

Agenda Item #4
Administrative Law Advisory Committee
Report of Model State Administrative Procedures Act Judicial Work Group

Disqualification of Hearing Officers and Presiding Officers

§ 2.2-4024. Hearing officers.

A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained in the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside at the proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may promulgate rules necessary for the administration of the hearing officer system and shall have the authority to establish the number of hearing officers necessary to preside over administrative hearings in the Commonwealth.

Prior to being included on the list, all hearing officers shall meet the following minimum standards:

1. Active membership in good standing in the Virginia State Bar;
2. Active practice of law for at least five years; and
3. Completion of a course of training approved by the Executive Secretary of the Supreme Court. In order to comply with the demonstrated requirements of the agency requesting a hearing officer, the Executive Secretary may require additional training before a hearing officer shall be assigned to a proceeding before that agency.

B. On request from the head of an agency, the Executive Secretary shall name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. Lists reflecting geographic preference and specialized training or knowledge shall be maintained by the Executive Secretary if an agency demonstrates the need.

C. A hearing officer appointed **in accordance with this section** shall be **subject to disqualification as provided in § 2.2-4024.1. If the hearing officer denies a petition for disqualification pursuant to subsection D of § 2.2-4024.1, the petitioning party may request reconsideration of the denial by filing a written request with the Executive Secretary of the Supreme Court,** voluntarily disqualify himself and withdraw from any case in which he cannot accord a fair and impartial hearing or consideration, or when required by the applicable rules governing the practice of law in the Commonwealth. Any party may request the disqualification of a hearing officer by filing **along with** an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded, or the applicable rule of practice requiring disqualification.

The issue shall be determined not less than 10 days prior to the hearing by the Executive Secretary of the ~~Supreme Court~~.

D. Any hearing officer empowered by the agency to provide a recommendation or conclusion in a case decision matter shall render that recommendation or conclusion within 90 days from the date of the case decision proceeding or from a later date agreed to by the named party and the agency. If the hearing officer does not render a decision within 90 days, then the named party to

the case decision may provide written notice to the hearing officer and the Executive Secretary of the Supreme Court that a decision is due. If no decision is made within 30 days from receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall remove the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for possible disciplinary action, unless good cause is shown for the delay.

E. The Executive Secretary shall remove hearing officers from the list, upon a showing of cause after written notice and an opportunity for a hearing. When there is a failure by a hearing officer to render a decision as required by subsection D, the burden shall be on the hearing officer to show good cause for the delay. Decisions to remove a hearing officer may be reviewed by a request to the Executive Secretary for reconsideration, followed by judicial review in accordance with this chapter.

F. This section shall not apply to hearings conducted by (i) any commission or board where all of the members, or a quorum, are present; (ii) the Alcoholic Beverage Control Board, the Virginia Workers' Compensation Commission, the State Corporation Commission, the Virginia Employment Commission, the Department of Motor Vehicles under Title 46.2 (§ 46.2-100 et seq.), § 58.1-2409, or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, or the Motor Vehicle Dealer Board under Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2; or (iii) any panel of a health regulatory board convened pursuant to § 54.1-2400, including any panel having members of a relevant advisory board to the Board of Medicine. All employees hired after July 1, 1986, pursuant to §§ 65.2-201 and 65.2-203 by the Virginia Workers' Compensation Commission to conduct hearings pursuant to its basic laws shall meet the minimum qualifications set forth in subsection A. Agency employees who are not licensed to practice law in the Commonwealth, and are presiding as hearing officers in proceedings pursuant to clause (ii) shall participate in periodic training courses.

G. Notwithstanding the exemptions of subsection A of § 2.2-4002, this article shall apply to hearing officers conducting hearings of the kind described in § 2.2-4020 for the Department of Game and Inland Fisheries, the Virginia Housing Development Authority, the Milk Commission, and the Virginia Resources Authority pursuant to their basic laws.

[NEW] § 2.2-4024.1. Disqualification.

A. An individual who has served as investigator, prosecutor, or advocate at any stage in a contested case or who is subject to the authority, direction, or discretion of an individual who has served as investigator, prosecutor, or advocate at any stage in a contested case may not serve as the presiding officer or hearing officer in the same case. An agency head that has participated in a determination of probable cause or other preliminary determination in an adjudication may serve as the presiding officer in the adjudication unless a party demonstrates grounds for disqualification under subsection B.

