two years or less, or after the expiration of the~~
1156 ~~remainder of a term to which appointed to fill a vacancy, two additional four-year terms may be~~
1157 ~~served by such a member if appointed thereto.~~

1158 **Drafting note: The provisions of existing § 23-72 are stricken and incorporated**
1159 **instead into proposed Chapter 13.**

1160 ~~§ 23-73. When office of visitor deemed vacant.~~

1161 ~~If any visitor fail to perform the duties of his office for one year, without sufficient cause~~
1162 ~~shown to the board, the board of visitors shall, at their next meeting after the end of such year,~~
1163 ~~cause the fact of such failure to be recorded in the minutes of their proceedings, and certify the~~
1164 ~~same to the Governor; and the office of such visitor shall be thereupon vacant. If so many of~~
1165 ~~such visitors fail to perform their duties that a quorum thereof do not attend for a year, upon a~~
1166 ~~certificate thereof being made to the Governor by the rector or any member of the board, or by~~
1167 ~~the president of the University, the offices of all visitors so failing to attend shall be vacant.~~

1168 **Drafting note: The provisions of existing § 23-73 are stricken and incorporated**
1169 **instead into proposed Chapter 13.**

1170 ~~§ 23-74. 23.1-xxx. Meetings of board of visitors; quorum; rector and vice rector;~~
1171 ~~secretary; officers; committees.~~

1172 ~~A. The board of visitors shall meet at the University at least once a year; and at such~~
1173 ~~other times as they shall determine, the days of meeting to be fixed by them and places as it~~
1174 ~~determines. Five members shall constitute a quorum. Special meetings of the board may be~~

1175 called by the rector or any three members. The Secretary shall provide notice of any special
1176 meeting to each member.

1177 B. Five members shall constitute a quorum.

1178 C. The board of visitors shall appoint, from ~~among~~ its ~~members, membership~~ a rector to
1179 preside at ~~their~~ its meetings and a vice-rector to preside at ~~their~~ its meetings in the absence of
1180 the rector. The board may appoint a substitute pro tempore to preside in the absence of the
1181 rector or vice-rector. The rector and the vice-rector shall ~~also~~ perform ~~such~~ any additional duties
1182 ~~as the board may prescribe~~ prescribed by the board. The terms of the rector and vice-rector shall
1183 be for two years, commencing on July 1 of the year of appointment and expiring on June 30 of
1184 the year of the expiration of their terms.

1185 D. The board shall ~~also~~ appoint a secretary ~~for such term and with such duties as the~~
1186 ~~board shall prescribe~~ who shall serve a term and perform duties as prescribed by the board.

1187 ~~The board may also appoint a substitute pro tempore, as provided in its bylaws, to~~
1188 ~~preside in the absence of the rector or the vice-rector.~~

1189 E. Vacancies in the ~~office~~ offices of rector, vice-rector ~~or, and~~ secretary may be filled by
1190 the board for the unexpired term, ~~as provided in the Board's bylaws.~~

1191 ~~Special meetings of the board may be called by the rector or any three members. In~~
1192 ~~either of such cases, notice of the time of meeting shall be given by the secretary to every~~
1193 ~~member.~~

1194 F. At every annual meeting of the board, the board shall appoint an executive committee
1195 for the transaction of business in the recess of the board, consisting of at least three and not
1196 more than seven members, to serve for the period of one year or until the next regular annual
1197 meeting.

1198 **Drafting Note: Existing provisions relating to meetings, officers, and committees of**
1199 **the board of visitors are logically combined in this proposed section, and technical changes**
1200 **are made to conform the language to that of each other four-year public institution of**
1201 **higher education.**

1202 ~~§ 23-75. Executive committee of board.~~

1203 ~~At every regular annual meeting of the board, the members shall appoint an executive~~
1204 ~~committee for the transaction of business in the recess of the board, which shall consist of not~~
1205 ~~less than three nor more than six members, to serve for the period of one year or until the next~~
1206 ~~regular annual meeting.~~

1207 **Drafting note: The provisions of existing § 23-75 are stricken and incorporated**
1208 **instead into proposed § 23.1-xxx.**

1209 § 23-63. Branches of learning to be taught.

1210 The following branches of learning shall be taught at the University: the Latin, Greek,
1211 Hebrew, French, Spanish, Italian, German, and Anglo-Saxon languages; the different branches
1212 of mathematics, pure and physical; natural philosophy, chemistry, mineralogy, including
1213 geology; the principles of agriculture; botany, anatomy, surgery, and medicine; zoology, history,
1214 ideology, general grammar, ethics, rhetoric, and belles lettres; civil government, political
1215 economy, the law of nature and of nations and municipal law.

1216 **Drafting note: No change.**

1217 ~~§ 23-64. Salary of president and professors; fees.~~

1218 ~~The president and each of the professors shall receive a stated salary, and may also~~
1219 ~~receive such additional compensation out of the fees for tuition and other revenues of the~~
1220 ~~University as the visitors may from time to time direct.~~

1221 **Drafting note: The provisions of existing § 23-64 are stricken here and**
1222 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1223 ~~§ 23-65~~ 23.1-xxx. Secured obligations.

1224 It shall ~~not~~ be ~~lawful~~ unlawful for the ~~rector and visitors of the University of Virginia~~
1225 board to issue its obligations; to be secured by deed of trust on its real estate; without the prior
1226 consent of the General Assembly ~~previously obtained~~.

1227 **Drafting note: Technical changes.**

1228 § 23-66. Payment of bonds of the University.

1229 For the payment of the bonds, with the interest thereon, issued in pursuance of the act
1230 entitled "An act to authorize the rector and board of visitors of the University of Virginia to
1231 issue bonds to pay off and discharge their floating debt and maturing obligations," approved
1232 March 28, 1871, ~~not only~~ the current revenue of the University, ~~but also~~ and the property ~~now~~
1233 held by the Commonwealth for the purposes of the University; shall continue liable.

1234 **Drafting note: Technical changes.**

1235 § ~~23-67~~ 23.1-xxx. Payment of interest on debt of University; sinking fund.

1236 Out of the appropriation made by the General Assembly for the support of the University
1237 ~~of Virginia~~, there shall be first set apart, annually, a sum sufficient to pay the interest accruing
1238 on the existing interest-bearing debt of the University, except as provided in § ~~23-24~~ 23.1-xxx,
1239 and to constitute a sinking fund for the liquidation of the principal of ~~the same; and~~ such debt.
1240 Such sum shall be applied to no other purpose or object ~~whatever~~.

1241 **Drafting note: Technical changes.**

1242 § 23-68. Provision for interest on certain bonds.

1243 ~~Two several~~ The Comptroller shall place in the state treasury a sufficient sum to pay
1244 semiannually six percent interest per annum on two sums of \$50,000 in consol bonds of the
1245 Commonwealth ~~having been~~ donated by William W. Corcoran, of Washington, D.C., to the
1246 University; and ~~the consol bonds, having~~, under the act of January 13, 1877; and the act of April
1247 2, 1879, ~~been~~ converted into registered bonds in the name of the ~~rector and visitors of the~~
1248 University, bearing interest at the rate of six per centum per annum, payable semiannually: It is
1249 enacted, that for the continued payment of such interest, the Comptroller is authorized and
1250 required to place, from time to time, in the state treasury a sufficient sum to pay the same as it
1251 falls due board.

1252 **Drafting note: Technical changes.**

1253 § ~~23-76~~ 23.1-xxx. ~~Powers and duties of board; president and other officers; professors~~
1254 and instruction; regulations Supply of water.

1255 The board ~~shall be charged with the care and preservation of all property belonging to~~
1256 ~~the University. They shall appoint a president, with such duties as may be prescribed by the~~
1257 ~~board, and who shall have supreme administrative direction under the authority of the board~~
1258 ~~over all the schools, colleges and branches of the University wherever located, and they shall~~
1259 ~~appoint as many professors as they deem proper, and, with the assent of two thirds of the whole~~
1260 ~~number of visitors, may remove such president or any professor. They may prescribe the duties~~
1261 ~~of each professor, and the course and mode of instruction. They may appoint a comptroller and~~
1262 ~~proctor, and employ any other agents or servants, regulate the government and discipline of the~~
1263 ~~students, and the renting of the rooms and dormitories, and, generally, in respect to the~~
1264 ~~government and management of the University, make such regulations as they may deem~~
1265 ~~expedient, not being contrary to law. To enable the proctor and visitors of the University board~~
1266 ~~to procure a supply of water, and to construct and maintain a system of waterworks, drainage,~~
1267 ~~and sewerage for the University they shall have power and the authority to acquire such springs,~~
1268 ~~lands, and rights-of-way as may be necessary, according to the provisions of Title 25.1, to~~
1269 ~~enable the board to procure a supply of water and to construct and maintain a system of~~
1270 ~~waterworks, drainage, and sewerage for the University.~~

1271 **Drafting note: The provisions of existing § 23-76 regarding employees and**
1272 **regulations are stricken here and incorporated instead into proposed § 23.1-13xx of**
1273 **Chapter 13. The provisions of existing § 23-76 regarding a supply of water are retained in**
1274 **this proposed section. Technical changes are made.**

1275 ~~§ 23-78. Testimonials to students.~~

1276 ~~The board shall examine into the progress of the students in each year, and shall give to~~
1277 ~~those who excel in any branch of learning such honorary testimonials of approbation as they~~
1278 ~~deem proper.~~

1279 **Drafting note: The provisions of existing § 23-78 are stricken as obsolete.**

1280 ~~§ 23-79. Visitors' expenses.~~

1281 ~~Such reasonable expenses as the visitors may incur in the discharge of their duties shall~~
1282 ~~be paid out of the funds of the University.~~

1283 **Drafting note: The provisions of existing § 23-79 are stricken as obsolete.**

1284 ~~§ 23-80.~~

1285 **Drafting note: Repealed by Acts 2009, c. 72.**

1286 ~~Article 9.~~

1287 ~~The University of Virginia's College at Wise.~~

1288 **Drafting note: The provisions of the first three sections of existing Article 9 (§ 23-**
1289 **91.20 et seq.) of Chapter 9 are logically combined as a single section, § 23.1-22xx, in**
1290 **proposed Article 1 of Chapter 22. The fourth and final section of existing Article 9, § 23-**
1291 **91.23, is shown stricken as obsolete.**

1292 ~~§ 23-91.20 23.1-xxx. Institution a division of The University of Virginia under~~
1293 ~~supervision, etc., of rector and visitors; authorized to grant degrees Virginia's College at Wise.~~

1294 A. The University of Virginia's College at Wise (the College), established in Wise
1295 County, Virginia, shall be a division of the University ~~of Virginia. It shall be~~ and a four-year
1296 ~~college with the right to prepare students for the granting of degrees upon graduation therefrom.~~
1297 ~~It shall be an integral part of the University of Virginia and be~~ public institution of higher
1298 education subject to the supervision, management, and control of the ~~rector and visitors of the~~
1299 University of Virginia board.

1300 ~~§ 23-91.22. Expenditure of appropriations.~~

1301 ~~Appropriations, directly or indirectly,~~ B. Direct and indirect appropriations from the
1302 Commonwealth to ~~such division~~ the College shall be expended as directed by the ~~rector and~~
1303 ~~visitors of the University of Virginia board.~~

1304 ~~§ 23-91.21. Property, duties, contracts, etc., vested in rector and visitors of University;~~
1305 ~~principal administrative officer of division; powers of board of visitors generally; title of local~~
1306 ~~administrative officer.~~

1307 C. All property, property rights, duties, contracts, and agreements of ~~such division are~~
1308 the College shall be vested in the ~~rector and visitors of the University of Virginia board.~~ The
1309 president of the University of Virginia, by virtue of his office, shall be the principal
1310 administrative officer of such division. The board ~~of visitors of the University is charged with~~
1311 the care and preservation of shall care for and preserve all property belonging to ~~such division~~
1312 the College.

1313 D. With respect to ~~such division~~ the College, the board ~~of visitors~~ shall have all the ~~same~~
1314 powers ~~as to granting degrees, as to fixing tuitions, fees and charges, as to borrowing money and~~
1315 ~~issuing bonds, as to the appointment and removal of administrative officers, professors, agents~~
1316 ~~and servants, and the making of rules and regulations, as that~~ are ~~now~~ vested in ~~them~~ the board
1317 with respect to the University.

1318 E. The president of the University shall be the principal administrative officer of the
1319 College.

1320 F. The board shall fix the title of the chief local administrative officer of ~~such division~~
1321 ~~shall be fixed by the board of visitors~~ the College.

1322 **Drafting note: The provisions of the first three sections in existing Article 9 (§ 23-**
1323 **91.20 et seq.) of Chapter 9 are logically combined as a single section, § 23.1-22xx, in**
1324 **proposed Article 1 of Chapter 22. Technical changes are made.**

1325 ~~§ 23-91.23. Validation of prior acts and proceedings of rector and visitors.~~

1326 ~~All acts and proceedings heretofore [before September 1, 1968] taken by the rector and~~
1327 ~~visitors of the University of Virginia with respect to the establishment and maintenance of the~~
1328 ~~University of Virginia's College at Wise, including all contracts, loan agreements and other~~
1329 ~~agreements of whatsoever nature, are hereby ratified, validated and confirmed.~~

1330 **Drafting note: The provisions of existing § 23-91.23 are stricken as obsolete.**

1331 ~~Article 10.~~

1332 ~~Branch Campus in Qatar.~~

1333 **Drafting note: Existing Article 10 and its single section (§ 23-91.23:1) of Chapter 9**
1334 **relating to the branch campus in Qatar are stricken as obsolete.**

1335 ~~§ 23-91.23:1. Establishment of branch Branch campus in the State of Qatar.~~

1336 ~~In recognition that global educational opportunities benefit the intellectual and economic~~
1337 ~~interests of the Commonwealth, the board of visitors of the University of Virginia is authorized~~
1338 ~~to establish, operate, and govern a branch campus of the University of Virginia in the State of~~
1339 ~~Qatar. The board of visitors shall have the same powers with respect to operation and~~
1340 ~~governance of its branch campus in Qatar as vested in the board by the Code of Virginia with~~
1341 ~~respect to the University of Virginia in Virginia, including, but not limited to, the fixing of fees~~
1342 ~~and charges;₂ the establishment of academic standards;₂ and the conferral of degrees. In~~
1343 ~~operating such branch campus, the board of visitors shall provide appropriate professional~~
1344 ~~opportunities for Virginia-based faculty to teach or conduct research on the Qatar campus and~~
1345 ~~educational opportunities for Virginia-based students to study or conduct research on the Qatar~~
1346 ~~campus.~~

1347 ~~Nothing contained in this section shall be deemed a waiver of the sovereign immunity of~~
1348 ~~the Commonwealth or of the University of Virginia.~~

1349 ~~In its operation of any branch campus established in the State of Qatar, the board of~~
1350 ~~visitors and its employees shall not discriminate on the basis of race, color, religion, national~~
1351 ~~origin, or sex, and shall not abridge the constitutional rights of freedom of speech and religion.~~
1352 ~~Any agreement the board of visitors enters to establish, operate, or govern the branch campus in~~
1353 ~~Qatar shall contain contractual assurances to the board that the branch campus shall operate~~
1354 ~~without discrimination on the basis of race, color, religion, national origin, or sex, and without~~
1355 ~~abridging the constitutional rights of freedom of speech and religion.~~

1356 **Drafting note: The provisions of existing § 23-91.23:1 are stricken as obsolete.**

1357 ~~§ 23-76.1. Investment of endowment funds, endowment income, and gifts; standard of~~
1358 ~~care; liability; exemption from the Virginia Public Procurement Act.~~

1359 ~~A. The board of visitors shall invest and manage the endowment funds, endowment~~
1360 ~~income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the~~
1361 ~~University in accordance with this section and the provisions of the Uniform Prudent~~
1362 ~~Management of Institutional Funds Act (§ 64.2-1100 et seq.).~~

1363 ~~B. No member of the board of visitors shall be personally liable for losses suffered by an~~
1364 ~~endowment fund, endowment income, gifts, all other nongeneral fund reserves and balances, or~~
1365 ~~local funds of or held by the University, arising from investments made pursuant to the~~
1366 ~~provisions of subsection A.~~

1367 ~~C. The investment and management of endowment funds, endowment income, gifts, all~~
1368 ~~other nongeneral fund reserves and balances, or local funds of or held by the University shall~~
1369 ~~not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).~~

1370 ~~D. In addition to the investment practices authorized by the Uniform Prudent~~
1371 ~~Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board of visitors may also~~
1372 ~~invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund~~
1373 ~~reserves and balances, and local funds of or held by the University in derivatives, options, and~~
1374 ~~financial securities.~~

1375 ~~1. In this section, "derivative" means a contract or financial instrument or a combination~~
1376 ~~of contracts and financial instruments, including, without limitation, any contract commonly~~
1377 ~~known as a "swap," which gives the University the right or obligation to deliver or receive~~
1378 ~~delivery of, or make or receive payments based on, changes in the price, value, yield or other~~
1379 ~~characteristic of a tangible or intangible asset or group of assets, or changes in a rate, an index~~
1380 ~~of prices or rates, or other market indicator for an asset or a group of assets.~~

1381 ~~2. In this section, an "option" means an agreement or contract whereby the University~~
1382 ~~may grant or receive the right to purchase or sell, or pay or receive the value of, any personal~~
1383 ~~property asset including, without limitation, any agreement or contract which relates to any~~
1384 ~~security, contract or agreement.~~

1385 ~~3. In this section, "financial security" means any note, stock, treasury stock, bond,~~
1386 ~~debenture, evidence of indebtedness, certificate of interest, collateral trust certificate,~~
1387 ~~preorganization certificate or subscription, transferable share, investment contract, voting trust~~
1388 ~~certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other~~
1389 ~~mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit,~~
1390 ~~or group or index of securities (including any interest therein or based on the value thereof), or~~
1391 ~~any put, call, straddle, option, or privilege entered into on a national securities exchange relating~~
1392 ~~to foreign currency, or, in general, any interest or instrument commonly known as a "security,"~~
1393 ~~or any certificate of interest or participation in, temporary or interim certificate for, receipt for,~~
1394 ~~guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.~~

1395 ~~E. The authority as provided in this section as it relates to nongeneral fund reserves and~~
1396 ~~balances of or held by the University is predicated upon an approved management agreement~~
1397 ~~between the University and the Commonwealth of Virginia.~~

1398 **Drafting note: The provisions of existing § 23-76.1 are stricken here and**
1399 **incorporated instead into proposed § 23.1-10xx of Chapter 10.**

1400 ~~§ 23-77. Confirmation of certain proceedings and contracts.~~

1401 ~~All proceedings heretofore had before any court or in any clerk's office, and all contracts~~
1402 ~~heretofore entered into, for acquiring land by condemnation or purchase, for any of the purposes~~
1403 ~~mentioned in § 23-76, are hereby confirmed and made valid.~~

1404 **Drafting note: The provisions of existing § 23-77 are stricken as obsolete.**

1405 ~~§ 23-77.1. Authority to sell and convey certain lands.~~

1406 ~~The rector and visitors of the University of Virginia, with the approval of the Governor~~
1407 ~~first obtained, are hereby authorized to sell and convey any and all real estate to which it has~~
1408 ~~acquired title by gift, devise or purchase since January 1, 1900, or which may hereafter be~~
1409 ~~conveyed or devised to it. The proceeds derived from any such sale or sales shall be held by said~~
1410 ~~rector and visitors of the University of Virginia upon the identical trusts, and subject to the same~~
1411 ~~uses, limitations and conditions, if any, that are expressed in the original deed or will under~~

1412 ~~which its title was derived, or if there be no such trusts, uses, limitations or conditions expressed~~
1413 ~~in such original deed or will, then said funds shall be applied by the rector and visitors of the~~
1414 ~~University to such purposes as said board may deem best for the University.~~

1415 **Drafting note: The provisions of existing § 23-77.1 are stricken here and**
1416 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1417 ~~§ 23-77.2. Granting easements on property of the University.~~

1418 ~~The rector and visitors of the University of Virginia are hereby authorized to grant~~
1419 ~~easements for roads, streets, sewers, water lines, electric and other utility lines or other purpose~~
1420 ~~on any property now owned or hereafter acquired by said rector and visitors of the University of~~
1421 ~~Virginia, when in the discretion of the rector and visitors it is deemed proper to grant such~~
1422 ~~easement.~~

1423 **Drafting note: The provisions of existing § 23-77.1 are stricken here and**
1424 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1425 Article 2.

1426 ~~Board of Visitors~~ Medical Center.

1427 **Drafting note: The provisions of existing Article 2, Board of Visitors, have been**
1428 **moved into proposed Article 1 of Chapter 22. Existing provisions on the University of**
1429 **Virginia Medical Center are logically combined in proposed Article 2.**

1430 ~~§ 23-77.3~~ 23.1-xxx. Operations of Medical Center.

1431 A. ~~In enacting this section, the General Assembly recognizes that the ability of the~~ The
1432 ~~University of Virginia to~~ may provide medical and health sciences education and related
1433 research ~~is dependent upon the maintenance of high quality through~~ teaching hospitals and
1434 related health care and health maintenance facilities, collectively referred to in this ~~section~~
1435 article as the Medical Center, ~~and that the maintenance of a Medical Center serving such~~
1436 ~~purposes requires specialized management and operation that permit the Medical Center to~~
1437 ~~remain economically viable and to.~~ The Medical Center may participate in cooperative
1438 arrangements reflective of changes in health care delivery.

1439 B. Notwithstanding the provisions of § 32.1-124 exempting hospitals and nursing homes
1440 owned or operated by an agency of the Commonwealth from state licensure, the Medical Center
1441 shall be, for so long as the Medical Center maintains its accreditation by a national accrediting
1442 organization granted authority by the Centers for Medicare and Medicaid Services to ensure
1443 compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the
1444 Social Security Act (42 U.S.C. § 1395bb), deemed to be licensed as a hospital for purposes of
1445 other law relating to the operation of hospitals licensed by the Board of Health. The Medical
1446 Center shall not, however, be deemed to be a licensed hospital to the extent that any law relating
1447 to licensure of hospitals specifically excludes the Commonwealth or its agencies. As an agency
1448 of the Commonwealth, the Medical Center shall, ~~in addition,~~ remain (i) exempt from licensure
1449 by the Board of Health pursuant to § 32.1-124 and (ii) subject to the Virginia Tort Claims Act (§
1450 8.01-195.1 et seq.). ~~Further, this~~ This subsection shall not be construed as a waiver of the
1451 Commonwealth's sovereign immunity.

1452 C. ~~Without limiting the powers provided in this chapter, the~~ The University ~~of Virginia~~
1453 may create, own in whole or in part, or otherwise control corporations, partnerships, insurers, or
1454 other entities whose activities ~~will~~ promote the operations of the Medical Center and its mission;
1455 may; cooperate or enter into joint ventures with such entities ~~and government bodies~~; and ~~may~~
1456 enter into contracts in connection ~~therewith~~ with such joint ventures. Without limiting the power
1457 of the University ~~of Virginia~~ to issue bonds, notes, guarantees, or other evidence of indebtedness
1458 ~~under pursuant to~~ subsection D in connection with such activities, no such creation, ownership,
1459 or control shall create any responsibility of the University, the Commonwealth, or any ~~other~~
1460 agency ~~thereof of the Commonwealth~~ for the operations or obligations of any such entity or in
1461 any way make the University, the Commonwealth, or any ~~other~~ agency ~~thereof of the~~
1462 Commonwealth responsible for the payment of debt or other obligations of such entity. All such
1463 interests shall be reflected on the financial statements of the Medical Center.

1464 D. Notwithstanding the provisions of Chapter ~~3 xxx~~ (§ ~~23-14~~ 23.1-xxx et seq.) ~~of this~~
1465 title, the University ~~of Virginia~~ may issue bonds, notes, guarantees, ~~or and~~ other evidence of

1466 indebtedness without the approval of any other governmental body subject to the following
1467 provisions:

1468 1. Such debt ~~is~~ shall be used solely for the purpose of paying not more than 50 percent of
1469 the cost of capital improvements in connection with the operation of the Medical Center ~~or and~~
1470 related issuance costs, reserve funds, and other financing expenses, including interest during
1471 construction ~~or and~~ acquisitions and for up to one year thereafter;

1472 2. The only revenues of the University pledged to the payment of such debt ~~are~~ shall be
1473 those derived from the operation of the Medical Center and related health care and educational
1474 activities, and ~~there are pledged therefor~~ no general fund appropriation and special Medicaid
1475 disproportionate share payments for indigent and medically indigent patients who are not
1476 eligible for the Virginia Medicaid Program; shall be pledged for the payment of such debt.

1477 3. Such debt ~~states~~ shall state that it does not constitute a debt of the Commonwealth or a
1478 pledge of the faith and credit of the Commonwealth;

1479 4. Such debt ~~is~~ shall not be sold to the public;

1480 5. The total principal amount of such debt outstanding at any one time ~~does~~ shall not
1481 exceed \$25 million;

1482 6. The Treasury Board ~~has approved~~ shall approve the terms and structure of such debt;

1483 7. The purpose, terms, and structure of such debt ~~are~~ shall be promptly communicated to
1484 the Governor and the Chairmen of the House Appropriations and Senate Finance Committees;
1485 and.

1486 8. All such indebtedness ~~is~~ shall be reflected on the financial statements of the Medical
1487 Center.

1488 Subject to meeting the conditions set forth ~~above in this subsection~~, such debt may be in
1489 such form and have such terms as the board ~~of visitors~~ may provide and shall be in all respects
1490 debt of the University for the purposes of §§ ~~23-23~~ 23.1-xxx, ~~23-25~~ 23.1-xxx, and ~~23-26~~ 23.1-
1491 xxx.

1492 **Drafting note: Existing policy statements in subsection A are stricken following the**
 1493 **Code Commission recommendation on removing policy statements from the Code.**
 1494 **Technical changes are made.**

1495 § ~~23-77.4~~ 23.1-xxx. ~~Medical center management~~ Capital projects.

1496 ~~A. The General Assembly recognizes and finds that the economic viability of the~~
 1497 ~~University of Virginia Medical Center, hereafter referred to as the Medical Center, together with~~
 1498 ~~the requirement for its specialized management and operation, and the need of the Medical~~
 1499 ~~Center to participate in cooperative arrangements reflective of changes in health care delivery,~~
 1500 ~~as set forth in § 23-77.3, are dependent upon the ability of the management of the Medical~~
 1501 ~~Center to make and implement promptly decisions necessary to conduct the affairs of the~~
 1502 ~~Medical Center in an efficient, competitive manner. The General Assembly also recognizes and~~
 1503 ~~finds that it is critical to, and in the best interests of, the Commonwealth that the University~~
 1504 ~~continue to fulfill its mission of providing quality medical and health sciences education and~~
 1505 ~~related research and, through the presence of its Medical Center, continue to provide for the~~
 1506 ~~care, treatment, health-related services, and education activities associated with Virginia~~
 1507 ~~patients, including indigent and medically indigent patients. Because the General Assembly~~
 1508 ~~finds that the ability of the University to fulfill this mission is highly dependent upon revenues~~
 1509 ~~derived from providing health care through its Medical Center, and because the General~~
 1510 ~~Assembly also finds that the ability of the Medical Center to continue to be a reliable source of~~
 1511 ~~such revenues is heavily dependent upon its ability to compete with other providers of health~~
 1512 ~~care that are not subject to the requirements of law applicable to agencies of the~~
 1513 ~~Commonwealth, the University is hereby authorized to implement the following modifications~~
 1514 ~~to the management and operation of the affairs of the Medical Center in order to enhance its~~
 1515 ~~economic viability:~~

1516 ~~B. Capital projects; leases of property; procurement of goods, services and construction.~~

1517 ~~1. Capital projects.~~

1518 ~~a-A.~~ For any Medical Center capital project entirely funded by a nongeneral fund
1519 appropriation made by the General Assembly, all post-appropriation review, approval,
1520 administrative, and policy and procedure functions performed by the Department of General
1521 Services, the Division of Engineering and Buildings, the Department of Planning and Budget,
1522 and any other agency that supports the functions performed by these departments ~~are hereby~~
1523 shall be delegated to the University, subject to the following stipulations and conditions: (i) the
1524 ~~Board of Visitors board~~ shall develop and implement an appropriate system of policies,
1525 procedures, reviews, and approvals for Medical Center capital projects to which this ~~subdivision~~
1526 subsection applies; (ii) the system so adopted shall provide for the review and approval of any
1527 Medical Center capital project to which this ~~subdivision subsection~~ applies ~~in order~~ to ensure
1528 that, except as provided in clause (iii), the cost of any such capital project does not exceed the
1529 sum appropriated ~~therefor for the project~~ and ~~that~~ the project otherwise complies with all
1530 requirements of the Code of Virginia regarding capital projects, excluding only the post-
1531 appropriation review, approval, administrative, and policy and procedure functions performed
1532 by the Department of General Services, the Division of Engineering and Buildings, the
1533 Department of Planning and Budget, and any other agency that supports the functions
1534 performed by these departments; (iii) the ~~Board of Visitors board~~ may, during any fiscal year,
1535 approve a transfer of up to ~~a total of~~ 15 percent of the total nongeneral fund appropriation for
1536 the Medical Center ~~in order~~ to supplement funds appropriated for a capital project ~~or capital~~
1537 projects of the Medical Center, provided that the ~~Board of Visitors board~~ finds that the transfer
1538 is necessary to effectuate the original intention of the General Assembly in making the
1539 appropriation for the capital project ~~or projects~~ in question; (iv) the University shall report to the
1540 Department of General Services on the status of any such capital project prior to
1541 commencement of construction of, and at the time of acceptance of, any such capital project;
1542 and (v) the University shall ensure that Building Officials and Code Administrators (BOCA)
1543 Code and fire safety inspections of any such project are conducted and ~~that~~ such projects are
1544 inspected by the State Fire Marshal or his designee prior to certification for building occupancy

1545 by the University's assistant state building official to whom such inspection responsibility has
1546 been delegated pursuant to § 36-98.1. Nothing in this section shall be deemed to relieve the
1547 University of any reporting requirement pursuant to § 2.2-1513. Notwithstanding the ~~foregoing~~
1548 provisions of this subsection, the terms and structure of any financing of any capital project to
1549 which this ~~subdivision subsection~~ applies shall be approved pursuant to § 2.2-2416.

1550 ~~b.~~ B. No capital project to which ~~this subdivision subsection A~~ applies shall be
1551 materially increased in size or materially changed in scope beyond the plans and justifications
1552 that were the basis for the project's appropriation unless: (i) the Governor determines that such
1553 increase in size or change in scope is necessary due to an emergency or (ii) the General
1554 Assembly approves the increase or change in a subsequent appropriation for the project. After
1555 construction of any such capital project has commenced, no such increase or change ~~may shall~~
1556 be made during construction unless the conditions in clause (i) or (ii) have been satisfied.

1557 ~~2.~~ § 23.1-xxx. Leases of property.

1558 ~~a.~~ A. The University shall be exempt from the provisions of § 2.2-1149 and from any
1559 rules, regulations, and guidelines of the Division of Engineering and Buildings ~~in relation to~~
1560 regarding leases of real property that it enters into on behalf of the Medical Center and, pursuant
1561 to policies and procedures adopted by the ~~Board of Visitors board~~, may enter into such leases
1562 subject to the following conditions: (i) the lease ~~must shall~~ be an operating lease and not a
1563 capital lease as defined in guidelines established by the Secretary of Finance and ~~Generally~~
1564 Accepted Accounting Principles (GAAP) generally accepted accounting principles; (ii) the
1565 University's decision to enter into such a lease shall be based upon cost, demonstrated need, and
1566 compliance with guidelines adopted by the ~~Board of Visitors which board that~~ direct that (a)
1567 competition be sought to the maximum practical degree, ~~that (b)~~ all costs of occupancy be
1568 considered, and ~~that (c)~~ the use of the space to be leased ~~actually is be~~ necessary and ~~is~~
1569 efficiently planned; (iii) the form of the lease ~~is shall be~~ approved by the Special Assistant
1570 Attorney General representing the University; (iv) the lease shall otherwise ~~meets meet~~ all
1571 requirements of law; (v) the leased property ~~is shall be~~ certified for occupancy by the building

1572 official of the political subdivision in which the leased property is located; and (vi) upon
1573 entering such leases and upon any subsequent amendment of such leases, the University shall
1574 provide copies of all lease documents and any attachments ~~thereto~~ to the Department of General
1575 Services.

1576 ~~b.~~ B. Notwithstanding the provisions of §§ 2.2-1155 and ~~23-4.1~~ 23.1-xxx, but subject to
1577 policies and procedures adopted by the ~~Board of Visitors~~ board, the University may lease, for a
1578 purpose consistent with the mission of the Medical Center and for a term not to exceed 50 years,
1579 property in the possession or control of the Medical Center.

1580 ~~e.~~ C. Notwithstanding the ~~foregoing provisions of this section~~, the terms and structure of
1581 any financing arrangements secured by capital leases or other similar lease financing
1582 agreements shall be approved pursuant to § 2.2-2416.

1583 ~~3.~~ § 23.1-xxx. ~~Procurement of goods, services and construction.~~

1584 A. Contracts awarded by the University ~~in compliance with this section~~, on behalf of the
1585 Medical Center, for the procurement of goods; services, including professional services;
1586 construction; and information technology and telecommunications, pursuant to this article shall
1587 be exempt from (i) the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except as provided
1588 below in this section; (ii) the requirements of the Division of Purchases and Supply of the
1589 Department of General Services as set forth in Article 3 (§ 2.2-1109 et seq.) of Chapter 11 of
1590 Title 2.2; (iii) the requirements of the Division of Engineering and Buildings as set forth in
1591 Article 4 (§ 2.2-1129 et seq.) of Chapter 11 of Title 2.2; and (iv) the authority of the Chief
1592 Information Officer and the Virginia Information Technologies Agency as set forth in Chapter
1593 20.1 (§ 2.2-2005 et seq.) of Title 2.2 regarding the review and approval of contracts for (a) the
1594 construction of Medical Center capital projects and (b) information technology and
1595 telecommunications projects; ~~however,~~

1596 B. The University shall not implement the provisions of this ~~subdivision may not be~~
1597 ~~implemented by the University~~ section until ~~such time as~~ the ~~Board of Visitors has adopted~~
1598 board adopts guidelines generally applicable to the procurement of goods, services,

1599 construction, and information technology and telecommunications projects by the Medical
 1600 Center or by the University on behalf of the Medical Center. Such guidelines shall be based
 1601 upon competitive principles and ~~shall~~ in each instance seek competition to the maximum
 1602 practical degree. The guidelines shall (i) implement a system of competitive negotiation for
 1603 professional services; ~~shall (ii) prohibit discrimination because of race, religion, color, sex, or~~
 1604 national origin of the bidder or offeror in the solicitation or award of contracts on the basis of
 1605 his race, religion, color, sex, or national origin; and (iii) incorporate the prompt payment
 1606 principles of §§ 2.2-4350 and 2.2-4354 and may (a) take into account in all cases the dollar
 1607 amount of the intended procurement, the term of the anticipated contract, and the likely extent
 1608 of competition; ~~may (b) implement a prequalification procedure for contractors or products;~~
 1609 may (c) include provisions for cooperative procurement arrangements with private health or
 1610 educational institutions, or with public agencies or institutions of the several states, territories of
 1611 the United States, or the District of Columbia; ~~shall incorporate the prompt payment principles~~
 1612 of §§ 2.2-4350 and 2.2-4354; and may implement provisions of law.

1613 ~~The following sections of the Virginia Public Procurement Act shall continue to apply to~~
 1614 ~~procurements by the Medical Center or by the University on behalf of the Medical Center: §§ C.~~
 1615 ~~Sections 2.2-4311, 2.2-4315, and 2.2-4342 (which section shall not be construed to require~~
 1616 ~~compliance with the prequalification application procedures of subsection B of § 2.2-4317), and~~
 1617 ~~2.2-4330, and §§ 2.2-4333 through 2.2-4341, and 2.2-4367 through 2.2-4377 shall continue to~~
 1618 ~~apply to procurements by the Medical Center and the University on behalf of the Medical~~
 1619 ~~Center.~~

1620 ~~€.~~ § 23.1-xxx. Cash balances.

1621 Subject to such conditions as may be prescribed in the budget bill ~~under pursuant to~~ §
 1622 2.2-1509 ~~as enacted into law by the General Assembly,~~ the State Comptroller shall credit, on a
 1623 monthly basis, to the nongeneral fund operating cash balances of the ~~University of Virginia~~
 1624 Medical Center the imputed interest earned by the investment of such nongeneral fund operating

1625 | cash balances, including ~~but not limited to~~ those balances derived from patient care revenues, on
1626 | deposit with the State Treasurer.

1627 | **Drafting note: Existing § 23-77.4 is split into four sections that more clearly**
1628 | **separate distinct subject matter on capital projects, leases of property, procurement, and**
1629 | **cash balances. Existing subsection A is stricken following the Code Commission**
1630 | **recommendation on removing policy statements from the Code. Technical changes are**
1631 | **made.**

1632 | Article 3.

1633 | Donations.

1634 | **Drafting note: Existing Article 3 (§ 23-81 et seq.) of Chapter 9 is retained as**
1635 | **proposed Article 3 of Chapter 22.**

1636 | § ~~23-81~~ 23.1-xxx. Gifts, bequests, and devises.

1637 | Any person may (i) deposit in the state treasury, ~~or;~~ (ii) bequeath money, stocks, or
1638 | public bonds of any kind to be so deposited, or (iii) grant, devise, or bequeath property, real or
1639 | personal, to be sold and the proceeds to be so deposited, in sums not less than \$100, ~~which that~~
1640 | shall be invested in securities that are legal investments under the laws of the Commonwealth
1641 | for public funds for the benefit of the University, and in such case the interest or dividends
1642 | accruing on such investments shall be paid to the ~~rector and visitors of the University, to be by~~
1643 | ~~them appropriated to the general purposes thereof,~~ board and appropriated by the board for
1644 | general purposes unless some particular appropriation ~~shall have~~ has been designated by the
1645 | donor or testator, ~~as hereinafter provided.~~ The State Treasurer shall notify the board of any such
1646 | deposit in the state treasury.

1647 | **Drafting note: Technical changes.**

1648 | § ~~23-82~~ 23.1-xxx. ~~When donations~~ Donations for special purposes and objects, ~~how~~
1649 | applied, etc.

1650 | If any particular purpose or object connected with the University ~~be is~~ specified by the
1651 | donor at the time of such deposit, (i) by writing filed in the State Treasurer's office (which may

1652 also be recorded in the clerk's office of the Circuit Court of Albemarle County, as a deed for
1653 land is recorded); or (ii) in the will of such testator, the interest, income, and profits of such fund
1654 shall be appropriated to such purpose ~~and or~~ object, and none other; ~~or, if. If~~ the donor or
1655 testator ~~shall~~ so ~~direct~~ directs in such writing or will, the interest accruing on such fund shall be
1656 reinvested by the State Treasurer every six months, in the manner prescribed in § 23-81, and ~~the~~
1657 ~~interest thereon shall be, from time to time, reinvested in like manner~~ for such period as such
1658 writing or will ~~shall prescribe~~ prescribes, not exceeding ~~thirty 30~~ years; ~~and at. At~~ the expiration
1659 of the time so prescribed or ~~thirty 30~~ years, whichever ~~shall happen~~ occurs first, the fund, with
1660 its accumulations, ~~shall be paid over to the rector and visitors of the University, or and~~ the
1661 interest, income, and profits ~~thereafter~~ accruing upon the aggregate fund shall be paid to ~~them~~
1662 the board as ~~the same shall they~~ accrue, ~~according as the one or the other disposition shall be~~
1663 and as directed by such writing or will, and ~~in either case the same shall be~~ appropriated and
1664 employed according to the provisions of such writing or will, and not otherwise; ~~and the rector~~
1665 ~~and visitors of the University. The board~~ shall render to the General Assembly, at each regular
1666 session, an account of the disbursement of any funds so derived.

1667 **Drafting note: Technical changes.**

1668 § ~~23-83 23.1-xxx. Donations irrevocable; disposition thereof, if refused, etc~~ Disposition.

1669 Such donations shall be irrevocable by the donor or his representatives; ~~but if the~~
1670 ~~authorities of the University, within one year after being notified thereof (which it shall be the~~
1671 ~~duty of the State Treasurer to do immediately upon the making of such deposit with him), shall~~
1672 give board gives notice, in writing, to the State Treasurer; ~~that they decline within one year of~~
1673 being notified of the donation by the Treasurer that it declines to receive the benefit of such
1674 deposit, the ~~same, with whatever deposit and any~~ interest and profits that may have accrued
1675 ~~thereon;~~ shall ~~thereupon~~ be held subject to the order of such donor or his legal representatives;
1676 ~~and if. If~~ at any time the object ~~for of~~ such donation or deposit ~~is intended,~~ fails by the legal
1677 destruction of the University; or by any other means, ~~shall fail,~~ so that the purpose of the gift,
1678 bequest, or devise ~~shall be is~~ permanently frustrated, the whole fund, including unexpended

1679 principal and interest, ~~then unexpended as it shall then be~~, shall revert to and be vested in the
1680 donor or his legal representatives.

1681 **Drafting note: Technical changes.**

1682 § ~~23-84~~ 23.1-xxx. Reservation of nomination by donor.

1683 If the donor ~~shall, in such writing, filed as aforesaid, reserve reserves in such writing~~ to
1684 himself or to any other person the power to (i) nominate to any professorship, scholarship, or
1685 other place or appointment in the University, ~~or to~~ (ii) do any other act connected ~~therewith, to~~
1686 such nomination and he or such other person ~~shall fail at any time for six months fails~~ to make
1687 such nomination in writing, ~~or to~~ do such other act within six months, the board ~~of visitors~~ may
1688 proceed to make such appointment or ~~to~~ do such act ~~at their~~ in its discretion.

1689 **Drafting note: Technical changes.**

1690 § ~~23-85~~ 23.1-xxx. Commonwealth to be trustee of donations; liability of State Treasurer.

1691 The Commonwealth ~~is hereby constituted~~ shall be the trustee for the safekeeping and
1692 due application of all funds ~~which that~~ may be deposited in the treasury ~~in pursuance of~~
1693 pursuant to § ~~23-84~~ 23.1-xxx. The State Treasurer and the sureties in his official bond shall be
1694 liable for the money ~~or and~~ other funds deposited ~~as aforesaid~~, and the accounting officers of the
1695 Commonwealth shall keep separate accounts of each such deposit ~~shall be kept by the~~
1696 ~~accounting officers of the Commonwealth~~ in the same manner as ~~are~~ other public funds.

1697 **Drafting note: Technical changes.**

1698 Article 4.

1699 Mary Washington College.

1700 §§ 23-86 through 23-91.

1701 **Drafting note: Repealed by Acts 1972, c. 861.**

1702 Article 5.

1703 Clinch Valley College and Northern Virginia Branch College.

1704 §§ 23-91.1 through 23-91.4.

1705 **Drafting note: Repealed by Acts 1966, c. 68.**

- 1706 ~~Article 6.~~
- 1707 ~~Patrick Henry College of the University of Virginia.~~
- 1708 ~~§§ 23-91.5 through 23-91.8.~~
- 1709 **Drafting note: Repealed by Acts 1983, c. 63.**
- 1710 ~~Article 7.~~
- 1711 ~~Eastern Shore Branch of School of General Studies.~~
- 1712 ~~§§ 23-91.9 through 23-91.12.~~
- 1713 **Drafting note: Repealed by Acts 1983, c. 63.**
- 1714 ~~§ 23-91.13. [Reserved.]~~
- 1715 **Drafting note: Reserved.**
- 1716 ~~Article 8.~~
- 1717 ~~George Mason College.~~
- 1718 ~~§§ 23-91.14 through 23-91.17.~~
- 1719 **Drafting note: Repealed by Acts 1972, c. 550.**
- 1720 ~~§§ 23-91.18, 23-91.19. [Reserved.]~~
- 1721 **Drafting note: Reserved.**
- 1722 ~~CHAPTER 6.~~
- 1723 ~~MEDICAL COLLEGE OF VIRGINIA.~~
- 1724 ~~§§ 23-50 through 23-50.13.~~
- 1725 **Drafting note: Repealed by Acts 1968, c. 93.**
- 1726 ~~CHAPTER 6.1 23.~~
- 1727 VIRGINIA COMMONWEALTH UNIVERSITY.
- 1728 **Drafting note: Existing Chapter 6.1 of Title 23 is logically reorganized as proposed**
- 1729 **Chapters 13 and 23 of Title 23.1. Existing provisions that apply generally to governing**
- 1730 **boards of public institutions of higher education are consolidated in Chapter 13. Existing**
- 1731 **provisions relating to the incorporation, powers and duties, and membership and meetings**
- 1732 **of the governing board that are unique to the University are retained in Chapter 23.**

1733 § ~~23-50.4~~ 23.1-xxx. ~~Corporation established~~ Corporate name; name of the University.
1734 ~~There is hereby established a corporation consisting of the~~ A. The board of visitors of
1735 ~~the~~ Virginia Commonwealth University (the board) shall be a corporation under the name and
1736 style of "Virginia Commonwealth University," and shall have, in addition to its other powers, all
1737 the corporate powers given to corporations by the provisions of Title 13.1 except those powers
1738 that are confined to corporations created pursuant to Title 13.1. The board shall at all times be
1739 under the control of the General Assembly.

1740 B. The institution shall be known as Virginia Commonwealth University (the
1741 University).

1742 **Drafting note: Technical changes are made to conform the language in this section**
1743 **to that of each other four-year public institution of higher education.**

1744 § ~~23-50.5~~. ~~Transfer of property, rights, duties, etc., of Medical College of Virginia and~~
1745 ~~Richmond Professional Institute.~~

1746 ~~All real estate and personal property existing and standing in the name of the corporate~~
1747 ~~bodies designated "Medical College of Virginia" and "Richmond Professional Institute" as of~~
1748 ~~July 1, 1968, shall be transferred automatically to and, by virtue of this chapter, shall be known~~
1749 ~~and taken as standing in the name and to be under the control of the corporate body designated~~
1750 ~~"Virginia Commonwealth University." Such real estate and personal property shall be the~~
1751 ~~property of the Commonwealth. All rights, duties, contracts and agreements of the Medical~~
1752 ~~College of Virginia and Richmond Professional Institute as of July 1, 1968, are hereby vested in~~
1753 ~~such corporate body designated "Virginia Commonwealth University," which shall thenceforth~~
1754 ~~be responsible and liable for all the liabilities and obligations of each of the predecessor~~
1755 ~~institutions.~~

1756 **Drafting note: The provisions of existing § 23-50.5 are stricken as obsolete.**

1757 § ~~23-50.6~~ 23.1-xxx. ~~Appointment, terms, etc., of board of visitors; boards of predecessor~~
1758 ~~institutions to serve as advisory boards~~ Membership.

1759 ~~(a) A.~~ The board ~~of visitors is to~~ shall consist of ~~sixteen~~ 16 members ~~to be~~ appointed by
1760 the Governor ~~for four year terms except that vacancies other than by expiration of term shall be~~
1761 ~~filled as provided in subsection (d) and except that the initial term of the member appointed to~~
1762 ~~increase the board of visitors to sixteen members shall be three years.~~

1763 ~~(b) [Repealed.]~~

1764 ~~(c) Members shall be eligible for service for two consecutive terms of four years only~~
1765 ~~(exclusive of that portion of any unexpired term or any term on the board of less than four years~~
1766 ~~to which he may have been appointed).~~

1767 ~~(d) All vacancies shall be filled by the Governor for the unexpired terms.~~

1768 ~~(e) All appointments are subject to confirmation by the General Assembly if in session~~
1769 ~~when such appointments are made, and if not in session, at its next succeeding session. Visitors~~
1770 ~~shall continue to discharge their duties after their terms have expired until their successors have~~
1771 ~~been appointed and have qualified.~~

1772 ~~(f), (g) [Repealed.]~~

1773 **Drafting note: Existing provisions relating to the terms and removal of members of**
1774 **the board are stricken and incorporated instead into proposed Chapter 13, and technical**
1775 **changes are made to conform the language to that of each other four-year public**
1776 **institution of higher education.**

1777 ~~§ 23-50.9~~ 23.1-xxx. Principal office ~~of corporation~~; meetings, ~~etc., and~~; officers ~~of board~~
1778 ~~of visitors; executive committee; committees.~~

1779 ~~(a) A.~~ The principal office of the corporation shall be located, and all meetings of the
1780 board of visitors held, as far as practicable, in the City of Richmond.

1781 ~~B.~~ The board shall ~~fix the date for its annual meeting and such other meetings as it may~~
1782 ~~deem advisable~~ meet at least once a year and at such other times as it determines. ~~Due notice~~
1783 Notice of all meetings shall be ~~given provided~~ to each ~~visitor~~ member.

1784 C. A majority of the members ~~serv~~ing at any time shall constitute a quorum. ~~Such~~
1785 ~~reasonable expenses as the visitors may incur in the discharge of their duties shall be paid out of~~
1786 ~~the funds of the University.~~

1787 ~~(b) D.~~ The board shall ~~elect from its members~~ appoint from its membership a rector, a
1788 vice-rector, a secretary, and ~~such any~~ other officers as ~~it deems necessary or advisable, and~~
1789 determined by the board. The board shall prescribe their duties, and term of office, and fix their
1790 compensation if any.

1791 E. The board shall ~~also designate~~ appoint an executive committee, and determine the
1792 number of members ~~thereof~~ and the number ~~which that~~ shall constitute a quorum; ~~such. The~~
1793 executive committee shall perform ~~all the~~ duties ~~as are delegated to it~~ prescribed by the board.

1794 F. Reasonable expenses incurred by members shall be paid out of the funds of the
1795 University.

1796 **Drafting note: Technical changes are made to conform provisions relating to**
1797 **meetings, officers, and committees of the board of visitors to those of each other four-year**
1798 **public institution of higher education.**

1799 § 23-50.7. Purpose of ~~corporation board~~; redesignation of Medical College of Virginia.

1800 The ~~corporation board~~ is formed for the purpose of establishing and maintaining a
1801 university consisting of colleges, schools, and divisions offering undergraduate and graduate
1802 programs in the liberal arts and sciences and programs of education for the professions and such
1803 other ~~branches of learning programs of education~~ as may be appropriate, and in connection
1804 ~~therewith, it with this purpose, the University~~ is empowered to maintain and conduct hospitals,
1805 infirmaries, dispensaries, laboratories, research centers, power plants, and such other necessary
1806 and related facilities ~~as in the opinion of the board of visitors are deemed proper~~. The colleges,
1807 schools, and divisions ~~heretofore previously~~ existing as The Medical College of Virginia shall,
1808 ~~as of July 1, 1968,~~ be designated The Medical College of Virginia, Health Sciences Division of
1809 Virginia Commonwealth University.

1810 **Drafting note: Technical changes.**

1811 ~~§ 23-50.8. Rights, powers and privileges of corporation generally.~~
 1812 ~~The corporation is vested with all the rights, powers and privileges conferred upon and~~
 1813 ~~subject to all the provisions relating to similar corporations under the laws of this~~
 1814 ~~Commonwealth so far as they are applicable and shall have, in addition to those other powers,~~
 1815 ~~all the corporate powers given to nonstock corporations by the provisions of Chapter 10 (§ 13.1-~~
 1816 ~~801 et seq.) of Title 13.1, except in those cases where by the express terms of the provisions~~
 1817 ~~thereof it is confined to corporations created under Title 13.1. The corporation shall also have~~
 1818 ~~the power to take, hold, receive and enjoy any gift, grant, devise or bequest to Virginia~~
 1819 ~~Commonwealth University or its predecessors, the same to be held for the uses and purposes~~
 1820 ~~designated by the donor, if any, or if not so designated, for the general purposes of the~~
 1821 ~~corporation, whether given directly or indirectly; and to accept, execute and administer any trust~~
 1822 ~~in which it may have an interest under the terms of the instrument creating the trust. The~~
 1823 ~~corporation shall control and expend the funds appropriated to it by the Commonwealth~~
 1824 ~~provided by law.~~

1825 **Drafting note: The provisions of existing § 23-50.8 are stricken here and**
 1826 **incorporated instead into proposed §§ 23.1-13xx and 23.1-13xx of Chapter 13.**

1827 ~~§ 23-50.10. Rights and powers of board generally; appointment, etc., of president,~~
 1828 ~~faculty and staff; rules and regulations.~~

1829 ~~The board of visitors shall be vested with all the rights and powers conferred upon it by~~
 1830 ~~this chapter insofar as the same are not inconsistent with the general laws of the~~
 1831 ~~Commonwealth.~~

1832 ~~The board shall appoint the president, who shall be the chief executive officer of the~~
 1833 ~~University, and all professors, teachers, staff members and agents, and shall fix their salaries~~
 1834 ~~and shall prescribe their duties.~~

1835 ~~The board shall make all rules and regulations it deems advisable concerning the~~
 1836 ~~University and shall generally direct the affairs and business of the University.~~

1837 **Drafting note: The provisions of existing § 23-50.10 are stricken here and**
1838 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1839 ~~§ 23-50.10:01. Investment of endowment funds, endowment income, and gifts; standard~~
1840 ~~of care; liability; exemption from the Virginia Public Procurement Act.~~

1841 ~~A. The board of visitors shall invest and manage the endowment funds, endowment~~
1842 ~~income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the~~
1843 ~~University in accordance with this section and the provisions of the Uniform Prudent~~
1844 ~~Management of Institutional Funds Act (§ 64.2-1100 et seq.).~~

1845 ~~B. No member of the board of visitors shall be personally liable for losses suffered by an~~
1846 ~~endowment fund, endowment income, gifts, all other nongeneral fund reserves and balances, or~~
1847 ~~local funds of or held by the University, arising from investments made pursuant to the~~
1848 ~~provisions of subsection A.~~

1849 ~~C. The investment and management of endowment funds, endowment income, gifts, all~~
1850 ~~other nongeneral fund reserves and balances, or local funds of or held by the University shall~~
1851 ~~not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).~~

1852 ~~D. In addition to the investment practices authorized by the Uniform Prudent~~
1853 ~~Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board of visitors may also~~
1854 ~~invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund~~
1855 ~~reserves and balances, and local funds of or held by the University in derivatives, options, and~~
1856 ~~financial securities.~~

1857 ~~1. In this section, "derivative" means a contract or financial instrument or a combination~~
1858 ~~of contracts and financial instruments, including, without limitation, any contract commonly~~
1859 ~~known as a "swap," which gives the University the right or obligation to deliver or receive~~
1860 ~~delivery of, or make or receive payments based on, changes in the price, value, yield or other~~
1861 ~~characteristic of a tangible or intangible asset or group of assets, or changes in a rate, an index~~
1862 ~~of prices or rates, or other market indicator for an asset or a group of assets.~~

1863 ~~2. In this section, an "option" means an agreement or contract whereby the University~~
 1864 ~~may grant or receive the right to purchase or sell, or pay or receive the value of, any personal~~
 1865 ~~property asset including, without limitation, any agreement or contract that relates to any~~
 1866 ~~security, contract, or agreement.~~

1867 ~~3. In this section, "financial security" means any note, stock, treasury stock, bond,~~
 1868 ~~debenture, evidence of indebtedness, certificate of interest, collateral trust certificate,~~
 1869 ~~preorganization certificate of subscription, transferable share, investment contract, voting trust~~
 1870 ~~certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other~~
 1871 ~~mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit,~~
 1872 ~~or group or index of securities (including any interest therein or based on the value thereof), or~~
 1873 ~~any put, call, straddle, option, or privilege entered into on a national securities exchange relating~~
 1874 ~~to foreign currency, or in general, any interest or instrument commonly known as a "security,"~~
 1875 ~~or any certificate of interest or participation in, temporary or interim security for, receipt for,~~
 1876 ~~guarantee of, or warrant or right to subscribe to or purchase any of the foregoing.~~

1877 ~~E. The authority as provided in this section as it relates to nongeneral fund reserves and~~
 1878 ~~balances of or held by the University is predicated upon an approved management agreement~~
 1879 ~~between the University and the Commonwealth of Virginia.~~

1880 **Drafting note: The provisions of existing § 23-50.10:01 are stricken here and**
 1881 **incorporated instead into proposed § 23.1-10xx of Chapter 10.**

1882 ~~§ 23-50.11. Tuition, fees and other charges.~~

1883 ~~The board may fix the rates charged the students of the University for tuition, fees and~~
 1884 ~~other necessary charges, and may fix and collect fees and charges for services rendered by or~~
 1885 ~~through any facilities maintained or conducted by the corporation.~~

1886 **Drafting note: The provisions of existing § 23-50.11 are stricken here and**
 1887 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1888 ~~§ 23-50.12. Degrees.~~

1889 ~~The board of visitors shall have the right to confer all degrees heretofore conferred by~~
1890 ~~the Medical College of Virginia and the Richmond Professional Institute and such other degrees~~
1891 ~~including honorary degrees as it may deem proper.~~

1892 **Drafting note: The provisions of existing § 23-50.12 are stricken here and**
1893 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1894 ~~§ 23-50.13. Conveyance of real property and interests therein.~~

1895 ~~The board of visitors of Virginia Commonwealth University, with the approval of the~~
1896 ~~Governor first obtained, is hereby authorized to sell and convey any and all real estate or~~
1897 ~~interests therein including easements for roads, streets, sewers, water lines, electric and other~~
1898 ~~utility lines or other purposes to which it has acquired title by gift, devise or purchase. The~~
1899 ~~proceeds derived from any such sale or sales shall be held by the University upon the identical~~
1900 ~~trusts, and subject to the same uses, limitations and conditions, if any, that are expressed in the~~
1901 ~~original instrument under which its title was derived, or if there be no such trusts, uses,~~
1902 ~~limitations or conditions expressed in such original instrument, then such funds shall be applied~~
1903 ~~by the board to such purposes as it may deem best for the University.~~

1904 **Drafting note: The provisions of existing § 23-50.13 are stricken here and**
1905 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1906 ~~§ 23-50.14~~ 23.1-xxx. Process or notice.

1907 Process against or notice to the ~~corporation may~~ board shall be served only in the City of
1908 Richmond upon the rector, vice-rector, or secretary of the board; or ~~upon~~ the president of
1909 ~~Virginia Commonwealth~~ the University.

1910 **Drafting note: Technical changes.**

1911 § 23-50.15. Virginia Center on Aging.

1912 ~~Chapter 170 of the Acts of 1978, relating to the Virginia Center on Aging at Virginia~~
1913 ~~Commonwealth University, is incorporated in this Code by this reference.~~

1914 A. The Virginia Center on Aging (the Center) shall be located at the University and shall
1915 be an interdisciplinary study, research, information, and resource facility for the

1916 Commonwealth. The Center shall utilize the full capability of the faculty, staff, libraries,
1917 laboratories, and clinics of the University for the benefit of older Virginians and the expansion
1918 of knowledge related to the aged and the aging process.

1919 B. The Center shall be subject to the supervision and control of the board.

1920 C. The board shall appoint an advisory committee for the Center.

1921 D. The board shall appoint an executive director for the Center who shall:

1922 1. Exercise all powers and perform all duties imposed upon him by law;

1923 2. Perform all duties imposed upon him by the board; and

1924 3. Employ such personnel and contract for such services as may be required to carry out
1925 the purposes of this section.

1926 E. The Center, under the direction of the executive director, shall:

1927 1. Develop and promote programs of continuing education and in-service training for
1928 persons who work with or provide services to the elderly;

1929 2. Develop educational and training programs for persons sixty years of age or older to
1930 assist them in adjusting to the aging process, including retirement planning, health maintenance,
1931 employment opportunities, recreation, and self-development;

1932 3. Foster development of educational courses for students at institutions of higher
1933 education in disciplines other than gerontology to increase their understanding of the process of
1934 aging in humans;

1935 4. Conduct research in the field of gerontology and make the research findings available
1936 to interested public and private agencies;

1937 5. Collect and maintain data on a statewide and regional basis on the characteristics and
1938 conditions of persons over the age of sixty and make such data available to the Virginia
1939 Department for Aging and Rehabilitative Services (DARS) and all other organizations and state
1940 agencies involved in planning and delivering services to persons over the age of sixty;

1941 6. Coordinate the functions and services of the Center with DARS (i) in such a manner
1942 that the knowledge, education, and research programs in the Center constitute a readily available
1943 resource for DARS in planning and service delivery and (ii) to prevent any duplication of effort;

1944 7. Apply for and accept grants from the United States government, state government,
1945 state agencies, or any other source to carry the purposes of this section. The Center is permitted
1946 execute such agreements and comply with such conditions as may be necessary to apply for and
1947 accept such grants;

1948 8. Accept gifts, bequests, and any other thing of value to be used to carry out the
1949 purposes of this section;

1950 9. Receive, administer, and expend all funds and other assistance made available to the
1951 Center to carry out the purposes of this section; and

1952 10. Do all other things necessary or convenient to carrying out the purposes of this
1953 section.

1954 **Drafting note: Acts 1978, c. 170, previously incorporated in existing § 23-50.15 by**
1955 **reference, is instead set out in full in proposed § 23.1-23xxx and technical changes are**
1956 **made.**

1957 § 23-50.15:1. [Expired.]

1958 **Drafting note: Expired pursuant to Acts 1989, c. 257, cl. 3, effective July 1, 1992.**

1959 § 23-50.16. Operations of Medical Center.

1960 A. ~~In enacting this section, the General Assembly recognizes that the ability of Virginia~~
1961 ~~Commonwealth. The~~ University ~~to~~ may provide medical and health sciences education and
1962 related research ~~is dependent upon the maintenance of high quality through~~ teaching hospitals
1963 and related health care and health maintenance facilities, collectively referred to in this section
1964 as the Medical Center, ~~and that the maintenance of a medical center serving such purposes~~
1965 ~~requires specialized management and operation that permit the Medical Center to remain~~
1966 ~~economically viable and to.~~ The Medical Center may participate in cooperative arrangements
1967 reflective of changes in health care delivery.

1968 B. ~~Without limiting the powers provided in §§ 23-50.8 and 23-50.10, Virginia~~
 1969 ~~Commonwealth~~ The University may create, own in whole or in part, or otherwise control
 1970 corporations, partnerships, insurers, or other entities whose activities ~~will~~ promote the
 1971 operations of the Medical Center and its mission, ~~may~~ cooperate or enter into joint ventures
 1972 with such entities ~~and government bodies~~; and ~~may~~ enter into contracts in connection ~~therewith~~
 1973 ~~with such joint ventures~~. Without limiting the power of ~~Virginia Commonwealth~~ the University
 1974 to issue bonds, notes, guarantees, or other evidence of indebtedness ~~under~~ pursuant to
 1975 subsection C in connection with such activities, no such creation, ownership, or control shall
 1976 create any responsibility of the University, the Commonwealth, or any ~~other~~ agency ~~thereof of~~
 1977 ~~the Commonwealth~~ for the operations or obligations of any entity ~~or~~ and in any way make the
 1978 University, the Commonwealth, or any ~~other~~ agency ~~thereof of the Commonwealth~~ responsible
 1979 for the payment of debt or other obligations of such entity. All such interests shall be reflected
 1980 on the financial statements of the Medical Center.

1981 C. Notwithstanding the provisions of Chapter ~~3 xxx~~ (§ ~~23-14 23.1-xxx~~ et seq.) ~~of this~~
 1982 ~~title, Virginia Commonwealth~~ the University may issue bonds, notes, guarantees, or other
 1983 evidence of indebtedness without the approval of any other governmental body subject to the
 1984 following provisions:

1985 1. Such debt ~~is~~ shall be used solely for the purpose of paying not more than ~~fifty~~ 50
 1986 percent of the cost of capital improvements in connection with the operation of the Medical
 1987 Center or related issuance costs, reserve funds, and other financing expenses, including interest
 1988 during construction or acquisition and for up to one year thereafter;

1989 2. ~~The only~~ No revenues of the University shall be pledged to the payment of such debt
 1990 ~~are except~~ those revenues derived from the operation of the Medical Center and related health
 1991 care and educational activities, and ~~there are pledged therefor~~ no general fund appropriation and
 1992 special Medicaid disproportionate share payments for indigent and medically indigent patients
 1993 who are not eligible for the Virginia Medicaid Program shall be pledged to the payment of such
 1994 debt;

- 1995 3. Such debt ~~states~~ shall state that it does not constitute a debt of the Commonwealth or a
1996 pledge of the faith and credit of the Commonwealth;
- 1997 4. Such debt ~~is~~ shall not ~~be~~ sold to the public;
- 1998 5. The total principal amount of such debt outstanding at any one time ~~does~~ shall not
1999 exceed ~~twenty-five~~ \$25 million ~~dollars~~;
- 2000 6. The Treasury Board ~~has approved~~ shall approve the terms and structure of such debt;
- 2001 7. The purpose, terms, and structure of such debt ~~are~~ shall be promptly communicated to
2002 the Governor and the Chairmen of the House Appropriations and Senate Finance Committees;
2003 and
- 2004 8. All such indebtedness ~~is~~ shall be reflected on the financial statements of the Medical
2005 Center.

2006 Subject to meeting the conditions set forth ~~above~~ in this section, such debt may be in
2007 such form and have such terms as the board ~~of visitors~~ may provide and shall be in all respects
2008 debt of the University for the purposes of §§ ~~23-23~~ 23.1-xxx, ~~23-25~~ 23.1-xxx, and ~~23-26~~ 23.1-
2009 xxx.

2010 **Drafting note: Statements of policy in subsection A are stricken per the Code**
2011 **Commission policy regarding such statements. Technical changes are made.**

2012 § ~~23-50.16:01~~ 23.1-xxx. Virginia Commonwealth University School of Medicine-
2013 Northern Virginia Division; authority to create.

2014 A. The board ~~of visitors of Virginia Commonwealth University~~ is authorized to establish
2015 the Virginia Commonwealth University School of Medicine-Northern Virginia Division;
2016 ~~hereinafter referred to as~~ (the Division). If established, the Division shall be operated with such
2017 areas of program and service emphasis as may be approved by the ~~State~~ Council ~~of Higher~~
2018 Education for Virginia pursuant to subdivision 7 of § ~~23-9.6:1~~ 23.1-xxx.

2019 B. The board ~~of visitors~~ shall have the same powers with respect to the operation of the
2020 Division as are vested in the board regarding ~~Virginia Commonwealth~~ the University ~~pursuant~~
2021 ~~to this chapter~~.

2022 **Drafting note: Technical changes.**

2023 CHAPTER ~~10~~ 25.

2024 VIRGINIA MILITARY INSTITUTE.

2025 **Drafting note: Existing Chapter 10 of Title 23 is logically reorganized as proposed**
2026 **Chapters 13 and 25 of Title 23.1. Existing provisions that apply generally to governing**
2027 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
2028 **Existing provisions relating to the incorporation, membership and meetings, and powers**
2029 **and duties of the governing board that are unique to the Institute are retained in proposed**
2030 **Chapter 25.**

2031 § ~~23-92~~ 23.1-xxx. ~~Virginia Military Institute continued~~ Corporate name; name of the
2032 Institute.

2033 A. The military school established in the County of Rockbridge, at the Town of
2034 Lexington, shall be continued, and the board of visitors ~~thereof and their successors of the~~
2035 Virginia Military Institute (the board) shall be ~~and remain~~ a corporation under the name and
2036 style of "Virginia Military Institute;" and shall have, in addition to its other powers, all the
2037 corporate powers given to corporations by the provisions of Title 13.1 except those powers that
2038 are confined to corporations created pursuant to Title 13.1. The board shall ~~be~~ at all times
2039 subject to be under the control of the General Assembly.

2040 B. The institution shall be known as the Virginia Military Institute (the Institute).

2041 ~~For the support of the school, there~~ C. There shall be paid out of the public treasury;
2042 ~~from time to time,~~ such sums as shall be appropriated ~~therefor~~ by the General Assembly for the
2043 support of the school.

2044 **Drafting note: Technical changes are made to conform the language in this section**
2045 **to that of each other four-year public institution of higher education.**

2046 § ~~23-93~~ 23.1-xxx. ~~Appointment of visitors generally~~ Membership.

2047 A. The board of visitors shall consist of ~~sixteen visitors to be appointed by the Governor~~
2048 ~~and the Adjutant General, ex officio~~ 17 members, of whom 16 shall be appointed by the

2049 Governor and one shall be the Adjutant General, who shall serve ex officio. Of the ~~visitors~~ 16
2050 members appointed by the Governor, ~~twelve~~ (i) 12 shall be alumni of the Institute, of whom
2051 eight shall be residents of the Commonwealth and four shall be nonresidents, and (ii) four shall
2052 ~~not be alumni of the Institute~~ be nonalumni residents of the Commonwealth. ~~The four visitors~~
2053 ~~appointed by the Governor who are not alumni of the Institute shall be residents of the~~
2054 ~~Commonwealth. Until June 30, 1985, nine of the twelve alumni visitors shall be residents of the~~
2055 ~~Commonwealth. Thereafter eight of the twelve alumni visitors shall be residents of the~~
2056 ~~Commonwealth. The remaining alumni visitors shall be nonresidents.~~

2057 B. ~~Each appointive visitor in office on July 1, 1980, shall continue in office until the~~
2058 ~~expiration of the term for which he was appointed. Of the visitors to be appointed for terms~~
2059 ~~commencing July 1, 1980, four shall be appointed for terms of three years and four for terms of~~
2060 ~~four years. One of such visitors appointed for a four year term and one appointed for a three-~~
2061 ~~year term shall not be alumni of the Institute. One of such visitors appointed for a four year term~~
2062 ~~and one appointed for a three year term shall be nonresident alumni. Thereafter all appointments~~
2063 ~~shall be for terms of four years and one visitor appointed each year shall not be an alumnus of~~
2064 ~~the Institute. Beginning in 1985 and thereafter, one visitor appointed each year shall be a~~
2065 ~~nonresident alumnus.~~

2066 ~~All appointments for full terms, as well as to fill vacancies, shall be made by the~~
2067 ~~Governor subject to confirmation by the General Assembly.~~ The alumni association of the
2068 Institute may submit to the Governor a list of not more than three nominees for each vacancy on
2069 the board of visitors, whether the vacancy occurs by expiration of a term or otherwise. The
2070 Governor may appoint a member from the list of nominees.

2071 **Drafting note: Existing provisions relating to the membership of the board of**
2072 **visitors are logically combined in this proposed section, existing provisions relating to the**
2073 **terms and removal of members of the board are stricken and incorporated instead into**
2074 **proposed Chapter 13, and technical changes are made to conform the language to that of**
2075 **each other four-year public institution of higher education.**

2076 ~~§ 23-94. Appointment of visitors from nominees of alumni association; nonalumni~~
 2077 ~~visitors.~~

2078 ~~(a) The Governor may appoint visitors from a list of qualified persons submitted to him~~
 2079 ~~by the alumni association of the Virginia Military Institute, on or before the first day of April of~~
 2080 ~~any year in which the terms of any visitors will expire.~~

2081 ~~(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall~~
 2082 ~~certify this fact to the association and nominations may be submitted of qualified persons and~~
 2083 ~~the Governor may fill the vacancy, if his discretion so dictates, from among the eligible~~
 2084 ~~nominees of the association.~~

2085 ~~(c) Every list shall contain not more than three names for each vacancy to be filled.~~

2086 ~~(d) The Governor is not to be limited in his appointments to the persons so nominated.~~

2087 ~~(e) [Repealed.]~~

2088 **Drafting note: The provisions of existing § 23-94 are stricken and incorporated**
 2089 **instead into proposed § 23.1-xxx.**

2090 ~~§ 23-95. Eligibility to serve more than two successive terms.~~

2091 ~~No person except ex officio members shall be eligible to serve for or during more than~~
 2092 ~~two successive four-year terms; but after the expiration of the remainder of an unexpired term to~~
 2093 ~~which appointed, two additional four-year terms may be served by such a member if appointed~~
 2094 ~~thereto.~~

2095 **Drafting note: The provisions of existing § 23-95 are stricken and incorporated**
 2096 **instead into proposed Chapter 13.**

2097 ~~§ 23-95.1. Executive committee.~~

2098 ~~The board of visitors may appoint an executive committee from its own body for the~~
 2099 ~~purpose of transacting business during the recess of the board. Such executive committee shall~~
 2100 ~~consist of not less than three nor more than five members, one of whom shall be the president.~~

2101 **Drafting note: The provisions of existing § 23-95.1 are stricken and incorporated**
 2102 **instead into proposed § 23.1-xxx.**

2103 ~~§ 23-96. Quorum.~~

2104 ~~Six visitors shall constitute a quorum for business.~~

2105 **Drafting note: The provisions of existing § 23-96 are stricken and incorporated**
2106 **instead into proposed § 23.1-xxx.**

2107 ~~§ 23-97. Suits by and against board.~~

2108 ~~The board of visitors may sue and be sued for any cause or matters which have~~
2109 ~~heretofore arisen, or which hereafter arise.~~

2110 **Drafting note: The provisions of existing § 23-97 are stricken here and**
2111 **incorporated instead into proposed § 23.1-13xx of Chapter 13. The board's power to sue**
2112 **and be sued is also a corporate power that is already contemplated in the first section of**
2113 **this Chapter.**

2114 ~~§ 23-98. Meetings of board; president and secretary; superintendent of Institute. 23.1-~~
2115 ~~xxx. Meetings; officers; committees.~~

2116 A. The board of visitors shall meet at the Institute at least once a year ~~or more often~~ and
2117 at any other times and places, ~~when, in its opinion, or that of the superintendent of the Institute,~~
2118 ~~or president of the board of visitors, it shall be necessary to do so as determined by the board,~~
2119 ~~the superintendent of the Institute, or the president of the board. It shall appoint a superintendent~~
2120 ~~of the Institute with such duties as may be prescribed by the board.~~ Special meetings may also
2121 be called at any time by the superintendent of the Institute, or the president of the board ~~of~~
2122 ~~visitors, when either may deem it advisable; and the board may adjourn from time to time.~~
2123 Notice of the time and place of each meeting shall be provided to each member.

2124 B. Six members shall constitute a quorum.

2125 C. The board shall appoint from its ~~own body~~ membership a president, and shall ~~also~~
2126 appoint a secretary to the board. ~~In the absence of the president or secretary at any meeting, the~~
2127 ~~board may appoint a president or secretary pro tempore, and vacancies in the offices of~~
2128 ~~president or secretary may be filled by the board for the unexpired term. Notice of the time and~~
2129 ~~place of meeting shall be given to every member of the board.~~

2130 D. The board may appoint a president pro tempore or secretary pro tempore to preside in
2131 the absence of the president or secretary.

2132 E. Vacancies in the office of president and secretary may be filled by the board for the
2133 unexpired term.

2134 F. The board may appoint an executive committee for the transaction of business during
2135 the recess of the board, consisting of at least three and not more than five members, one of
2136 whom shall be the president.

2137 **Drafting Note: Existing provisions relating to meetings, officers, and committees of**
2138 **the board of visitors are logically combined in this proposed section, and technical changes**
2139 **are made to conform the language to that of each other four-year public institution of**
2140 **higher education.**

2141 ~~§ 23-99. Bylaws and regulations.~~

2142 ~~The board may make bylaws and regulations for their own government and the~~
2143 ~~management of the affairs of the Institute, and may, for the purpose of transacting such business~~
2144 ~~as, in its opinion, can be properly transacted by a less number than the majority, authorize not~~
2145 ~~less than four members to constitute a quorum.~~

2146 **Drafting note: The quorum provisions of existing § 23-99 are stricken as**
2147 **inconsistent with subsection B of proposed § 23.1-xxx. The provisions on bylaws and**
2148 **regulations are stricken here and incorporated instead into proposed § 23.1-13xx of**
2149 **Chapter 13.**

2150 ~~§ 23-100. Power to borrow money and secure its payment.~~

2151 ~~The act entitled "an act to authorize the Virginia Military Institute to borrow money and~~
2152 ~~to secure the same by creating a lien on real estate," approved December 19, 1874; and the third~~
2153 ~~and fourth sections of the act entitled "an act for the relief of the Virginia Military Institute,"~~
2154 ~~approved March 15, 1884, shall continue in force until all the objects of the acts shall have been~~
2155 ~~fully accomplished.~~

2156 **Drafting note: Existing § 23-100 is stricken as obsolete.**

2157 ~~§ 23-100.1. Power to receive gifts, grants, devises and bequests.~~

2158 ~~The Virginia Military Institute, or its board of visitors on its behalf, upon the prior~~
2159 ~~written consent of the Governor is empowered to receive, take, hold and enjoy any and every~~
2160 ~~gift, grant, devise, or bequest heretofore or hereafter made to the Institute or its board of visitors~~
2161 ~~for charitable or educational purposes, and to use and administer same for the uses and purposes~~
2162 ~~designated by the donor if designation be made, or for the general purposes of the Institute if no~~
2163 ~~designation be made.~~

2164 **Drafting note: The provisions of existing § 23-100.1 are stricken here and**
2165 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

2166 ~~§§ 23-101, 23-102.~~

2167 **Drafting note: Repealed by Acts 2005, c. 633, cl. 2.**

2168 ~~§ 23-103. Appointment, removal and salaries of professors.~~

2169 ~~The board of visitors shall appoint professors to give instruction in military science and~~
2170 ~~in such other branches of knowledge as they may deem proper. The board shall fix the salaries~~
2171 ~~of professors, and may remove them for good cause; but no order to remove a professor shall be~~
2172 ~~made without the concurrence therein of a majority of the whole number of visitors, and the~~
2173 ~~board shall forthwith communicate to the Governor a full statement of the reasons for making~~
2174 ~~the removal.~~

2175 **Drafting note: The provisions of existing § 23-103 are stricken here and**
2176 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

2177 ~~§ 23-104 23.1-xxx. Admission of pay Pay cadets; course of instruction, etc.~~

2178 ~~The board of visitors shall prescribe the terms upon which pay cadets may be admitted,~~
2179 ~~their number, the course of their instruction, and the nature and duration of their service, and the~~
2180 ~~duration thereof.~~

2181 **Drafting note: Technical changes.**

2182 ~~§ 23-105 23.1-xxx. Admission of state cadets.~~

2183 The board shall admit annually as state cadets upon evidence of fair moral character, a
2184 sufficient ~~young men and women~~ number of individuals selected from the Commonwealth at
2185 large, who shall be ~~not less than sixteen nor~~ at least 16 but not more than ~~twenty five~~ 25 years of
2186 age.

2187 **Drafting note: Technical changes. The term "young men and women" is stricken in**
2188 **favor of the more general "individuals."**

2189 § ~~23-106~~ 23.1-xxx. Financial assistance for state cadets.

2190 The board shall provide financial assistance equal to ~~the~~ a state cadet applicant's
2191 demonstrated need up to the Institute's prevailing charges for tuition ~~and board, fees, and other~~
2192 necessary charges.

2193 **Drafting note: Technical changes.**

2194 § ~~23-107~~ 23.1-xxx. Service requirement for state cadets.

2195 A. Each state cadet ~~received on state account and~~ who ~~shall have remained~~ remains
2196 enrolled in the Institute ~~during the period of for~~ two years or more, shall ~~act in the capacity of~~
2197 teacher (i) teach in ~~some a public elementary or secondary~~ school in ~~this the~~ Commonwealth for
2198 two years, ~~and such cadet shall be required to discharge his obligation as teacher~~ within the
2199 three years immediately after leaving the Institute, and ~~he shall~~ report in writing to the
2200 superintendent of the Institute on or before the first day of June of each year succeeding the date
2201 of his leaving the Institute until he ~~shall have~~ has discharged fully such obligation to the
2202 Commonwealth; ~~or, at his option, such cadet may, (ii)~~ serve an enlistment in the National Guard
2203 of the Commonwealth, ~~or (iii)~~ serve for ~~a period of~~ two years as an engineer for the
2204 Commonwealth Transportation Board ~~or for a period of, (iv)~~ serve for two years as an engineer
2205 with the State Department of Health, ~~or (v)~~ serve on active duty for ~~a period of~~ two years as a
2206 member of some component of the armed services of the United States of America, or, (v) with
2207 the approval of the board ~~of visitors~~, serve ~~for a period of~~ two years in any capacity as an
2208 employee of the Commonwealth ~~of Virginia~~.

2209 B. Any cadet failing to fulfill his ~~or her~~ obligation shall repay all funds received from the
2210 Commonwealth. The board ~~of visitors~~ may excuse such cadet from any and all of these
2211 obligations in such cases as ~~they deem proper~~ it determines is appropriate.

2212 ~~§ 23-107.1~~ 23.1-xxx. Admission of and financial assistance for military scholarship
2213 cadets.

2214 The board shall admit annually as military scholarship cadets, up to 40 ~~young men and~~
2215 women, individuals who shall be ~~not less than at least~~ 16 ~~nor~~ but not more than 25 years of age.

2216 The board shall provide financial assistance for tuition, fees, and room and board entirely from
2217 federal funds, Virginia National Guard funds, or private gifts. The federal funds, Virginia
2218 National Guard funds, or private gifts shall have no matching requirement.

2219 **Drafting note: Technical changes. The term "young men and women" is stricken in**
2220 **favor of the more general "individuals."**

2221 ~~§ 23-107.2~~ 23.1-xxx. Military scholarship cadet to serve as a commissioned officer in
2222 the Virginia National Guard.

2223 Each military scholarship cadet shall agree to serve as a commissioned officer in the
2224 Virginia National Guard for a term in accordance with Guard policy and regulation. Any cadet
2225 failing to fulfill his ~~or her~~ obligation shall repay all funds received in support of his ~~or her~~ cost
2226 of education. The board ~~of visitors~~, in consultation with the Virginia National Guard, may
2227 excuse such cadet from any and all of these obligations in such cases as ~~they deem proper~~ it
2228 determines is appropriate.

2229 **Drafting note: Technical changes.**

2230 ~~§ 23-108. Commissioned officers may become students.~~

2231 ~~Any commissioned officer of the organized militia and Governor's military staff of the~~
2232 ~~Commonwealth may become a student at any state institution of higher education for a period~~
2233 ~~not exceeding 10 months, and receive instruction in any or all the departments of military~~
2234 ~~science, emergency management, emergency services, public safety, and disaster management~~
2235 ~~taught therein without being required to pay any fee or charge for tuition.~~

2236 **Drafting note: The provisions of existing § 23-108 are stricken here and**
2237 **incorporated instead into proposed § 23.1-9xxx of Chapter 9 on Students; Academic**
2238 **Policies.**

2239 ~~§ 23-109~~ 23.1-xxx. Cadets a military corps; arsenal.

2240 A. The cadets shall be a military corps under the command of the superintendent, and
2241 constitute the guard of the Institute.

2242 B. The arsenal and all its grounds and buildings shall ~~be considered as belonging belong~~
2243 to the Institute, and the board shall ~~cause the same and all the guard and preserve the arsenal, all~~
2244 its grounds and buildings, and all arms and other property ~~therein, or belonging thereto, to be~~
2245 guarded and preserved in its grounds and buildings.

2246 **Drafting note: Technical changes.**

2247 ~~§ 23-110. Conferring of degrees.~~

2248 ~~The Governor and the board of visitors and faculty of the Institute may confer a degree~~
2249 ~~upon any graduate found qualified to receive it, after examination upon such of the branches of~~
2250 ~~the arts and sciences and of literature taught at the Institute as the board may deem requisite.~~
2251 ~~The board may also, in its discretion, confer honorary degrees or diplomas of distinguished~~
2252 ~~merit.~~

2253 **Drafting note: The provisions of existing § 23-110 are stricken as obsolete.**

2254 ~~§ 23-111.~~

2255 **Drafting note: Repealed by Acts 1984, c. 734.**

2256 ~~§ 23-112~~ 23.1-xxx. Musicians, ~~how enlisted and paid.~~

2257 The superintendent may enlist musicians for service at the Institute, to be paid out of the
2258 annual appropriation provided for in ~~§ 23-92~~ 23.1-xxx.

2259 **Drafting note: Technical changes.**

2260 ~~§ 23-113~~ 23.1-xxx. Supply of water.

2261 ~~To enable the~~ The Institute ~~to procure a supply of water, it~~ shall have authority to
2262 proceed under the provisions of Title 25.1 to acquire such springs, lands, and rights-of-way as
2263 may be necessary to procure a supply of water.

2264 **Drafting note: Technical changes.**

2265 ~~§ 3.2-503. Duties of Extension Division of Virginia Polytechnic Institute and State~~
2266 ~~University.~~

2267 ~~A. Personnel of the Extension Division of Virginia Polytechnic Institute and State~~
2268 ~~University shall inform local governing bodies of the Commonwealth whenever agricultural~~
2269 ~~conditions are present in such localities that would warrant the declaration of a disaster pursuant~~
2270 ~~to Section 301 of Public Law 93-288, 42 U.S.C. § 5141.~~

2271 ~~B. Personnel of the Extension Division of Virginia Polytechnic Institute and State~~
2272 ~~University shall provide farmers and local governing bodies with such assistance and~~
2273 ~~information as is available concerning federal and state disaster relief programs.~~

2274 **Drafting note: The provisions of existing § 3.2-503 are stricken and incorporated**
2275 **instead into proposed subsections B and C of § 23.1-26xx (see page 15).**

2276 ~~CHAPTER 11~~ 26.

2277 VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY.

2278 **Drafting note: Existing Chapter 11 of Title 23 is logically reorganized as proposed**
2279 **Chapters 13 and 26 of Title 23.1. Existing provisions that apply generally to governing**
2280 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
2281 **Existing provisions relating to the incorporation, membership and meetings, and powers**
2282 **and duties of the governing board that are unique to the University are retained in**
2283 **proposed Chapter 26.**

2284 Article 1.

2285 General Provisions.

2286 ~~§ 23-114~~ 23.1-xxx. ~~Board of visitors a corporation and under control of General~~
2287 ~~Assembly~~ Corporate name; name of the University.

2288 A. The board of visitors of Virginia Polytechnic Institute and State University (the
2289 board) shall be ~~and remain~~ a corporation under the name and style of the "Virginia Polytechnic
2290 Institute and State University" and shall have, in addition to its other powers, all the corporate
2291 powers given to corporations by the provisions of Title 13.1 except those powers that are
2292 confined to corporations created pursuant to Title 13.1. The board shall at all times be under the
2293 control of the General Assembly.

2294 B. The institution shall be known as the Virginia Polytechnic Institute and State
2295 University (the University).

2296 C. All acts and parts of acts and statutes laws relating to Virginia Polytechnic Institute,
2297 its predecessors ~~by whatever name known, or to, its board of visitors, and the boards board~~ of
2298 visitors ~~thereof, of each of its predecessors~~ shall be construed as relating to the ~~Virginia~~
2299 ~~Polytechnic Institute and State~~ University.

2300 **Drafting note: Technical changes are made to conform the language in this section**
2301 **to that of each other four-year public institution of higher education.**

2302 ~~§ 23-115 23.1-xxx. Appointment of visitors generally; number and eligibility~~
2303 Membership.

2304 A. The board of visitors is to shall consist of ~~fourteen~~ 14 members, ~~thirteen~~ of whom 13
2305 shall be appointed by the Governor; and one ~~of whom~~ shall be the ~~President~~ president of the
2306 Board of Agriculture and Consumer Services, who shall serve ex officio. Of the 13 members
2307 appointed by the Governor, ~~three may be nonresidents~~ at least 10 members shall be residents of
2308 the Commonwealth and at least six members shall be alumni of the University. ~~The visitors in~~
2309 ~~the office on April 9, 1945, are continued in office until the end of their respective terms, or~~
2310 ~~until June 30, 1945, whichever last occurs.~~

2311 ~~As soon as practicable after April 9, 1945, the Governor shall appoint four members to~~
2312 ~~fill the unexpired portions of the terms which began on July 1, 1944, and shall appoint three~~
2313 ~~additional members for new terms of two years and two for new terms of four years, each term~~
2314 ~~beginning July 1, 1945. He shall, in addition, appoint the President of the State Board of~~

2315 ~~Agriculture and Consumer Services as an ex officio member for a term of four years to begin~~
2316 ~~July 1, 1945; provided that, if the tenure in office as President of such ex officio member expires~~
2317 ~~within that time, the Governor shall appoint such member's successor to fill the unexpired term.~~
2318 ~~Such President shall remain eligible for appointment as an ex officio member so long as he~~
2319 ~~continues in office as President. All appointments for full terms, as well as to fill vacancies,~~
2320 ~~shall be made by the Governor subject to confirmation by the Senate.~~

2321 B. The alumni association of the University may submit to the Governor a list of three
2322 nominees for each vacancy on the board, whether it occurs by expired term or otherwise. The
2323 Governor may appoint a member from the list of nominees.

2324 **Drafting note: Existing provisions relating to the membership of the board of**
2325 **visitors are logically combined in this proposed section, existing provisions relating to the**
2326 **terms and removal of members of the board are stricken and incorporated instead into**
2327 **proposed Chapter 13, and technical changes are made to conform the language to that of**
2328 **each other four-year public institution of higher education.**

2329 ~~§ 23-116. Appointment of visitors from nominees of alumni association.~~

2330 ~~(a) The Governor may appoint visitors from a list of qualified persons submitted to him~~
2331 ~~by the alumni association of the University on or before the first day of April of any year in~~
2332 ~~which the terms of any visitors will expire.~~

2333 ~~(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall~~
2334 ~~certify this fact to the association and nominations may be submitted of qualified persons and~~
2335 ~~the Governor may fill the vacancy, if his discretion so dictates, from among the eligible~~
2336 ~~nominees of the association, whether or not alumni or alumnae.~~

2337 ~~(c) Every list shall contain at least three names for each vacancy to be filled.~~

2338 ~~(d) The Governor is not to be limited in his appointments to the persons so nominated.~~

2339 ~~(e) At no time shall less than six of the appointive visitors be alumni or alumnae of the~~
2340 ~~University.~~

2341 **Drafting note: The provisions of existing § 23-116 are stricken and incorporated**
2342 **instead into proposed § 23.1-xxx.**

2343 § ~~23-117~~. Eligibility to serve for more than two successive terms.

2344 No person, except the ex officio member, shall be eligible to serve for or during more
2345 than two successive four year terms; but after the expiration of a term of two years or less, or
2346 after the expiration of the remainder of a term to which appointed to fill a vacancy, two
2347 additional four year terms may be served by such a member if appointed thereto. Incumbents on
2348 April 5, 1945, appointed for full terms prior to June 1, 1944, shall be deemed to be serving their
2349 first terms.

2350 **Drafting note: The provisions of existing § 23-117 are stricken and incorporated**
2351 **instead into proposed Chapter 13.**

2352 § ~~23-118~~ 23.1-xxx. ~~Officers and committees of the board; officers of the University~~
2353 Meetings; officers; committees.

2354 A. The board shall meet in Blacksburg, in the County of Montgomery, at least once a
2355 year and at such other times and places as it determines. Special meetings of the board may be
2356 called by the Governor, the rector, or any three members. Notice of the time and place of each
2357 meeting shall be provided to each member.

2358 B. A majority of the board shall constitute a quorum. A majority of each committee shall
2359 constitute a quorum.

2360 C. The board of visitors shall appoint from their own body its membership a rector, who
2361 shall to preside at their its meetings; and, in his absence, a president pro tempore to preside at its
2362 meetings in the absence of the rector. The board may appoint a vice president of the University
2363 and, by appropriate regulations, prescribe his authority, duties, and compensation, if any, and he
2364 shall hold office at the pleasure of the board.

2365 D. The board shall appoint a secretary.

2366 E. The board shall also appoint from its membership an executive committee of not less
2367 than at least three nor but not more than six, which, during the interim between board meetings,

2368 ~~members that~~ shall be empowered during the interim between board meetings to exercise ~~all or~~
2369 ~~such part of the~~ such powers of the board as the board may ~~by resolution~~ prescribe by
2370 resolution.

2371 F. The board may ~~likewise~~ appoint special committees and prescribe their duties and
2372 powers.

2373 ~~The executive~~ G. Each committee, ~~and other committees~~ shall ~~make reports~~ report its
2374 actions to the board, at ~~its~~ the board's annual meeting ~~or oftener if required,~~ ~~of the acts~~
2375 ~~performed by them from time to time and at such other times as the board may require.~~ The
2376 board shall also appoint a treasurer of the University and may appoint a secretary thereof, and
2377 also a clerk to the board, and such other officers, assistants and deputies as they deem advisable
2378 to conduct the business and affairs of the University.

2379 **Drafting note: Technical changes are made to conform provisions relating to**
2380 **meetings, officers, and committees of the board of visitors to those of each other four-year**
2381 **public institution of higher education.**

2382 ~~§ 23-119. Quorum of board and of committees.~~

2383 ~~A majority of the board and also of all committees appointed pursuant to § 23-118 shall~~
2384 ~~constitute a quorum.~~

2385 **Drafting note: The provisions of existing § 23-119 are stricken and incorporated**
2386 **instead into proposed § 23.1-xxx.**

2387 ~~§ 23-120. When office of visitor deemed vacant.~~

2388 ~~If any visitor fail to perform the duties of his office for one year without good cause~~
2389 ~~shown to the board, the board shall, at the next meeting after the end of such year, cause the fact~~
2390 ~~of such failure to be recorded in the minutes of their proceedings, and certify the same to the~~
2391 ~~Governor, and the office of such visitor shall thereupon be vacant. If so many of such visitors~~
2392 ~~fail to perform their duties that a quorum thereof do not attend for a year, upon a certificate~~
2393 ~~thereof being made to the Governor by the rector or any member of the board, or by the~~
2394 ~~president, the offices of all the visitors failing to attend shall be vacant.~~

2395 **Drafting note: The provisions of existing § 23-120 are stricken and incorporated**
 2396 **instead into proposed § 23.1-xxx.**

2397 ~~§ 23-121. Meetings of board.~~

2398 ~~The board shall meet at Blacksburg, in the County of Montgomery, at least once a year,~~
 2399 ~~and at such other times or places as they shall determine, the days of meeting to be fixed by~~
 2400 ~~them. Special meetings of the board may be called by the Governor, the rector, or any three~~
 2401 ~~members. In either of such cases, notice of the time and place of meeting shall be given to every~~
 2402 ~~other member.~~

2403 **Drafting note: The provisions of existing § 23-121 are stricken and incorporated**
 2404 **instead into proposed § 23.1-xxx.**

2405 ~~§ 23-122. Powers and duties of board generally; expenses.~~

2406 ~~The board shall be charged with the care and preservation and improvement of the~~
 2407 ~~property belonging to the University, and with the protection and safety of students and other~~
 2408 ~~persons residing on the property, and in pursuance thereof shall be empowered to change roads~~
 2409 ~~or driveways on the property or entrances thereto, or to close temporarily or permanently the~~
 2410 ~~roads, driveways and entrances; to prohibit entrance to the property of undesirable and~~
 2411 ~~disorderly persons, or to eject such persons from the property, and to prosecute under the laws~~
 2412 ~~of the state trespassers and persons committing offenses on the property.~~

2413 ~~The board shall regulate the government and discipline of the students; and, generally, in~~
 2414 ~~respect to the government of the University, may make such regulations as they deem expedient,~~
 2415 ~~not contrary to law. Such reasonable expenses as the visitors may incur in the discharge of their~~
 2416 ~~duties shall be paid out of the funds of the University.~~

2417 **Drafting note: The provisions of existing § 23-122 are stricken and incorporated**
 2418 **instead into proposed § 23.1-13xx of Chapter 13.**

2419 ~~§ 23-122.1. Investment of endowment funds, endowment income, and gifts; standard of~~
 2420 ~~care; liability; exemption from the Virginia Public Procurement Act.~~

2421 ~~A. The board of visitors shall invest and manage the endowment funds, endowment~~
2422 ~~income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the~~
2423 ~~University in accordance with this section and the provisions of the Uniform Prudent~~
2424 ~~Management of Institutional Funds Act (§ 64.2-1100 et seq.).~~

2425 ~~B. No member of the board of visitors shall be personally liable for losses suffered by an~~
2426 ~~endowment fund, endowment income, gifts, all other nongeneral fund reserves and balances, or~~
2427 ~~local funds of or held by the University, arising from investments made pursuant to the~~
2428 ~~provisions of subsection A.~~

2429 ~~C. The investment and management of endowment funds, endowment income, gifts, all~~
2430 ~~other nongeneral fund reserves and balances, or local funds of or held by the University shall~~
2431 ~~not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).~~

2432 ~~D. In addition to the investment practices authorized by the Uniform Prudent~~
2433 ~~Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board of visitors may also~~
2434 ~~invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund~~
2435 ~~reserves and balances, and local funds of or held by the University in derivatives, options, and~~
2436 ~~financial securities.~~

2437 ~~1. In this section, "derivative" means a contract or financial instrument or a combination~~
2438 ~~of contracts and financial instruments, including, without limitation, any contract commonly~~
2439 ~~known as a "swap," which gives the University the right or obligation to deliver or receive~~
2440 ~~delivery of, or make or receive payments based on, changes in the price, value, yield or other~~
2441 ~~characteristic of a tangible or intangible asset or group of assets, or changes in a rate, an index~~
2442 ~~of prices or rates, or other market indicator for an asset or a group of assets.~~

2443 ~~2. In this section, an "option" means an agreement or contract whereby the University~~
2444 ~~may grant or receive the right to purchase or sell, or pay or receive the value of, any personal~~
2445 ~~property asset including, without limitation, any agreement or contract that relates to any~~
2446 ~~security, contract, or agreement.~~

2447 ~~3. In this section, "financial security" means any note, stock, treasury stock, bond,~~
2448 ~~debenture, evidence of indebtedness, certificate of interest, collateral trust certificate,~~
2449 ~~preorganization certificate of subscription, transferable share, investment contract, voting trust~~
2450 ~~certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other~~
2451 ~~mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit,~~
2452 ~~or group or index of securities (including any interest therein or based on the value thereof), or~~
2453 ~~any put, call, straddle, option, or privilege entered into on a national securities exchange relating~~
2454 ~~to foreign currency, or in general, any interest or instrument commonly known as a "security,"~~
2455 ~~or any certificate of interest or participation in, temporary or interim security for, receipt for,~~
2456 ~~guarantee of, or warrant or right to subscribe to or purchase any of the foregoing.~~

2457 ~~E. The authority as provided in this section as it relates to nongeneral fund reserves and~~
2458 ~~balances of or held by the University is predicated upon an approved management agreement~~
2459 ~~between the University and the Commonwealth of Virginia.~~

2460 **Drafting note: The provisions of existing § 23-122.1 are stricken and incorporated**
2461 **instead into proposed § 23.1-10xx of Chapter 10.**

2462 ~~§ 23-123.~~

2463 **Drafting note: Repealed by Acts 1981, c. 319.**

2464 ~~§ 23-124. Appointment of professors; removal of professors and officers.~~

2465 ~~The board shall appoint as many professors as they deem proper, and, with the assent of~~
2466 ~~two-thirds of the members of the board, may remove any professor or, subject to the provisions~~
2467 ~~of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, any other officer of the University.~~

2468 **Drafting note: The provisions of existing § 23-124 are stricken and incorporated**
2469 **instead into proposed § 23.1-xxx.**

2470 ~~§ 23-125. Prescribing duties of professors and course of instruction.~~

2471 ~~The board shall prescribe the duties of each professor and the course and mode of~~
2472 ~~instruction.~~

2473 **Drafting note: The provisions of existing § 23-125 are stricken and incorporated**
2474 **instead into proposed § 23.1-13xx of Chapter 13.**

2475 ~~§ 23-126 23.1-xxx. Appointment of president; employment of agents or servants~~
2476 ~~Employees.~~

2477 ~~The board shall appoint a president of the University and~~ A. The board shall appoint a
2478 treasurer of the University. The treasurer or the officer who controls the funds of the University
2479 shall give bond in the sum of \$50,000, payable to the Commonwealth, with condition for the
2480 faithful discharge of the duties of his office. The bond shall be approved by the board, entered
2481 on the board's journal, and transmitted to the Comptroller and shall remain filed in the
2482 Comptroller's office.

2483 B. The board may appoint a vice-president of the University and prescribe his authority,
2484 duties, and compensation, if any. The vice-president shall hold office at the pleasure of the
2485 board.

2486 C. The board may employ a secretary of the University, a clerk to the board, and such
2487 other agents or servants, officers, assistants, and deputies as may be necessary to conduct the
2488 business and affairs of the University.

2489 D. The board may remove any officer of the University with the assent of two-thirds of
2490 its members, subject to the provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.).

2491 E. The board shall employ as many professors as it deems proper, prescribe their duties,
2492 and set their salaries. The board may remove any professor with the assent of two-thirds of its
2493 members.

2494 **Drafting note: Provisions on specific employees and officers of the University are**
2495 **consolidated in this proposed section.**

2496 ~~§ 23-127. Bond of treasurer.~~

2497 ~~The board shall require the treasurer, or the officer in whose hands the funds of the~~
2498 ~~University may be placed, to give bond in the sum of \$50,000, payable to the Commonwealth,~~
2499 ~~with condition for the faithful discharge of the duties of his office, which bond being approved~~

2500 ~~by the board and entered at large on its journal, shall be transmitted to the Comptroller, and~~
2501 ~~remain filed in his office.~~

2502 **Drafting note: The provisions of existing § 23-127 are stricken and incorporated**
2503 **instead into proposed § 23.1-26xx.**

2504 ~~§ 23-128. Professors' salaries; fees of students.~~

2505 ~~Each professor shall receive a stated salary, to be fixed by the board of visitors. The~~
2506 ~~board shall fix the fees to be charged for tuition of students, other than those allowed~~
2507 ~~scholarships under § 23-31, which shall be a credit to the fund of the University.~~

2508 **Drafting note: The provisions of existing § 23-128 are stricken and incorporated**
2509 **instead into proposed § 23.1-26xx.**

2510 ~~§ 23-129.~~

2511 **Drafting note: Repealed by Acts 1981, c. 319.**

2512 ~~§ 23-130~~ 23.1-xxx. Curriculum.

2513 The curriculum of the ~~Virginia Polytechnic Institute and State~~ University shall ~~embrace~~
2514 ~~such branches of learning as relate to~~ include agriculture ~~and the mechanic arts, without~~
2515 ~~excluding other scientific and classical studies,~~ engineering, and ~~including~~ military tactics.

2516 **Drafting note: Technical changes.**

2517 ~~§ 23-131. School of mines continued.~~

2518 ~~The school of mines now established at the Virginia Polytechnic Institute and State~~
2519 ~~University is continued, and shall receive for its support such sums as may be appropriated by~~
2520 ~~law for the purpose.~~

2521 **Drafting note: The provisions of existing § 23-131 are stricken as obsolete.**

2522 ~~§ 23-132.~~

2523 **Drafting note: Repealed by Acts 1972, c. 48.**

2524 ~~§ 23-155.05~~ 23.1-xxx. Purchase of electric power and energy; ~~duration of contracts;~~
2525 ~~source of payments.~~

2526 A. For purposes of this section:

2527 "Other party" means any other entity, including ~~but not limited to any~~ (i) ~~another~~
2528 municipality ~~or~~, public institution of higher education, or any political subdivision, public
2529 authority, agency, or instrumentality of the Commonwealth, another state, ~~or the United States~~
2530 ~~of America~~ or (ii) ~~a~~ partnership, limited liability company, not-for-profit corporation, electric
2531 cooperative, or investor-owned utility, whether created, incorporated, or otherwise organized
2532 and existing under the laws of the Commonwealth ~~or~~, another state, or the United States ~~of~~
2533 ~~America~~.

2534 "Project" means any (i) system or facilities for the generation, transmission,
2535 transformation, or supply of electrical power and energy by any means whatsoever, including
2536 ~~but not limited to~~ fuel, fuel transportation, and fuel supply resources ~~and other related facilities,~~
2537 ~~any one or more;~~ (ii) electric generating ~~units~~ unit situated at a particular site, in the continental
2538 United States ~~of America, or any;~~ (iii) interest in ~~the foregoing~~ such system, facilities, or unit,
2539 whether an undivided interest as a tenant in common or otherwise,; or ~~any~~ (iv) right to the
2540 output, capacity, or services ~~thereof~~ of such system, facilities, or unit.

2541 B. ~~Virginia Polytechnic Institute and State~~ The University may contract with any other
2542 party to buy power and energy ~~required for to meet~~ its present ~~or and~~ future requirements. ~~Such~~
2543 ~~contracts~~ Any such contract may provide that (i) the source of such power and energy is limited
2544 to a specified project ~~or may include provision for;~~ (ii) replacement power and energy. ~~Any such~~
2545 ~~contract may provide that shall be provided~~ (iii) the University shall be obligated to make
2546 payments required by the contract whether or not a project is completed, operable, or operating
2547 and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the
2548 output of a project or the amount of power and energy contracted for, ~~and that such;~~ (iv)
2549 payments ~~under~~ required by the contract (a) shall not be subject to any reduction, whether by
2550 offset or otherwise, ~~and~~ (b) shall not be conditioned upon the performance or nonperformance
2551 by of any other party. ~~Such contracts, with respect to any project, may also provide, in the event~~
2552 ~~of default by the University or any other party to any such contract for such project in the~~
2553 ~~performance of its obligations thereunder, for the University or other party to any such contract~~

2554 ~~for such project to succeed to the rights and interests and assume the obligations of the~~
2555 ~~defaulting party, pro rata or otherwise as may be agreed upon in such contracts. Such contracts~~
2556 ~~may provide that the other party is not obligated to provide power and energy in the event that~~
2557 ~~the project specified to be the source of power and energy to be purchased and sold under such~~
2558 ~~contracts is inoperable or in the case of the suspension, interference, reduction or curtailment of~~
2559 ~~the output of such project or in events of force majeure.~~

2560 ~~Notwithstanding the provisions of any other law or charter provision to the contrary, any~~
2561 ~~such contract, with respect to the sale or purchase of capacity, output, power, or energy from a~~
2562 ~~project, may extend for a period not exceeding 50 years from the date a project is estimated to~~
2563 ~~be placed in normal continuous operation; and the execution and effectiveness thereof shall not~~
2564 ~~be subject to any authorizations or approvals by the Commonwealth or any agency, commission,~~
2565 ~~or instrumentality or political subdivision thereof except as specifically required by law.~~

2566 ~~Any such contract shall provide that payments by the University under any such~~
2567 ~~contract, (c) shall be made solely from, and may be secured by a pledge of and lien upon, the~~
2568 ~~revenues derived by the University from the ownership and operation of the electric system of~~
2569 ~~the University, (d) may be secured by a pledge of and such payments lien upon the electric~~
2570 ~~system of the University, and (e) shall constitute an operating expense of such the electric~~
2571 ~~system of the University; (v) in the event of default by the University or any other party to the~~
2572 ~~contract in the performance of its obligations for any project, the University or any other party~~
2573 ~~to the contract for such project shall succeed to the rights and interests and assume the~~
2574 ~~obligations of the defaulting party, either pro rata or as may be otherwise agreed upon in the~~
2575 ~~contract; and (vi) no other party shall be obligated to provide power and energy in the event that~~
2576 ~~(a) the project is inoperable, (b) the output of the project is subject to suspension, interference,~~
2577 ~~reduction or curtailment, or (c) a force majeure occurs.~~

2578 ~~C. Notwithstanding any other charter or provision of law to the contrary, no such~~
2579 ~~contract, with respect to the sale or purchase of capacity, output, power, or energy from a~~

2580 project, shall exceed 50 years from the date that the project is estimated to be placed in normal
2581 continuous operation.

2582 D. The execution and effectiveness of any such contract shall not be subject to any
2583 authorizations and approvals by the Commonwealth or any agency, commission,
2584 instrumentality, or political subdivision of the Commonwealth except as specifically required by
2585 law.

2586 E. No obligation under any such contract shall constitute a legal or equitable pledge,
2587 charge, lien, or encumbrance upon any property of the University or upon any of its income,
2588 receipts, or revenues, except the revenues of its electric system, and the faith and credit of the
2589 University ~~are not, or may shall~~ not be, pledged for the payment of any obligation under any
2590 such contract.

2591 F. The University shall ~~be obligated to~~ fix, charge, and collect rents, rates, fees, and
2592 charges for electric power and energy and other services, facilities, and commodities sold,
2593 furnished, or supplied through its electric system sufficient to provide revenues adequate to
2594 meet its obligations under any such contract and to pay any and all other amounts payable from
2595 or constituting a charge and lien upon such revenues, including amounts sufficient to pay the
2596 principal of and interest on bonds of the University ~~heretofore or hereafter~~ issued for purposes
2597 related to its electric system. Any pledge made by the University pursuant to this ~~paragraph~~
2598 subsection shall be governed by the laws of the Commonwealth.

2599 **Drafting note: The provisions of the single section in existing Article 7 (§ 23-155.05)**
2600 **of Chapter 11 is moved to this article as proposed § 23.1-26xx for better placement, and**
2601 **technical changes are made.**

2602 Article ~~1.1~~ 2.

2603 Virginia Cooperative Extension and Agricultural Experiment Station Division; Hampton Roads
2604 Agricultural Research and Extension Center.

2605 **Drafting note: Technical changes.**

2606 § ~~23-132.1~~ 23.1-xxx. Virginia Cooperative Extension and Agricultural Experiment
2607 Station Division established; Cooperative Extension Service Program recognized.

2608 A. There is hereby established within the ~~Virginia Polytechnic Institute and State~~
2609 University a division to be known as the Virginia Cooperative Extension and Agricultural
2610 Experiment Station Division, ~~hereinafter referred to as~~ (the Division), which shall encompass
2611 and administer the Virginia Cooperative Extension ~~Service~~ and the Agricultural Experiment
2612 Station with appropriate supporting programs.

2613 ~~Further, the~~ B. The Cooperative Extension Service Program within Virginia State
2614 University, ~~hereinafter referred to as~~ " (the Service Program,") is hereby recognized. The
2615 ~~Cooperative Extension~~ Service Program shall be operated cooperatively by ~~Virginia Polytechnic~~
2616 ~~Institute and State~~ the University and Virginia State University, with ~~agreed upon~~ agreed upon
2617 areas of program and service emphasis as set forth in the unified plan submitted by the two
2618 institutions to the U.S. Department of Agriculture.

2619 **Drafting note: Technical changes.**

2620 § ~~23-132.2~~ 23.1-xxx. Administration of the Division.

2621 The board ~~of visitors of the Virginia Polytechnic Institute and State University~~ shall
2622 provide for the administration of ~~such~~ the Division through the regular administrative and fiscal
2623 officers of the ~~Virginia Polytechnic Institute and State~~ University and shall make appointments
2624 to the administrative and research staff on recommendation of the president of the ~~Virginia~~
2625 ~~Polytechnic Institute and State~~ University.

2626 **Drafting note: Technical changes.**

2627 § ~~23-132.3~~ 23.1-xxx. Duties of the Division; ~~how work to be performed and the Service~~
2628 Program.

2629 A. The ~~Virginia Cooperative Extension Division and the~~ Service Program shall provide
2630 the people of the Commonwealth with information and knowledge on ~~subjects related to~~
2631 agriculture, including horticulture and silviculture, agribusiness, home economics, community
2632 resource development, 4-H Clubs, and related subjects ~~relating thereto~~, through instruction and

2633 the dissemination of useful and practical information through demonstrations, conferences,
2634 courses, workshops, publications, meetings, and mass media. The necessary printing and
2635 distribution of information in connection with ~~the foregoing and~~ this work shall be ~~carried on~~
2636 performed in such manner as may be mutually agreed upon by ~~Virginia Polytechnic Institute~~
2637 ~~and State University for the work of the Division, the Virginia State University for the work of~~
2638 ~~the Service Program, (i) the Governor or his designated representative designee, the United~~
2639 ~~States U.S. Secretary of Agriculture, the United States U.S. Secretary of Commerce, and~~ other
2640 participating bodies, and the University for the work of the Division and (ii) the Governor or his
2641 designee, the U.S. Secretary of Agriculture, the U.S. Secretary of Commerce, other participating
2642 bodies, and Virginia State University for the work of the Service Program.

2643 B. ~~The Cooperative Extension Service Program shall also conduct educational programs~~
2644 ~~and disseminate useful and practical information to the people of the Commonwealth~~ Personnel
2645 of the Division shall inform local governing bodies of the Commonwealth whenever agricultural
2646 conditions are present in such localities that would warrant the declaration of a disaster pursuant
2647 to 42 U.S.C. § 5141.

2648 C. Personnel of the Division shall provide farmers and local governing bodies with such
2649 assistance and information as is available concerning federal and state disaster relief programs.

2650 D. The Agricultural Experiment Station shall conduct research and investigations and
2651 establish, publish, and distribute results in such forms as will tend to increase the economy,
2652 efficiency, and safety of the various enterprises and activities of interest to the Commonwealth
2653 and the nation; and promote the conservation and economic utilization of its natural and human
2654 resources.

2655 **Drafting note: The language in subsections B and C is moved from § 3.2-503, which**
2656 **is repealed. Technical changes are made.**

2657 § ~~23-132.4 23.1-xxx. Selection of personnel; rules and regulations; work may be~~
2658 ~~conducted with both adults and youth~~ Personnel; local units.

2659 ~~It shall be the duty of the Virginia Polytechnic Institute and State A. The~~ University and
2660 ~~of the~~ Virginia State University, in cooperation with the departments and agencies of the federal
2661 government, ~~to shall~~ exercise great care in the selection of personnel to carry out and supervise
2662 the work ~~and to supervise the work to see that it is properly done throughout the Commonwealth~~
2663 of the Division and the Service Program. The work shall be conducted under such ~~rules and~~
2664 regulations as may be adopted by the ~~Virginia Polytechnic Institute and State~~ University for the
2665 work of the Division and ~~by the~~ Virginia State University, in cooperation with the U.S.
2666 Department of Agriculture, for the work of the Service ~~in cooperative relation to the United~~
2667 States Department of Agriculture Program.

2668 B. ~~The Virginia Polytechnic Institute and State University through the~~ Division and the
2669 ~~Virginia State University through the~~ Service Program are authorized to ~~conduct~~ work with both
2670 adults and youth through local units to be known as "departments of extension and continuing
2671 education."

2672 **Drafting note: Technical changes, including use of “regulations” rather than “rules**
2673 **and regulations” per recommendation of the Code Commission.**

2674 ~~§ 23-132.5 23.1-xxx. Sources from which moneys may be received; disposition of~~
2675 receipts Division; funding sources.

2676 The Division may receive moneys from the Commonwealth, the federal government ~~or,~~
2677 and private sources ~~and all.~~ All receipts of the Division shall be deposited to the credit of the
2678 general fund of the state treasury and ~~are hereby~~ appropriated to the ~~Virginia Polytechnic~~
2679 ~~Institute and State~~ University to be used exclusively for the purposes of the Division.

2680 **Drafting note: Technical changes.**

2681 ~~§ 23-132.6 23.1-xxx. Appropriations~~ The Division and the Service Program;
2682 appropriations by the General Assembly.

2683 ~~There is hereby authorized to be appropriated for the purposes of this chapter such sums~~
2684 ~~as the A. The~~ General Assembly may ~~from time to time determine to be~~ appropriate such funds
2685 to the Division and the Service Program as it deems necessary. Any ~~money that may be~~

2686 ~~appropriated from the general fund of the state treasury, or received and appropriated~~ general
2687 funds and funds received from any agency or department of the federal government for the
2688 purposes of carrying out this ~~chapter article~~ shall be expended by the ~~Virginia Polytechnic~~
2689 ~~Institute and State~~ University through the Division and by the Virginia State University through
2690 the Service, Program and shall be accounted for in the manner prescribed by applicable law ~~or~~
2691 and regulations.

2692 B. Funds appropriated by the General Assembly shall be used by the University and
2693 Virginia State University for the purpose of conducting cooperative extension services in the
2694 Commonwealth. Such funds may be used to defray all necessary expenses, including salaries,
2695 travel expenses, equipment, supplies, and other authorized expenses.

2696 **Drafting note: Some provisions of existing § 23-132.7 are incorporated into this**
2697 **proposed section, § 23.1-26xx. Technical changes are made.**

2698 ~~§ 23-132.7. For what purposes funds may be used.~~

2699 ~~The funds appropriated by the General Assembly as provided in § 23-132.6 shall be used~~
2700 ~~by the Virginia Polytechnic Institute and State University and by the Virginia State University~~
2701 ~~for the purpose of conducting cooperative extension services in the Commonwealth of Virginia~~
2702 ~~and in cooperation with the several counties, cities, and other participating bodies therein so far~~
2703 ~~as said funds will permit. "Cooperative extension service" is the function traditionally associated~~
2704 ~~with the term "extension," which is the joint federal, state, and local program designed to aid~~
2705 ~~transfer of information and research capabilities of land grant universities to citizens.~~
2706 ~~Traditionally, the cooperative extension services focus on agriculture, including horticulture and~~
2707 ~~silviculture, agribusiness, home economics, community resource development, and 4-H Clubs.~~
2708 ~~These funds may be used for defraying all necessary expenses, including the payment of salaries~~
2709 ~~and travel expenses, buying of equipment and supplies, and for other authorized expenses in~~
2710 ~~connection with carrying out the work.~~

2711 **Drafting note: Some provisions of existing § 23.1-132.7 are stricken and**
2712 **incorporated instead into proposed § 23.1-26xx. Explanatory statements are also stricken.**

2713 § ~~23-132.8~~ 23.1-xxx. Appropriations The Division; appropriations by local governing
2714 bodies.

2715 ~~The~~ Any local governing ~~bodies of the several counties and cities~~ body of the
2716 Commonwealth ~~are hereby authorized and empowered to~~ may appropriate ~~out of the county or~~
2717 ~~city~~ funds ~~for the support of such,~~ to be supplemented by funds appropriated by the General
2718 Assembly to the University for the Division and such other funds as the University may
2719 allocate, to support the activities of the Division ~~such sums as said governing bodies may deem~~
2720 ~~proper; the sums so appropriated are to be used in cooperation with the Virginia Polytechnic~~
2721 ~~Institute and State University for paying such portions of the expenses of the Division and~~ in
2722 such manner as may be agreed upon by the ~~Virginia Polytechnic Institute and State~~ University
2723 and the local governing body. ~~Funds appropriated by the governing bodies of the county or city~~
2724 ~~are to be supplemented by a sum or sums to be paid out of funds appropriated by the General~~
2725 ~~Assembly to the Virginia Polytechnic Institute and State University for the Division and such~~
2726 ~~funds as may be allotted from funds under its control.~~

2727 **Drafting note: Technical changes.**

2728 § ~~23-132.9~~ 23.1-xxx. Soil Agricultural Experiment Station; soil survey.

2729 For the purpose of continuing a survey of the soils of the Commonwealth ~~which~~ that was
2730 begun by the ~~United States~~ U.S. Department of Agriculture, ~~there is hereby authorized and~~
2731 ~~directed to be made under the direction and supervision of such agricultural experiment station,~~
2732 the Agricultural Experiment Station, in cooperation with the U.S. Department of Agriculture,
2733 shall conduct a comprehensive soil survey of the Commonwealth of such a character and along
2734 such lines as to obtain an inventory of the soil resources of the Commonwealth and to determine
2735 their adaptability to various crops, forestry, and livestock enterprises ~~in order~~ to promote the
2736 utilization of the lands of the Commonwealth in the most practical and economical way. ~~It is~~
2737 ~~contemplated that the experiment station will make this survey in cooperation with the United~~
2738 ~~States Department of Agriculture.~~

2739 **Drafting note: Technical changes.**

2740 § ~~23-132.10~~ 23.1-xxx. Agricultural Experiment Station; agricultural survey.

2741 ~~There is authorized to be made under the direction and supervision of such agricultural~~

2742 ~~experiment station.~~ The Agricultural Experiment Station, in conjunction with similar agencies of

2743 the federal government, may conduct a thorough and comprehensive agricultural survey of the

2744 Commonwealth according to the most approved methods in practice, ~~or which may be devised,~~

2745 ~~for the purpose of gathering to gather~~ facts and information ~~in regard to~~ on existing agricultural

2746 conditions in ~~Virginia,~~ the Commonwealth and data upon which to base a study of agricultural

2747 economics and a constructive program for the development of agriculture and agricultural

2748 resources, ~~which survey shall include matters pertaining to.~~ The survey shall examine (i) soils

2749 and soil fertility and management; (ii) soil erosion and drainage problems affecting soil fertility

2750 and productivity; (iii) the adaptation of various soil types, elevations, and seasonable conditions

2751 to crops produced or ~~which that~~ may suitably be produced; (iv) farm layout and selection ~~and;~~

2752 (v) arrangement of fields for the use of labor-saving machinery, ~~and;~~ (vi) economy and

2753 convenience in cultivation and farm operations; (vii) methods of cultivation, production, and

2754 handling of crops, ~~and;~~ (viii) general farm management; (ix) the various crops produced on

2755 farms; and their yield and gross value compared with the cost of production and courses of low

2756 yield; (x) farm labor; and its distribution and efficiency; (xi) labor incomes of the various

2757 classes of farm labor; (xii) the relation of various farm products to public needs and local and

2758 general supply and demand; (xiii) farm incomes and income sources; (xiv) capital investment

2759 and return; (xv) distribution of capital investment; (xvi) the character and extent of idle lands

2760 and their suitability for cultivation or other agricultural purposes in the various localities and

2761 what, if any, profitable use may be made of them through the introduction of livestock or crops

2762 adapted to such soils, by individuals or on a community plan, with notations of elevation,

2763 topography, temperatures, and seasonal conditions ~~as~~ affecting ~~fruit~~ production of fruit, cotton

2764 ~~or,~~ and other crops; and (xvii) any other information or studies ~~which that~~ may seem advisable

2765 in determining methods for the betterment of agricultural conditions and the development of the

2766 agricultural resources of the Commonwealth.

2767 ~~It is contemplated that in making the foregoing survey that the agricultural experiment~~
2768 ~~station will, and is hereby authorized to, work in conjunction with and cooperate with similar~~
2769 ~~agencies of the federal government whenever a suitable and satisfactory arrangement can be~~
2770 ~~made for such cooperation.~~

2771 **Drafting note: Technical changes.**

2772 ~~§ 23-155.01 23.1-xxx. Established Hampton Roads Agricultural Research and Extension~~
2773 ~~Center established.~~

2774 ~~The Virginia Truck and Ornamentals Hampton Roads Agricultural Research Station is~~
2775 ~~hereby abolished as a permanent state institution and is reestablished and Extension Center is~~
2776 ~~established~~ as a component of the Virginia Agricultural Experiment Station ~~which is, by the~~
2777 ~~provisions of § 23-132.1, part of the Research Division at the Virginia Polytechnic Institute and~~
2778 ~~State University.~~

2779 **Drafting note: Existing § 23-155.01 is moved to this article from Article 6 (§ 23-**
2780 **155.01 et seq.) of Chapter 11 as proposed § 23.1-26xx, and technical changes are made to**
2781 **update the name in current use.**

2782 ~~§ 23-155.02 23.1-xxx. Function Hampton Roads Agricultural Research and Extension~~
2783 ~~Center; function.~~

2784 ~~The Virginia Truck and Ornamentals Hampton Roads Agricultural Research Station, at~~
2785 ~~times hereafter referred to as the "Station," and Extension Center~~ shall conduct basic and
2786 applied research in the fields of horticulture, plant breeding and variety testing, entomology,
2787 nematology, plant pathology, plant physiology, and soil science which may bear directly on the
2788 interests of commercial growers of vegetable and ornamental crops in the Tidewater Virginia
2789 region of the Commonwealth. ~~The station Hampton Roads Agricultural Research and Extension~~
2790 Center shall coordinate its research with related work of the Virginia Agricultural Experiment
2791 Station to avoid unnecessary duplication of effort. ~~The information acquired Hampton Roads~~
2792 Agricultural Research and Extension Center shall disseminate the results of its research
2793 conducted pursuant to this section ~~shall be disseminated~~. The Norfolk and Eastern Shore

2794 | branches of the ~~station will~~ Hampton Roads Agricultural Research and Extension Center shall
2795 | be retained as active research stations.

2796 | **Drafting note: Existing § 23-155.02 is moved to this article from Article 6 (§ 23-**
2797 | **155.01 et seq.) of Chapter 11 as proposed § 23.1-26xx. Technical changes are made.**

2798 | ~~§ 23-155.03. Board of Directors.~~

2799 | ~~A Board of Directors shall serve as an advisory body representing local agricultural~~
2800 | ~~interests. The Board will consist of five members, all appointed by the Dean of the College of~~
2801 | ~~Agriculture and Life Sciences. Three of the appointive members shall be selected from the~~
2802 | ~~membership of the Association of Virginia Potato and Vegetable Growers, Incorporated. Two of~~
2803 | ~~the appointive members shall be selected from the membership of the Virginia Nurseryman's~~
2804 | ~~Association, Incorporated. The term of office of the appointive members shall be four years.~~
2805 | ~~The members of the Board shall name one of its members chairman and three members of the~~
2806 | ~~Board shall constitute a quorum for the transaction of business. The Board shall hold at least one~~
2807 | ~~meeting annually at either the Norfolk or Eastern Shore branch research stations and such other~~
2808 | ~~meetings as may be necessary at times and places as the chairman or any three members may~~
2809 | ~~designate.~~

2810 | **Drafting note: Existing § 23-155.03 is stricken as obsolete.**

2811 | ~~§ 23-155.04 23.1-xxx. Executive Director~~ Hampton Roads Agricultural Research and
2812 | Extension Center; executive director.

2813 | An ~~Executive Director~~ executive director shall be appointed to administer the Norfolk
2814 | and Eastern Shore branches of the ~~station~~ Hampton Roads Agricultural Research and Extension
2815 | Center and to carry out ~~the station's~~ its research program ~~of research~~. The Executive Director
2816 | shall serve at the pleasure of and be answerable to the Dean of the College of Agriculture and
2817 | Life Sciences of the University.

2818 | **Drafting note: Existing § 23-155.04 is moved to this article from Article 6 (§ 23-**
2819 | **155.01 et seq.) of Chapter 11 as proposed § 23.1-26xx. Technical changes are made.**

2820 | ~~§ 23-132.11 23.1-xxx. Reports~~ The Division and the Service Program; reports.

2821 A. The Virginia Polytechnic Institute and State University shall file such reports on the
 2822 activities of the Division; ~~the Virginia State University shall file such reports on the activities of~~
 2823 ~~the Service Program~~ as may be required by law or requested by the Governor; ~~and the two~~
 2824 ~~institutions.~~

2825 B. Virginia State University shall file such reports on the activities of the Service
 2826 Program as may be required by law or requested by the Governor.

2827 C. The University and Virginia State University shall file such reports on the unified
 2828 plan as may be required by law or requested by the Governor.

2829 **Drafting note: Technical changes.**

2830 § ~~23-132.12~~ 23.1-xxx. Construction of acts relating to the ~~Virginia Cooperative~~
 2831 ~~Extension Service and Agricultural Experiment Station~~ Division ~~of Virginia Polytechnic~~
 2832 ~~Institute and State University.~~

2833 All acts ~~and parts of acts~~ relating to the ~~Virginia Cooperative Extension Service and~~
 2834 ~~Agricultural Experiment Station~~ Division ~~of the Virginia Polytechnic Institute and State~~
 2835 ~~University~~ shall be construed as relating to the Division as established by this article; and no
 2836 such act ~~or part of an act~~ shall be construed as limiting the provisions of this article.

2837 **Drafting note: Technical changes.**

2838 Article 2.

2839 Research Division.

2840 §§ 23-133 through 23-135.7.

2841 **Drafting note: Repealed by Acts 1994, c. 433.**

2842 Article 2.01 3.

2843 Virginia Center for Coal and Energy Research.

2844 **Drafting note: Technical changes.**

2845 § ~~23-135.7:1~~ 23.1-xxx. Created Virginia Center for Coal and Energy Research
 2846 established.

2847 The Virginia Center for Coal and Energy Research (the Center) is ~~hereby created to be~~
2848 ~~located at Virginia Polytechnic Institute and State University, hereinafter referred to as the~~
2849 ~~Center.~~

2850 ~~§ 23-135.7:2. Function.~~

2851 ~~The Center shall be established as~~ an interdisciplinary study, research, information, and
2852 resource facility for the Commonwealth ~~of Virginia utilizing and shall utilize~~ the full
2853 capabilities of faculty, staff, libraries, and laboratories for the benefit of Virginians and the
2854 expansion of knowledge pertaining to coal and energy research and development. The Center
2855 shall be located at the University.

2856 **Drafting note: Existing §§ 23-135.7:1 and 23-135.7:2 are logically combined in this**
2857 **proposed § 23.1-26xx. Technical changes are made.**

2858 ~~§ 23-135.7:3~~ 23.1-xxx. Control and supervision.

2859 The Center shall be subject to the control and supervision of the board ~~of visitors of~~
2860 Virginia Polytechnic Institute and State University.

2861 **Drafting note: Technical changes.**

2862 ~~§ 23-135.7:4~~ 23.1-xxx. ~~Appointment of executive~~ Executive director.

2863 The board ~~of visitors of Virginia Polytechnic Institute and State University~~ shall appoint
2864 an executive director for the Center.

2865 ~~§ 23-135.7:5. Powers and duties of executive director.~~

2866 ~~The executive director with~~ who, subject to the approval of the board ~~of visitors of~~
2867 Virginia Polytechnic Institute and State University, shall ~~have the following powers and duties:~~

- 2868 1. Exercise all powers and perform all duties imposed upon him by law; ~~and~~
2869 2. Carry out the specific duties imposed upon him by the board ~~of visitors of Virginia~~
2870 Polytechnic Institute and State University; and
2871 3. Employ such personnel and contract for such services as may be required to carry out
2872 the purposes of this article.

2873 **Drafting note: Existing §§ 23-135.7:4 and 23-135.7:5 are logically combined in this**
2874 **proposed § 23.1-26xx. Technical changes are made.**

2875 § ~~23-135.7:6~~ 23.1-xxx. Powers and duties of the Center.

2876 The Center, under the direction of the executive director, shall ~~have the following~~
2877 ~~powers and duties~~:

2878 1. ~~To develop~~ Develop a degree program in energy production and conservation research
2879 at the master's level in conjunction with the ~~State Council on Higher Education~~;

2880 2. ~~To develop~~ Develop and provide programs of continuing education and in-service
2881 training for persons who work in the ~~field~~ fields of coal or other energy research, development,
2882 or production;

2883 3. ~~To operate in conjunction~~ Collaborate with other departments of ~~Virginia Polytechnic~~
2884 ~~Institute and State the~~ University, including ~~but not limited to~~ the Department of Mining and
2885 Minerals Engineering;

2886 4. ~~To conduct~~ Conduct research in the fields of coal, coal utilization, migrating natural
2887 gases such as methane and propane, and other ~~energy-related~~ energy-related work;

2888 5. ~~To collect~~ Collect and maintain data on energy production, development, and
2889 utilization;

2890 6. ~~To foster~~ Foster the utilization of research information, discoveries, and data;

2891 7. ~~To coordinate~~ Coordinate the functions of the Center with each of the Center's energy
2892 research facilities to prevent duplication of effort;

2893 8. ~~To apply~~ Apply for and accept grants from the ~~United States federal~~ government ~~and~~
2894 ~~the~~ state government ~~and agencies and instrumentalities thereof~~, and ~~from~~ any other source ~~in~~
2895 ~~carrying to carry~~ out the purposes of this article. ~~To these ends, the~~ The Center ~~shall have the~~
2896 ~~power to may~~ comply with such conditions and execute such agreements as may be necessary to
2897 accept such grants;

2898 9. ~~To accept~~ Accept gifts, bequests, and any other thing of value ~~to be used for carrying~~
2899 carry out the purposes of this article;

2900 10. ~~To receive~~ Receive, administer, and expend all funds and other assistance made
2901 available to the Center ~~for to carry out~~ the purposes of ~~carrying out~~ this article;

2902 11. ~~To consult~~ Consult with the Division of Energy of the Department of Mines,
2903 Minerals and Energy in the preparation of the Virginia Energy Plan pursuant to § 67-201; and

2904 12. ~~To do~~ Do all things necessary or convenient for the proper administration of this
2905 article.

2906 **Drafting note: Technical changes.**

2907 § ~~23-135.7:7~~ 23.1-xxx. ~~Advisory Committee continued as~~ Virginia Coal Research and
2908 Development Advisory Board.

2909 The ~~Virginia Coal Research and Development Advisory Committee is continued and~~
2910 ~~shall hereafter be known as the~~ Virginia Coal Research and Development Advisory Board. ~~The~~
2911 ~~(the~~ Advisory Board) shall serve in an advisory capacity to the ~~Executive Director~~ executive
2912 director of the ~~Virginia~~ Center ~~for Coal and Energy Research~~.

2913 1. ~~The Advisory Board shall be authorized to advise on those matters set forth in § 23-~~
2914 ~~135.7:2.~~

2915 2. Representatives to the Advisory Board shall be appointed by the ~~Board of Visitors of~~
2916 ~~Virginia Polytechnic Institute and State University~~ board.

2917 3. The ~~Board of Visitors of Virginia Polytechnic Institute and State University~~ board
2918 shall ~~also~~ appoint such other individuals as ~~they deem it deems~~ necessary to the work of the
2919 Advisory Board.

2920 4. ~~Representatives~~ Members shall include representatives from the Department of
2921 Conservation and ~~Historic Resources~~ Recreation; the Department of Small Business and
2922 Supplier Diversity; the Department of Mines, Minerals and Energy; the Department of Labor
2923 and Industry; the Virginia Port Authority, ~~the institutions; and each public institution~~ of higher
2924 education, excluding ~~Virginia Polytechnic Institute and State~~ the University, ~~and the~~
2925 ~~Community College System~~ shall serve as the Advisory Board.

2926 **Drafting note: Technical changes are made, including correcting the name of the**
2927 **Department of Conservation and Recreation.**

2928 Article ~~2.02~~ 4.

2929 Virginia Water Resources Research Center.

2930 **Drafting note: Technical changes.**

2931 § ~~23-135.7:8, 23.1-xxx.~~ Established Virginia Water Resources Research Center
2932 established.

2933 The Virginia Water Resources Research Center, ~~which came into existence as the result~~
2934 ~~of the Water Resources Research Act of 1964 (P.L. 88-379), (the Water Center)~~ is hereby
2935 established ~~as the Virginia Water Resources Research Center, hereinafter referred to as the~~
2936 ~~Water Center, to be located at Virginia Polytechnic Institute and State University, for the~~
2937 ~~purposes of developing, implementing and coordinating to develop, implement, and coordinate~~
2938 water and related land research programs in the Commonwealth and ~~transferring transfer~~ the
2939 results of research and new technology to potential users. The Water Center shall be located at
2940 the University.

2941 **Drafting note: Technical changes.**

2942 § ~~23-135.7:10~~ 23.1-xxx. Control and supervision.

2943 The Water Center ~~shall be is~~ a unit of ~~Virginia Polytechnic Institute and State the~~
2944 University under the supervision and control of the ~~University's Board of Visitors~~ board.

2945 **Drafting note: Technical changes.**

2946 § ~~23-135.7:9~~ 23.1-xxx. Functions, powers, and duties ~~of the Water Center.~~

2947 A. The Water Center shall: (i) consult with the General Assembly; federal, state, and
2948 local agencies; water user groups; private industry; and other potential users of research; (ii)
2949 establish and administer agreements with other ~~universities of institutions of higher education in~~
2950 the Commonwealth ~~for the to~~ conduct ~~of~~ research projects; (iii) ~~[Repealed.]~~ ~~(iv)~~ disseminate
2951 new information and facilitate the transfer and application of new technology; ~~(v)~~ (iv) be a
2952 liaison between ~~Virginia the Commonwealth~~ and the federal research funding agencies ~~as an~~

2953 and advocate for Virginia's the Commonwealth's water research needs; ~~(vi)~~ and (v) encourage
2954 the development of academic programs in water resources management in conjunction with the
2955 State Council on Higher Education.

2956 B. ~~In addition, the~~ The Water Center shall facilitate and stimulate research that: (i) deals
2957 with policy issues facing the General Assembly; (ii) supports the state water resource agencies; ;
2958 and (iii) provides water planning and management organizations with tools to increase
2959 efficiency and effectiveness of water planning and management.

2960 **Drafting note: Technical changes.**

2961 § ~~23-135.7:11~~ 23.1-xxx. ~~Appointment of an executive~~ Executive director.

2962 A. The principal administrative officer of the Water Center shall be an executive
2963 director, who shall be appointed by the ~~President~~ president of ~~Virginia Polytechnic Institute and~~
2964 State the University ~~with, subject to~~ the approval of the ~~Board of Visitors, and who~~ board. The
2965 executive director shall be under the supervision of the ~~President~~ president of ~~Virginia~~
2966 ~~Polytechnic Institute and State the~~ University.

2967 § ~~23-135.7:12~~. ~~Powers and duties of the Executive Director.~~

2968 B. The ~~Executive Director~~ executive director shall exercise all powers imposed upon
2969 him by law, carry out the specific duties imposed upon him by the ~~President~~ president of
2970 ~~Virginia Polytechnic Institute and State the~~ University, and develop appropriate policies and
2971 procedures, with the advice of the Virginia Water Resources Research Center Statewide
2972 Advisory Board, for (i) identifying priority research problems; (ii) collaborating with the
2973 General Assembly; federal, state, and local governmental agencies; and water user groups in the
2974 formulation of its research programs; (iii) selecting projects to be funded; and (iv) disseminating
2975 information and transferring technology designed to help resolve water and related land
2976 problems of the Commonwealth. He shall employ such personnel and secure such services as
2977 may be required to carry out the purposes of this article and expend appropriated funds and
2978 accept moneys for cost-sharing on projects funded with federal and private funds.

2979 **Drafting note: Existing §§ 23-135.7:11 and 23-135.7:12 are combined in proposed §**
 2980 **23.1-xxx. Technical changes are made.**

2981 § ~~23-135.7:13~~ 23.1-xxx. ~~Statewide Advisory Committee continued as~~ Virginia Water
 2982 Resources Research Center Statewide Advisory Board.

2983 The ~~Virginia Water Resources Research Center Statewide Advisory Committee is~~
 2984 ~~continued and shall hereafter be known as the~~ Virginia Water Resources Research Center
 2985 Statewide Advisory Board. ~~The~~ (the Statewide Advisory Board) shall serve in an advisory
 2986 capacity to the ~~Executive Director~~ executive director of the Water Center. Representatives of the
 2987 Statewide Advisory Board shall be appointed by the Governor, subject to confirmation by the
 2988 General Assembly, and shall include balanced representation from industries; federal, state, and
 2989 local agencies; water user groups; and concerned citizens. The Statewide Advisory Board shall
 2990 (i) recommend policy guidelines for implementing the functions of the Water Center ~~and~~, (ii)
 2991 evaluate the programs of the Water Center; ~~and~~ (ii) (iii) ~~advise and counsel with the~~ ~~Executive~~
 2992 ~~Director~~ executive director of the Water Center and make recommendations to assist him in
 2993 carrying out the purposes of this article.

2994 **Drafting note: Technical changes.**

2995 Article ~~2.03~~ 5.

2996 Virginia Center for Housing Research.

2997 **Drafting note: Technical changes.**

2998 § ~~23-135.7:14~~ 23.1-xxx. Virginia Center for Housing Research established.

2999 The Virginia Center for Housing Research, ~~hereinafter referred to as~~ (the Housing
 3000 Center;) is ~~hereby created to established and shall~~ be located at ~~Virginia Polytechnic Institute~~
 3001 ~~and State~~ the University.

3002 **Drafting note: Technical changes.**

3003 § ~~23-135.7:15~~ 23.1-xxx. Functions, powers, and duties ~~of the Housing Center.~~

3004 A. The Housing Center shall serve as an interdisciplinary study, research, and
 3005 information resource on housing for the Commonwealth ~~of Virginia.~~ The Housing Center shall:

3006 (i) consult with the General Assembly; federal, state, and local agencies; nonprofit
3007 organizations; private industry; and other potential users of research; (ii) establish and
3008 administer agreements with other ~~universities of~~ institutions of higher education in the
3009 Commonwealth to carry out research projects; (iii) disseminate new information and research
3010 results; ~~and~~ (iv) facilitate the application and transfer of new technologies to housing.

3011 ~~B. In addition, the Housing Center shall;~~ and (v) stimulate and perform research that ~~(i)~~
3012 deals with housing policy issues facing the General Assembly and ~~(ii)~~ aids the Commonwealth's
3013 housing and housing finance agencies.

3014 **Drafting note: Technical changes.**

3015 § ~~23-135.7:16~~ 23.1-xxx. Control and supervision.

3016 The Housing Center ~~shall be~~ is a unit of ~~Virginia Polytechnic Institute and State the~~
3017 University under the supervision and control of the ~~University's Board of Visitors~~ board.

3018 **Drafting note: Technical changes.**

3019 § ~~23-135.7:17~~ 23.1-xxx. ~~Appointment of a~~ Director.

3020 A. The ~~President~~ president of the ~~Virginia Polytechnic Institute and State~~ University,
3021 with the approval of the ~~Board of Visitors~~ board, shall appoint a director to serve as the
3022 principal administrative officer of the Housing Center. The ~~Director~~ director shall be under the
3023 supervision of the ~~President~~ president of the ~~Virginia Polytechnic Institute and State~~ University
3024 or his designee.

3025 § ~~23-135.7:18~~. ~~Powers and duties of the Director.~~

3026 B. The ~~Director~~ director shall exercise all powers imposed upon him by law, carry out
3027 the specific duties imposed on him by the ~~President~~ president of ~~Virginia Polytechnic Institute~~
3028 ~~and State the~~ University, and develop appropriate policies and procedures, with the advice of the
3029 ~~Research Advisory~~ Board of Housing and Community Development, for (i) identifying priority
3030 research problems; (ii) cooperating with the General Assembly; federal, state, and local
3031 agencies; nonprofit organizations; and private industry in formulating its research programs; (iii)
3032 selecting research projects to be funded; and (iv) disseminating information and transferring

3033 technology related to housing and housing problems within the Commonwealth. The ~~Director~~
3034 director shall employ such personnel and secure such services as may be required to carry out
3035 the purposes of this article, expend appropriated funds, and accept moneys from federal or
3036 private sources for cost-sharing on projects.

3037 **Drafting note: Existing §§ 23-135.7:17 and 23-135.7:18 are combined as proposed §**
3038 **23.1-xxx. Technical changes are made.**

3039 ~~§ 23-135.7:19.~~

3040 **Drafting note: Repealed by Acts 1992, c. 754.**

3041 ~~§ 23-135.7:20 23.1-xxx. Board of Housing and Community Development to serve as~~
3042 ~~advisory Advisory board.~~

3043 The Board of Housing and Community Development ~~established in § 36-135~~ shall ~~serve~~
3044 ~~in an advisory capacity to advise~~ the ~~Director~~ director of the Housing Center ~~for Housing~~
3045 ~~Research. The Board of Housing and Community Development shall be and is~~ authorized to
3046 advise the director on all matters set forth in § ~~23-135.7:15~~ 23.1-xxx.

3047 **Drafting note: Technical changes.**

3048 ~~Article 2.1.~~

3049 ~~Roanoke Technical Institute.~~

3050 **Drafting note: Existing Article 2.1 (§ 23-135.8 et seq.) of Chapter 11 is stricken as**
3051 **obsolete.**

3052 ~~§ 23-135.8. Establishment and accreditation.~~

3053 ~~There is hereby established within the Virginia Polytechnic Institute and State University~~
3054 ~~a division to be known as the "Roanoke Technical Institute," hereinafter referred to as the~~
3055 ~~Institute. Such Institute shall be in all respects subject to the judgment, control and supervision~~
3056 ~~of the governing board of the Virginia Polytechnic Institute and State University in cooperation~~
3057 ~~with the State Board of Education, which said Institute shall offer courses appropriate to~~
3058 ~~establish accreditation practices in its field.~~

3059 **Drafting note: Existing § 23-135.8 is stricken as obsolete.**

3060 ~~§ 23-135.9. Purpose.~~

3061 ~~The purpose of the Institute shall be to train technicians in the industrial, scientific,~~
3062 ~~electrical and the mechanical arts and sciences in order to increase the economic efficiency and~~
3063 ~~safety of the manufacturing, engineering, and industrial enterprises of the Commonwealth and~~
3064 ~~to promote the economic utilization of its natural and human resources.~~

3065 **Drafting note: Existing § 23-135.9 is stricken as obsolete.**

3066 ~~§ 23-135.10. Administration.~~

3067 ~~The board of visitors of the Virginia Polytechnic Institute and State University in~~
3068 ~~cooperation with the State Board of Education shall provide for the administration of such~~
3069 ~~Institute through such persons as they determine proper and shall make such appointments to the~~
3070 ~~administrative and technical staff of the Institute as in their judgment appear best.~~

3071 **Drafting note: Existing § 23-135.10 is stricken as obsolete.**

3072 ~~§ 23-135.11. Contribution by City of Roanoke; gifts and donations.~~

3073 ~~The City of Roanoke shall provide a suitable site without cost to the Commonwealth and~~
3074 ~~assume an appropriate share of the cost of operation. For such purpose the city may accept and~~
3075 ~~expend gifts and donations from private individuals, firms, corporations and organizations,~~
3076 ~~which shall be considered for the purpose of this section as a contribution on the part of the city.~~

3077 **Drafting note: Existing § 23-135.11 is stricken as obsolete.**

3078 ~~Article 2.2.~~

3079 ~~Clifton Forge Covington Branch.~~

3080 **Drafting note: Existing Article 2.2 (§ 23-135.12 et seq.) of Chapter 11 of is stricken**
3081 **as obsolete.**

3082 ~~§ 23-135.12. Establishment.~~

3083 ~~There is hereby established within the Virginia Polytechnic Institute and State University~~
3084 ~~a division to be known as the "Clifton Forge Covington Branch of the Virginia Polytechnic~~
3085 ~~Institute and State University," hereinafter referred to as the division. Such division shall be in~~

3086 ~~all respects subject to the judgment, control and supervision of the governing board of the~~
 3087 ~~Virginia Polytechnic Institute and State University.~~

3088 **Drafting note: Existing § 23-135.12 is stricken as obsolete.**

3089 ~~§ 23-135.13. Administration.~~

3090 ~~The board of visitors of the Virginia Polytechnic Institute and State University shall have~~
 3091 ~~the same powers as to determining the fields of instruction to be offered; as to fixing tuition,~~
 3092 ~~fees and other charges; as to the appointment and removal of administrative officers, professors,~~
 3093 ~~agents and servants, and the making of rules and regulations as are now vested in said board~~
 3094 ~~with respect to Virginia Polytechnic Institute and State University. The board of visitors shall~~
 3095 ~~have the power of granting appropriate diplomas or certificates of successful completion of the~~
 3096 ~~two-year curriculum of such division.~~

3097 **Drafting note: Existing § 23-135.13 is stricken as obsolete.**

3098 ~~§ 23-135.14. Courses of instruction.~~

3099 ~~The curriculum offered by the division shall be limited to courses of instruction which~~
 3100 ~~are offered by the Virginia Polytechnic Institute and State University to resident students during~~
 3101 ~~their first two years of enrollment and to such other terminal courses of no more than two years'~~
 3102 ~~duration as may be authorized by the board of visitors to meet the post-high school educational~~
 3103 ~~needs of the community.~~

3104 **Drafting note: Existing § 23-135.14 is stricken as obsolete.**

3105 ~~§ 23-135.15. Expenditure of appropriations.~~

3106 ~~Appropriations, directly or indirectly, from the Commonwealth to the division shall be~~
 3107 ~~expended as directed by the board of visitors of the Virginia Polytechnic Institute and State~~
 3108 ~~University.~~

3109 **Drafting note: Existing § 23-135.15 is stricken as obsolete.**

3110 ~~§ 23-135.16. Care and preservation of property; acquisition of site; gifts and donations.~~

3111 ~~The board of visitors of the Virginia Polytechnic Institute and State University shall be~~
 3112 ~~charged with the care and preservation of all property, real and personal, belonging to the~~

3113 ~~division. To this end, the board is authorized to acquire, by gift or purchase, a suitable site for~~
3114 ~~the division, and may accept and expend gifts and donations of any kind from individuals, firms,~~
3115 ~~corporations and organizations.~~

3116 **Drafting note: Existing § 23-135.16 is stricken as obsolete.**

3117 ~~Article 2.3.~~

3118 ~~Wytheville Branch.~~

3119 **Drafting note: Existing Article 2.3 (§ 23-135.17 et seq.) of Chapter 11 of Title 23 is**
3120 **stricken as obsolete.**

3121 ~~§ 23-135.17. Establishment.~~

3122 ~~There is hereby established within the Virginia Polytechnic Institute and State University~~
3123 ~~a division to be known as the "Wytheville Branch of the Virginia Polytechnic Institute and State~~
3124 ~~University," hereinafter referred to as the division. Such division shall be in all respects subject~~
3125 ~~to the judgment, control and supervision of the governing board of the Virginia Polytechnic~~
3126 ~~Institute and State University.~~

3127 **Drafting note: Existing § 23-135.17 is stricken as obsolete.**

3128 ~~§ 23-135.18. Administration.~~

3129 ~~The board of visitors of the Virginia Polytechnic Institute and State University shall have~~
3130 ~~the same powers as to determining the fields of instruction to be offered; as to fixing tuition,~~
3131 ~~fees and other charges; as to the appointment and removal of administrative officers, professors,~~
3132 ~~agents and servants, and the making of rules and regulations as are now vested in said board~~
3133 ~~with respect to Virginia Polytechnic Institute and State University. The board of visitors shall~~
3134 ~~have the power of granting appropriate diplomas or certificates of successful completion of the~~
3135 ~~two-year curriculum of such division.~~

3136 **Drafting note: Existing § 23-135.18 is stricken as obsolete.**

3137 ~~§ 23-135.19. Courses of instruction.~~

3138 ~~The curriculum offered by the division shall be limited to courses of instruction which~~
3139 ~~are offered by the Virginia Polytechnic Institute and State University to resident students during~~

3140 ~~their first two years of enrollment and to such other terminal courses of no more than two years'~~
 3141 ~~duration as may be authorized by the board of visitors to meet the post-high school educational~~
 3142 ~~needs of the community.~~

3143 **Drafting note: Existing § 23-135.19 is stricken as obsolete.**

3144 ~~§ 23-135.20. Expenditure of appropriations.~~

3145 ~~Appropriations, directly or indirectly, from the Commonwealth to the college shall be~~
 3146 ~~expended as directed by the board of visitors of the Virginia Polytechnic Institute and State~~
 3147 ~~University.~~

3148 **Drafting note: Existing § 23-135.20 is stricken as obsolete.**

3149 ~~§ 23-135.21. Care and preservation of property; acquisition of site; gifts and donations.~~

3150 ~~The board of visitors of the Virginia Polytechnic Institute and State University shall be~~
 3151 ~~charged with the care and preservation of all property real and personal, belonging to the~~
 3152 ~~college. To this end, the board is authorized to acquire, by gift or purchase, a suitable site for the~~
 3153 ~~college, and may accept and expend gifts and donations of any kind from individuals, firms,~~
 3154 ~~corporations and organizations.~~

3155 **Drafting note: Existing § 23-135.21 is stricken as obsolete.**

3156 ~~Article 3.6.~~

3157 ~~Governmental and Individual Donations.~~

3158 **Drafting note: Technical changes.**

3159 ~~§ 23-136.23.1-xxx. Institutions receiving interest accruing on proceeds of land scrip.~~

3160 ~~The General Assembly having accepted the donation of lands proffered to Virginia by~~
 3161 ~~the act of Congress of July 2, 1862; and,~~

3162 ~~The authorities of the Commonwealth having received the land scrip it was entitled to~~
 3163 ~~under such act of Congress; and,~~

3164 ~~The Board of Education having, in conformity with the acts of February seventh, and~~
 3165 ~~March 19, 1872, made sale of the scrip and invested the proceeds in state bonds, which were~~
 3166 ~~directed to be set apart and to constitute an education fund:~~

3167 The annual accruing interest from ~~such fund~~ the education fund resulting from the
3168 donation of lands by act of Congress on July 2, 1862, and the sale of such lands and the
3169 investment of the proceeds from such sale in state bonds by the Board of Education on February
3170 7 and March 19, 1872, shall ~~henceforth until otherwise provided by law~~ be paid one-third
3171 ~~thereof to the~~ Virginia State University, and two-thirds to the ~~board of visitors of the Virginia~~
3172 ~~Polytechnic Institute and State~~ University.

3173 **Drafting note: Technical changes.**

3174 § ~~23-137~~ 23.1-xxx. Institutions receiving money allotted to Commonwealth under act of
3175 Congress.

3176 The Comptroller shall receive from the U.S. Secretary of the Interior ~~of the United States~~
3177 such sums of money as shall be allotted to Virginia the Commonwealth under and in accordance
3178 with the act of Congress approved August 30, 1890, and shall pay ~~over the same as follows:~~
3179 one-third to the treasurer of ~~the~~ Virginia State University, and two-thirds to the treasurer of the
3180 ~~Virginia Polytechnic Institute and State~~ University, who shall receive and disburse the ~~same~~
3181 sums as required by section two of ~~the such~~ act of Congress ~~aforsaid~~.

3182 **Drafting note: Technical changes.**

3183 § ~~23-138~~ 23.1-xxx. Experimental farms.

3184 A. A portion of the fund, not exceeding ~~ten per centum~~ 10 percent of ~~the proportion each~~
3185 sum assigned to Virginia State University and ~~Virginia Polytechnic Institute and State the~~
3186 University, may be expended, in the discretion of the ~~governing boards~~ board of visitors of ~~the~~
3187 ~~institutions, respectively~~ each institution, in the purchase of lands for experimental farms ~~for~~
3188 ~~each of them~~.

3189 B. The respective governing boards may use a portion of the accruing interest from such
3190 fund to purchase suitable and appropriate laboratories.

3191 **Drafting note: Existing §§ 23-138 and 23-139 are logically combined into this**
3192 **proposed § 23.1-26xx. Technical changes are made.**

3193 § ~~23-139~~. ~~Laboratories.~~

3194 ~~A portion of the accruing interest from such fund may be, from time to time, expended~~
3195 ~~by the respective governing boards of such institutions in the purchase of laboratories suitable~~
3196 ~~and appropriate for the institutions.~~

3197 **Drafting note: The provisions of existing § 23-139 are stricken here and**
3198 **incorporated instead into proposed § 23.1-26xx.**

3199 ~~§ 23-140~~ 23.1-xxx. Reversion of property on withdrawal of annuity.

3200 If at any time such annuity should be withdrawn from the ~~Virginia Polytechnic Institute~~
3201 ~~and State~~ University, the property, real and personal, conveyed and appropriated to its use and
3202 benefit by the trustees of the Preston and Olin Institute, and ~~by~~ the County of Montgomery,
3203 under the provisions of Chapter 234 of the Acts of Assembly of 1871-1872, shall revert to the
3204 trustees and ~~to~~ the county, respectively, from which it was conveyed and appropriated.

3205 **Drafting note: Technical changes.**

3206 ~~§ 23-141~~ 23.1-xxx. County subscriptions and individual donations.

3207 ~~It shall be lawful for the~~ The board ~~of visitors of the Institute to~~ may accept (i) the
3208 subscription of any county made under ~~an~~ the act to authorize subscriptions in aid of the
3209 ~~Institute, University~~ approved March 21, 1872; and ~~also the donation of any individual,~~ (ii)
3210 individual donations in aid of the purposes and objects of the ~~Institute; and such~~ University.
3211 Such donations and subscriptions, ~~when made,~~ shall be held by the board in trust for the benefit
3212 of the ~~Institute, on condition that the same~~ University and shall revert to the ~~several~~ donors ~~of~~
3213 and subscribers, ~~pari passu,~~ if ~~at any time~~ the Commonwealth ~~should withdraw~~ withdraws from
3214 the use of the ~~Institute~~ University the interest accruing on the proceeds of the land scrip; as
3215 provided in ~~§ 23-136~~ 23.1-xxx.

3216 **Drafting note: Technical changes.**

3217 ~~Article 3.1.~~

3218 ~~Program on Food and Nutrition.~~

3219 ~~§§ 23-141.1 through 23-141.5. Expired.~~

3220 **Drafting note: Expired pursuant to Acts 1982, c. 283, cl. 2, effective June 30, 1986.**

3221 ~~Article 4.~~

3222 ~~Nautical School.~~

3223 **Drafting note: Existing Article 4 (§ 23-142 et seq.) of Chapter 11 is stricken as**
3224 **obsolete.**

3225 ~~§ 23-142. Establishment, management, etc.~~

3226 ~~There shall be established and maintained under the management, direction and control~~
3227 ~~of the board of visitors and faculty of the Virginia Polytechnic Institute and State University, a~~
3228 ~~nautical school for instruction in the science and practice of navigation, seamanship and~~
3229 ~~engineering and any such other subjects, to be prescribed by the proper authorities of the~~
3230 ~~University, as may be necessary for proper training for the position of deck or engine room~~
3231 ~~officers of the merchant marine. Such school shall be open to residents of the several counties~~
3232 ~~and cities of this Commonwealth, but the authorities of the University shall have the right to~~
3233 ~~limit the number of students attending the nautical school and to prescribe the necessary~~
3234 ~~physical and educational entrance requirements and standards of admission therefor, and the~~
3235 ~~government and discipline thereof, and to fix the terms and conditions upon which students shall~~
3236 ~~be received and instructed in the school and be graduated, discharged and suspended therefrom,~~
3237 ~~and to make all necessary requirements for its management.~~

3238 **Drafting note: Existing § 23-142 is stricken as obsolete.**

3239 ~~§ 23-143. Cost to students.~~

3240 ~~The students admitted to the nautical school shall have the privilege of attending the~~
3241 ~~same without charge for tuition, or for use of laboratories or public buildings, but the cost of~~
3242 ~~such students in the school for board, room, medical care and other necessary expenses shall be~~
3243 ~~the same as the cost to students in the engineering departments of the Institute.~~

3244 **Drafting note: Existing § 23-143 is stricken as obsolete.**

3245 ~~§ 23-144. Books and equipment; commander and instructors.~~

3246 ~~The authorities of the Institute shall provide the necessary books, charts, instruments,~~
3247 ~~apparatus and supplies required in the work of the nautical school or they may accept gifts or~~

3248 ~~loans of the same, and shall appoint and may remove a commander and all necessary instructors~~
 3249 ~~and fix their duties and compensation, or they may appoint as commander or as instructors~~
 3250 ~~therein such officers of the United States Navy as may be designated or detailed for that~~
 3251 ~~purpose.~~

3252 **Drafting note: Existing § 23-144 is stricken as obsolete.**

3253 ~~§ 23-145. Governmental aid; donations, endowments, etc.~~

3254 ~~The authorities of the Institute shall likewise accept from the Commonwealth and from~~
 3255 ~~the federal government, or either, such aid in the maintenance and conduct of the nautical school~~
 3256 ~~as may be offered and which may be for the best interest of the school, including a suitable~~
 3257 ~~vessel with her apparel, charts, books and instruments of navigation, and may receive from other~~
 3258 ~~proper sources such funds, properties, donations and endowments as may be given, subscribed,~~
 3259 ~~loaned or bequeathed for the support and maintenance of the nautical school, and all moneys so~~
 3260 ~~appropriated or donated, subscribed or bequeathed shall be used or expended in accordance with~~
 3261 ~~the provisions governing the same, provided such use or expenditures shall further the purpose~~
 3262 ~~of the school and promote its usefulness and service.~~

3263 **Drafting note: Existing § 23-145 is stricken as obsolete.**

3264 ~~§ 23-146. Practical training aboard ship.~~

3265 ~~The authorities of the Institute shall, moreover, make provision for the necessary~~
 3266 ~~practical training aboard ship or ships of students attending the nautical school in the science of~~
 3267 ~~navigation, seamanship and engineering and such other subjects as may be prescribed, and no~~
 3268 ~~student shall be received in the school until such provision has been made, nor shall any student~~
 3269 ~~be graduated from the school who has not had such practical training in these and in such other~~
 3270 ~~subjects as may be prescribed.~~

3271 **Drafting note: Existing § 23-146 is stricken as obsolete.**

3272 ~~Article 5.~~

3273 ~~Radford College, Woman's Division of the Virginia Polytechnic Institute.~~

3274 ~~§§ 23-147 through 23-155.~~

3275 **Drafting note: Repealed by Acts 1964, c. 50.**

3276 [Article 6.](#)

3277 [Virginia Truck and Ornamentals Research Station.](#)

3278 **Drafting note: Existing Article 6 (§ 23-155.01 et seq.) of Chapter 11 is stricken and**
3279 **its four sections are relocated to proposed Article 2 of this chapter with technical changes**
3280 **to reflect its name in current use.**

3281 [Article 7.](#)

3282 [Purchase of Electric Power and Energy.](#)

3283 **Drafting note: Existing Article 7 (§ 23-155.05) of Chapter 11 is stricken. Its single**
3284 **section is relocated to proposed § 23.1-26xx in Article 1 with technical changes.**

3285 **CHAPTER ~~13~~ [27.](#)**

3286 **VIRGINIA STATE UNIVERSITY.**

3287 **Drafting note: Existing Chapter 13 of Title 23 is logically reorganized as proposed**
3288 **Chapters 13 and 27 of Title 23.1. Existing provisions that apply generally to governing**
3289 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
3290 **Existing provisions relating to the incorporation, membership and meetings, and powers**
3291 **and duties of the governing board that are unique to the University are retained in**
3292 **proposed Chapter 27.**

3293 [§ 23-165.](#)

3294 **Drafting note: Repealed by Acts 1964, c. 70.**

3295 [§ 23-165.1 ~~23.1-xxx.~~ Corporation composed of board of visitors created; style Corporate](#)
3296 [name; name of the University.](#)

3297 [A. The ~~corporation composed of the board of visitors of Virginia State College,~~](#)
3298 [heretofore established by law, is continued as the](#) board of visitors of Virginia State University
3299 [\(the board\) shall be a corporation](#) under the [name and](#) style of "The Visitors of Virginia State
3300 University" ~~in this chapter hereinafter referred to as the board~~ [and shall have, in addition to its](#)
3301 [other powers, all the corporate powers given to corporations by the provisions of Title 13.1](#)

3302 except those powers that are confined to corporations created pursuant to Title 13.1. The board
3303 shall at all times be under the control of the General Assembly.

3304 B. The institution shall be known as Virginia State University (the University).

3305 C. All laws relating to Virginia State College or the board of visitors of Virginia State
3306 College shall be construed as relating to ~~Virginia State~~ the University or the board, respectively.

3307 **Drafting note: Technical changes are made to conform the language in this section**
3308 **to that of each other four-year public institution of higher education.**

3309 § 23-165.2. Name of University.

3310 The University shall be known as Virginia State University.

3311 **Drafting note: Existing § 23-165.2 is stricken and its provisions incorporated into §**
3312 **23.1-27xx.**

3313 § 23-165.3. Transfer of property.

3314 All the real estate and personal property now existing and heretofore standing in the
3315 name of the Visitors of Virginia State College shall be transferred to and be known and taken as
3316 standing in the name, and to be under the control, of the Visitors of Virginia State University.
3317 Such real estate and personal property shall be the property of the Commonwealth.

3318 **Drafting note: The provisions of existing § 23-165.3 are stricken as obsolete.**

3319 § 23-165.4 ~~23.1-xxx. Members of board; appointment; terms; vacancies~~ Membership.

3320 A. The board shall consist of 15 members appointed by the Governor, of whom at least
3321 three shall be alumni of the ~~university,~~ University and at least 10 shall be residents of ~~Virginia~~
3322 the Commonwealth. ~~All appointments shall be for a term of four years. No member shall serve~~
3323 ~~for more than two consecutive four-year terms. Vacancies shall be filled in the same manner as~~
3324 ~~the original appointments. Appointments to fill vacancies, other than by expiration of a term,~~
3325 ~~shall be for the unexpired terms. The remainder of any term to which a member is appointed to~~
3326 ~~fill a vacancy shall not constitute a term in determining the member's eligibility for~~
3327 ~~reappointment. Of the four additional members appointed to the board on July 1, 2008, the~~
3328 ~~Governor shall appoint two members for an initial term of four years, and two members for an~~

3329 ~~initial term of two years. Thereafter, such members and their successors shall be appointed for a~~
3330 ~~term of four years, in accordance with the provisions of this section.~~

3331 ~~B. The Governor may appoint alumni visitors from a list of qualified persons submitted~~
3332 ~~to him upon the recommendation of the National Alumni Association of Virginia State~~
3333 ~~University on or before July 1 of any year in which the terms of such visitors shall expire. The~~
3334 ~~alumni association shall submit the names of at least three qualified alumni for each such~~
3335 ~~vacaney. The alumni association of the University may submit to the Governor a list of three~~
3336 ~~nominees for each vacancy on the board of visitors, whether the vacancy occurs by expiration of~~
3337 ~~a term or otherwise. The Governor may appoint a member from the list of nominees.~~

3338 ~~C. All appointments shall be subject to the confirmation of the General Assembly.~~
3339 ~~Members shall continue to hold office until their successors have been appointed and have~~
3340 ~~qualified.~~

3341 **Drafting note: Existing provisions relating to the membership of the board of**
3342 **visitors are logically combined in this proposed section, existing provisions relating to the**
3343 **terms and removal of members of the board are stricken and incorporated instead into**
3344 **proposed Chapter 13, and technical changes are made to conform the language to that of**
3345 **each other four-year public institution of higher education.**

3346 ~~§ 23-165.5. Eligibility to serve more than two consecutive terms.~~

3347 ~~No person shall be eligible to serve more than two consecutive four-year terms, except~~
3348 ~~that a member may be appointed to a term of less than four years immediately prior to or~~
3349 ~~between the four-year terms.~~

3350 **Drafting note: The provisions of existing § 23-165.5 are stricken and incorporated**
3351 **instead into proposed Chapter 13.**

3352 ~~§ 23-165.6. Rights, powers and duties of board.~~

3353 ~~The board shall be vested with all the rights and powers conferred by the provisions of~~
3354 ~~this chapter insofar as the same are not inconsistent with the laws of the Commonwealth.~~

3355 ~~The board shall control and expend the funds of the University and any appropriation~~
3356 ~~hereafter provided, and shall make all needful rules and regulations concerning the University,~~
3357 ~~appoint the president, who shall be its chief executive officer, and all professors, teachers and~~
3358 ~~agents, and fix their salaries, and generally direct the affairs of the University.~~

3359 **Drafting note: The provisions of existing § 23-165.6 are stricken here and**
3360 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

3361 ~~§ 23-165.7. Tuition, fees and charges.~~

3362 ~~The board may fix the rates charged the students of the University for tuition, fees and~~
3363 ~~other necessary charges.~~

3364 **Drafting note: The provisions of existing § 23-165.7 are stricken here and**
3365 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

3366 ~~§ 23-165.8. Degrees.~~

3367 ~~The board shall have the right to confer degrees.~~

3368 **Drafting note: The provisions of existing § 23-165.8 are stricken here and**
3369 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

3370 ~~§ 23-165.9~~ 23.1-xxx. Curriculum.

3371 The curriculum of ~~Virginia State the~~ University shall ~~embrace branches of learning as~~
3372 ~~relate to include~~ agriculture, home economics, commerce, industrial education and technology,
3373 the liberal arts and sciences, teacher education, nursing education, and military science.

3374 **Drafting note: Technical changes.**

3375 ~~§ 23-165.10. School of agriculture to be continued.~~

3376 ~~The school of agriculture at Virginia State University shall be continued. The State~~
3377 ~~Council of Higher Education and the institutions of higher education concerned shall execute~~
3378 ~~such administrative actions as are necessary to carry out the purposes of this section.~~

3379 **Drafting note: The provisions of existing § 23-165.10 are stricken as obsolete.**

3380 ~~§ 23-165.11~~ 23.1-xxx. Cooperative Extension Service Program ~~recognized; funding~~
3381 ~~authority; unified plan; reports.~~

3382 As provided in Article ~~1.1 2~~ (§ ~~23-132.1 23.1-xxx~~ et seq.) of Chapter ~~11 of Title 23 26~~
3383 and subject to the federally required plan, the Cooperative Extension Service Program within
3384 ~~Virginia State the~~ University, ~~hereinafter referred to as "~~(the Service Program,~~"~~) is hereby
3385 recognized. The ~~Virginia State~~ University is ~~hereby~~ empowered to accept grants, gifts, or
3386 donations for the ~~Cooperative Extension~~ Service Program from the local governing bodies ~~of the~~
3387 ~~several counties and cities~~ of the Commonwealth, other public or private agencies, and
3388 individual donors. The ~~Cooperative Extension~~ Service Program shall be operated cooperatively
3389 by Virginia Polytechnic Institute and State University and ~~Virginia State the~~ University, with
3390 ~~agreed-upon agreed-upon~~ areas of program and service emphasis as set forth in the unified plan
3391 submitted by the two institutions to the U.S. Department of Agriculture. The ~~Virginia State~~
3392 University shall file such reports on the activities of the Service Program as may be required by
3393 law or requested by the Governor, and the two institutions shall file such reports on the unified
3394 plan as may be required by law or requested by the Governor.

3395 **Drafting note: Technical changes.**

3396 ~~§ 23-166. University a body corporate under control of board.~~

3397 ~~The institution shall continue to be a body corporate under the name and style of the~~
3398 ~~"Virginia State University." It shall be under the management, supervision and control of the~~
3399 ~~board.~~

3400 **Drafting note: The provisions of existing § 23-166 are stricken here and**
3401 **incorporated instead into § 23.1-27xx.**

3402 ~~§ 23-167. Further powers and duties of board.~~

3403 ~~The powers and duties of the board shall be to direct and do all things not inconsistent~~
3404 ~~with the laws of this Commonwealth which to the board shall seem best adapted to accomplish~~
3405 ~~the legitimate objects of the University; to designate depositories, provide for the proper~~
3406 ~~bonding of financial officers and depositories, and provide for the disbursing of the funds of the~~
3407 ~~University consistent with the laws of the Commonwealth; and to grant to such as excel in any~~
3408 ~~field of knowledge or complete a prescribed course of study, such certificates, diplomas or~~

3409 ~~degrees as shall be deemed expedient and proper. All of which several functions they shall be~~
3410 ~~free to exercise by rules, bylaws, resolutions, orders, instructions, or otherwise.~~

3411 **Drafting note: The provisions of existing § 23-167 are stricken here and**
3412 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

3413 ~~§ 23-168, 23-169.~~

3414 **Drafting note: Repealed by Acts 1979, c. 147.**

3415 ~~§ 23-170, 23.1-xxx. Bequests and gifts; governmental~~ Governmental aid.

3416 ~~The board shall have power to take, hold, receive and enjoy any gift, grant, devise or~~
3417 ~~bequest to the Visitors of Virginia State University or to or for the benefit of the University.~~
3418 ~~Any such gift, grant, devise or bequest shall be used for the purposes designated by the donor, if~~
3419 ~~any, or, if no purposes are so designated, for the general purposes of the board.~~

3420 The University shall receive the governmental aid designated in §§ ~~23-136 and 23-137~~
3421 23.1-xxx and 23.1-xxx.

3422 **Drafting note: The provisions of the first paragraph of existing § 23-170 are**
3423 **stricken here and incorporated instead into proposed § 23.1-13xx of Chapter 13. Technical**
3424 **changes are made to the remaining provision of the section.**

3425 ~~§ 23-171, 23-172.~~

3426 **Drafting note: Repealed by Acts 1964, c. 70.**

3427 ~~§ 23-173.~~

3428 **Drafting note: Repealed by Acts 1979, c. 147.**

3429 ~~§ 23-174. Control by General Assembly.~~

3430 ~~The University, and all its property and funds, shall, at all times and in all things, be~~
3431 ~~under the control of the General Assembly.~~

3432 **Drafting note: Existing § 23-174 is stricken here and incorporated instead into**
3433 **proposed § 23.1-27xx.**

3434 CHAPTER ~~5~~ 28.

3435 COLLEGE OF WILLIAM AND MARY ~~AND IN VIRGINIA~~; RICHARD BLAND
3436 COLLEGE.

3437 **Drafting note: Existing Chapter 5 of Title 23 is logically reorganized as proposed**
3438 **Chapters 13 and 28 of Title 23.1. Existing provisions that apply generally to governing**
3439 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
3440 **Existing provisions relating to the incorporation, membership and meetings, and powers**
3441 **and duties of the governing board that are unique to the College are retained in proposed**
3442 **Chapter 28.**

3443 § ~~23-39~~ 23.1-xxx. Corporate name: name of the University.

3444 A. The board of visitors of the College of William and Mary in Virginia (the board) shall
3445 be a corporation under the name and style of "The College of William and Mary in Virginia-"
3446 and shall have, in addition to its other powers, (i) all the corporate powers given to corporations
3447 by the provisions of Title 13.1 except those powers that are confined to corporations created
3448 pursuant to Title 13.1 and (ii) all powers conferred by the ancient royal charter of the College of
3449 William and Mary in Virginia. The board shall at all times be under the control of the General
3450 Assembly.

3451 B. The institution shall be known as the College of William and Mary in Virginia (the
3452 College).

3453 **Drafting note: Technical changes are made to conform the language in this section**
3454 **to that of each other four-year public institution of higher education.**

3455 ~~§ 23-40. Property transferred to College of William and Mary and owned by State.~~

3456 ~~All the real estate and personal property relating to the College of William and Mary in~~
3457 ~~Virginia, in Williamsburg, or relating to the Richard Bland College in Petersburg now existing~~
3458 ~~and standing in the name of the corporate body designated "The Colleges of William and Mary"~~
3459 ~~and all real estate and personal property standing in the name of or heretofore exclusively used~~
3460 ~~by the Virginia Institute of Marine Science shall be transferred to and be known and taken as~~
3461 ~~standing in the name, and to be under the control of the corporate body designated "The College~~

3462 ~~of William and Mary in Virginia." Such real estate and personal property shall be the property~~
3463 ~~of the Commonwealth.~~

3464 **Drafting note: The provisions of existing § 23-40 are stricken as obsolete.**

3465 ~~§ 23-41.23.1-xxx. Appointment of visitors generally; number and terms; vacancies~~
3466 ~~Membership.~~

3467 A. The board of visitors is to shall consist of 17 members ~~to be~~ appointed by the
3468 Governor, ~~four of whom may be nonresidents of Virginia of whom at least 13 shall be residents~~
3469 ~~of the Commonwealth.~~

3470 B. The alumni association of the College may submit to the Governor a list of three
3471 nominees for each vacancy on the board, whether it occurs by expired term or otherwise. The
3472 Governor may appoint a member from the list of nominees.

3473 ~~All appointments shall be for terms of four years each, except appointments to fill~~
3474 ~~unexpired vacancies which shall be made by the Governor for the remainder of the unexpired~~
3475 ~~terms. However, the term of the member holding the office of Rector on March 1, 2005, shall be~~
3476 ~~extended for one year to June 30, 2006. The Governor may make an appointment for the~~
3477 ~~member whose term is so extended to June 30, 2006, as though this service extension had not~~
3478 ~~been granted and the term had expired as scheduled.~~

3479 ~~The board of visitors may be expanded to no more than 18 members from July 1, 2005,~~
3480 ~~to June 30, 2006. Thereafter, the membership shall revert to 17 members. Reappointment by the~~
3481 ~~Governor of any member eligible for the service extension shall be for the term of four years.~~

3482 ~~No person shall be eligible to serve more than two consecutive four-year terms, except~~
3483 ~~that a member may be appointed to a term of less than four years immediately prior to or~~
3484 ~~between the four-year terms. For the purpose of determining service eligibility, any term of~~
3485 ~~service extended to June 30 of the respective year pursuant to this section shall be treated as a~~
3486 ~~four-year term. Hereafter, all appointments shall expire June 30 of the year in which the term~~
3487 ~~expires.~~

3488 ~~All appointments are subject to confirmation by the General Assembly if in session~~
3489 ~~when such appointments are made, and if not in session, at its next succeeding session.~~

3490 **Drafting note: Existing provisions relating to the membership of the board of**
3491 **visitors are logically combined in this proposed section, existing provisions relating to the**
3492 **terms and removal of members of the board are stricken and incorporated instead into**
3493 **proposed Chapter 13, and technical changes are made to conform the language to that of**
3494 **each other four-year public institution of higher education. In addition, obsolete language**
3495 **is stricken.**

3496 ~~§ 23-42. Appointment of visitors from alumni.~~

3497 ~~(a) The Governor may appoint visitors from a list of qualified persons submitted to him,~~
3498 ~~before or after induction into office, by the alumni association of the College of William and~~
3499 ~~Mary in Virginia, on or before the first day of December of any year next preceding a year in~~
3500 ~~which the terms of any visitors will expire.~~

3501 ~~(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall~~
3502 ~~certify this fact to the association and nominations may be submitted of qualified persons and~~
3503 ~~the Governor may fill the vacancy, if his discretion so dictates, from among the eligible~~
3504 ~~nominees of the association, whether or not alumni or alumnae.~~

3505 ~~(c) Every list shall contain at least three names for each vacancy to be filled.~~

3506 ~~(d) The Governor is not to be limited in his appointments to the persons so nominated.~~

3507 **Drafting note: The provisions of existing § 23-42 are stricken and incorporated**
3508 **instead into proposed § 23.1-xxx.**

3509 ~~§ 23-43.~~

3510 **Drafting note: Repealed by Acts 1975, c. 484.**

3511 ~~§ 23-44. Rights, powers and duties of board in general.~~

3512 ~~The board of visitors shall be vested with all the rights and powers conferred by the~~
3513 ~~provisions of this chapter and by the ancient royal charter of the College of William and Mary in~~

3514 ~~Virginia, insofar as the same are not inconsistent with the provisions of this chapter and the~~
3515 ~~general laws of the Commonwealth.~~

3516 ~~The board shall control and expend the funds of the colleges and any appropriation~~
3517 ~~hereafter provided, and shall make all needful rules and regulations concerning the colleges, and~~
3518 ~~generally direct the affairs of the colleges.~~

3519 **Drafting note: The provisions of existing § 23-44 are stricken and incorporated**
3520 **instead into proposed § 23.1-28xx and proposed § 23.1-13xx of Chapter 13.**

3521 ~~§ 23-44.1. Investment of endowment funds, endowment income, and gifts; standard of~~
3522 ~~care; liability; exemption from the Virginia Public Procurement Act.~~

3523 ~~A. The board of visitors shall invest and manage the endowment funds, endowment~~
3524 ~~income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the~~
3525 ~~College in accordance with this section and the provisions of the Uniform Prudent Management~~
3526 ~~of Institutional Funds Act (§ 64.2-1100 et seq.).~~

3527 ~~B. No member of the board of visitors shall be personally liable for losses suffered by an~~
3528 ~~endowment fund, endowment income, gifts, all other nongeneral fund reserves and balances, or~~
3529 ~~local funds of or held by the College, arising from investments made pursuant to the provisions~~
3530 ~~of subsection A.~~

3531 ~~C. The investment and management of endowment funds, endowment income, gifts, all~~
3532 ~~other nongeneral fund reserves and balances, or local funds of or held by the College shall not~~
3533 ~~be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).~~

3534 ~~D. In addition to the investment practices authorized by the Uniform Prudent~~
3535 ~~Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board of visitors may also~~
3536 ~~invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund~~
3537 ~~reserves and balances, and local funds of or held by the College in derivatives, options, and~~
3538 ~~financial securities.~~

3539 ~~1. In this section, "derivative" means a contract or financial instrument or a combination~~
3540 ~~of contracts and financial instruments, including, without limitation, any contract commonly~~

3541 ~~known as a "swap," which gives the College the right or obligation to deliver or receive delivery~~
3542 ~~of, or make or receive payments based on, changes in the price, value, yield, or other~~
3543 ~~characteristic of a tangible or intangible asset or group of assets, or changes in a rate, an index~~
3544 ~~of prices or rates, or other market indicator for an asset or a group of assets.~~

3545 ~~2. In this section, an "option" means an agreement or contract whereby the College may~~
3546 ~~grant or receive the right to purchase or sell, or pay or receive the value of, any personal~~
3547 ~~property asset including, without limitation, any agreement or contract that relates to any~~
3548 ~~security, contract, or agreement.~~

3549 ~~3. In this section, "financial security" means any note, stock, treasury stock, bond,~~
3550 ~~debenture, evidence of indebtedness, certificate of interest, collateral trust certificate,~~
3551 ~~preorganization certificate of subscription, transferable share, investment contract, voting trust~~
3552 ~~certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other~~
3553 ~~mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit,~~
3554 ~~or group or index of securities (including any interest therein or based on the value thereof), or~~
3555 ~~any put, call, straddle, option, or privilege entered into on a national securities exchange relating~~
3556 ~~to foreign currency, or in general, any interest or instrument commonly known as a "security,"~~
3557 ~~or any certificate of interest or participation in, temporary or interim security for, receipt for,~~
3558 ~~guarantee of, or warrant or right to subscribe to or purchase any of the foregoing.~~

3559 ~~E. The authority as provided in this section as it relates to nongeneral fund reserves and~~
3560 ~~balances of or held by the College is predicated upon an approved management agreement~~
3561 ~~between the College and the Commonwealth of Virginia.~~

3562 **Drafting note: The provisions of existing § 23-44.1 are stricken and incorporated**
3563 **instead into proposed § 23.1-10xx of Chapter 10.**

3564 ~~§ 23-45. Board may fix tuition, fees and other charges.~~

3565 ~~The board of visitors may fix in their discretion, the rates charged the students of the~~
3566 ~~colleges for tuition, fees and other necessary charges.~~

3567 **Drafting note: The provisions of existing § 23-45 are stricken and incorporated**
 3568 **instead into proposed § 23.1-13xx of Chapter 13.**

3569 ~~§ 23-46. Conferring of degrees.~~

3570 ~~The board of visitors shall have the right to confer degrees.~~

3571 **Drafting note: The provisions of existing § 23-46 are stricken and incorporated**
 3572 **instead into proposed § 23.1-13xx of Chapter 13.**

3573 ~~§ 23-47. 23.1-xxx. Courses for educating and training Program of instruction to educate~~
 3574 ~~and train teachers to be maintained.~~

3575 The ~~College board~~ shall maintain ~~in connection with its courses a system a program~~ of
 3576 instruction ~~and training for the purpose of educating and training to educate and train~~ teachers
 3577 for the public ~~elementary and secondary~~ schools of the Commonwealth ~~without excluding other~~
 3578 ~~programs of instruction.~~

3579 **Drafting note: Technical changes.**

3580 ~~§ 23-48.~~

3581 **Drafting note: Repealed by Acts 1960, c. 180.**

3582 ~~§ 23-49. Students.~~

3583 ~~The College shall admit properly prepared men and women to its courses, and upon~~
 3584 ~~completion of the requirements shall grant them degrees.~~

3585 **Drafting note: The provisions of existing § 23-49 are stricken as obsolete.**

3586 ~~§ 23-49.1 23.1-xxx. Constituent colleges; administration, bylaws, titles, etc Richard~~
 3587 ~~Bland College.~~

3588 A. ~~The College of William and Mary in Virginia, in Williamsburg, and the Richard~~
 3589 ~~Bland College, in Petersburg~~ shall be ~~subject to the supervision, management and control of the~~
 3590 ~~board of visitors of the College of William and Mary in Virginia. Such colleges shall be separate~~
 3591 ~~from each other and each college shall report directly to the board of visitors through the~~
 3592 ~~president in the case of the College of William and Mary in Virginia, and as the board of visitors~~

3593 ~~may direct in the case of the Richard Bland College a separate college under the supervision,~~
3594 ~~management, and control of the board.~~

3595 B. ~~The board shall establish and publish bylaws for Richard Bland College that define~~
3596 ~~the school's functions.~~

3597 C. ~~All property, property rights, duties, contracts, and agreements of the colleges~~
3598 ~~Richard Bland College are vested in the board of visitors of the College of William and Mary in~~
3599 ~~Virginia. The chief executive officer of the College of William and Mary in Virginia shall be the~~
3600 ~~president; the title of the~~

3601 D. ~~The board shall designate a~~ chief executive officer ~~of the~~ Richard Bland College ~~shall~~
3602 ~~be designated by the board of visitors.~~

3603 E. ~~The board of visitors of the College of William and Mary in Virginia is charged with~~
3604 ~~the care and preservation of~~ shall care for and preserve all property belonging to ~~the colleges~~
3605 ~~Richard Bland College.~~

3606 ~~With respect to the Richard Bland College, the~~ F. ~~The~~ board ~~of visitors~~ shall ~~have the~~
3607 ~~same powers as to fixing tuitions~~ (i) fix tuition, fees, and other necessary charges, ~~as to the~~
3608 ~~appointment and removal of;~~ (ii) appoint, remove, and define the responsibilities of all chief
3609 executive officers, administrative officers, professors, agents, and employees; ~~and the making~~
3610 ~~of~~ (iii) make such rules and regulations, ~~as are now vested in them with respect to the College of~~
3611 ~~William and Mary in Virginia as it deems appropriate for Richard Bland College.~~

3612 C. ~~Appropriations directly and indirectly from the Commonwealth to the colleges shall~~
3613 ~~be expended as directed by the board of visitors of the College of William and Mary in Virginia.~~

3614 D. ~~The board of visitors of the College of William and Mary in Virginia is authorized~~
3615 ~~and directed to prepare the bylaws for the colleges and to publish the same and to define the~~
3616 ~~functions of the colleges, and to specify the responsibilities of the chief executive officers, all~~
3617 ~~professors, teachers and agents of the colleges, as the board may deem necessary.~~

3618 ~~E. The board of visitors of the College of William and Mary in Virginia shall designate~~
3619 ~~the organizational channel of coordination and supervision of the Richard Bland College for~~
3620 ~~administration by the board of visitors.~~

3621 ~~F. The use of the library of the College of William and Mary in Virginia, in~~
3622 ~~Williamsburg, shall be granted to the students and faculty of Christopher Newport University.~~

3623 ~~G. The board of visitors of the College of William and Mary in Virginia shall make~~
3624 ~~cooperative agreements with the board of visitors of Christopher Newport University for the~~
3625 ~~sharing of faculty and of laboratory and other facilities. Richard Bland College shall report to the~~
3626 ~~board using such organizational channels as the board may coordinate and direct.~~

3627 ~~H. Richard Bland College shall expend all direct and indirect appropriations from the~~
3628 ~~Commonwealth as the board directs.~~

3629 **Drafting note: Subsections F and G of existing § 23-49.1 are incorporated into**
3630 **proposed § 23.1-28xx (next section). Technical changes are made.**

3631 § 23.1-28xx. Shared use.

3632 A. The board shall permit students and faculty of Christopher Newport University to use
3633 the library of the College.

3634 B. The board shall enter cooperative agreements with the board of visitors of
3635 Christopher Newport University to share faculty, laboratories, and other facilities.

3636 **Drafting note: Subsections F and G of existing § 23-49.1 (previous section) are**
3637 **separately organized as this proposed new section. Technical changes are made.**

3638 ~~§ 23-49.1:1 23.1-xxx. Virginia Institute of Marine Science ~~subject to board of visitors.~~~~

3639 The Virginia Institute of Marine Science (the Institute) shall be subject to the
3640 supervision, management, and control of the board ~~of visitors of the College of William and~~
3641 ~~Mary in Virginia.~~ The board ~~of visitors~~ shall provide for the administration of the Institute and
3642 shall appoint and remove its administrative and professional staff.

3643 **Drafting note: Technical changes.**

3644 #

Replacement Volumes - 2014

The Virginia Administrative Code Contract provides for approval by the Code Commission when the publisher (West) replaces more than four volumes of the administrative code in any given year. West is recommending issuing five volumes this year as follows, due mainly to the size of Title 9.

Volume Number	Contents	Pages
5	Titles 5 - 7 & Title 8 (8VAC20-10 through 8VAC20-131)	1600±
6	Title 8 (8VAC20-140 through 9VAC5-60)	1600±
7	Title 9 (9VAC5-70 through 9VAC20-120)	1600±
8	Title 9 (9VAC20-130 through 9VAC 5-640)	1600±
9	Title 9 (9VAC25-650 through 9VAC25-890)	1600±

Note: Last year, the Code Commission approved West's proposal to publish five replacement volumes. However, West was able to fit the material into four appropriately sized volumes and reduce the price impact on customers.

Volume Number	Contents	Pages
1	Title 1 & Title 2 (2VAC5-10 to 2VAC5-480)	810±
2	Title 2 (2VAC5-490 to 2VAC20-51) & Title 3	750±
3	Title 4 (4VAC3-10 to 4VAC25-40)	1180±
4	Title 4 (4VAC25-50 to 4VAC50-90)	1070±