B. A presiding officer or hearing officer is subject to disqualification for bias, prejudice, financial interest, ex parte communications as provided in § 2.2-4024.2, or any other factor that would cause a reasonable person to question the impartiality of the presiding officer or hearing officer. The presiding officer or hearing officer, after making a reasonable inquiry, shall disclose to the parties any known facts related to grounds for disqualification which are material to the impartiality of the presiding officer or hearing officer in the proceeding. The presiding officer or hearing officer may self-disqualify and withdraw from any case for the aforementioned reasons.

C. A party may petition for the disqualification of the presiding officer or hearing officer promptly after notice that the person will preside or, if later, promptly on discovering facts establishing a ground for disqualification. The petition must state with particularity the ground on which it is claimed that a fair and impartial hearing cannot be accorded or the applicable rules of ethics that requires disqualification. The petition may be denied if the party fails to promptly request disqualification after discovering a ground for disqualification.

D. A presiding officer not appointed pursuant to the provisions of § 2.2-4024, whose disqualification is requested shall decide whether to grant the petition and state in a record the facts and reasons for the decision. The decision to deny disqualification by such presiding officer shall be reviewable by the agency head. The decision to deny disqualification by a hearing officer appointed pursuant to § 2.2-4024 shall be reviewable according to the procedure set forth in subsection C of that provision. In all other circumstances, the presiding officer's or hearing officer's decision to deny disqualification is subject to judicial review in accordance with this chapter, but is not otherwise subject to interlocutory review.

DISCUSSION:

Virginia law currently provides a limited option for hearing officers to be disqualified for situations in which the hearing officer “cannot accord a fair and impartial hearing or consideration, or when required by the applicable rules governing the practice of law in the Commonwealth.” The ALAC proposal suggests two important changes: (1) the disqualification rules should apply to both hearing officers who preside over formal hearings and presiding officers who preside over informal fact finding hearings; and (2) a new statute, § 2.2-4024.1, that specifically sets out the reasons why a hearing officer or presiding officer can be disqualified, including prejudice, financial interest, *ex parte* communications, “or any other fact that would cause a reasonable person to question the impartiality of the presiding officer or hearing officer.” The new statute maintains the ability of a hearing officer or presiding officer to self-disqualify, and it sets out a clear and logical mechanism for challenging the initial decision to not disqualify.

Default by Non-Appearing Party

[NEW] § 2.2-4020.2 Default

A. Unless otherwise provided by law of this Commonwealth other than this Title, if a party without good cause fails to attend or appear at a formal hearing conducted in accordance with §2.2-4020, or an informal fact-finding proceeding conducted pursuant to §2.2-4019, the presiding officer may issue a default order.

B. A default order shall not be issued by the presiding officer unless the party against whom the default order is entered has been sent the notice that contains a notification that a default order may be issued against that party if that party fails without good cause to attend or appear at the hearing or informal fact-finding proceeding that is the subject of the notice.

C. If a default order is issued, the presiding officer may conduct any further proceedings necessary to complete the adjudication without the defaulting party and shall determine all issues in the adjudication, including those affecting the defaulting party.

D. A recommended, initial, or final order issued against a defaulting party may be based on the defaulting party's admissions or other evidence that may be used without notice to the defaulting party. If the burden of proof is on the defaulting party to establish that the party is entitled to the agency action sought, the presiding officer may issue a recommended, initial, or final order without taking evidence.

E. Not later than fifteen days after notice to a party subject to a default order that a recommended, initial, or final order has been rendered against the party, the party may petition the presiding officer to vacate the recommended, initial, or final order. If good cause is shown for the party's failure to appear, the presiding officer shall vacate the decision and, after proper service of notice, conduct another evidentiary hearing. If good cause is not shown for the party's failure to appear, the presiding officer shall deny the motion to vacate.

DISCUSSION:

Virginia law currently has no provision for allowing an agency to enter a default order in a case in which the defendant fails to appear at a hearing. ALAC has suggested a new statute that the agency may, in an informal fact finding hearing or a formal hearing, issue a default order against a defendant who does not attend or appear at a hearing without good cause. The purpose of this new section is to provide the agency with a mechanism to more efficiently dispose of contested matters where the defendant has no good excuse for failing to appear at a hearing. At the present time, unless the agency provides differently in its specific statutes, the agency must convene a hearing even in the absence of the defendant.

EX PARTE COMMUNICATIONS

§ 2.2-4024.2. Ex Parte Communications (Option 1)*

A. Except as otherwise provided in this section, while a contested case is pending, the hearing officer or presiding officer may not make to or receive from any person any communication concerning the case without notice and opportunity for all parties to participate in the communication.

B. A hearing officer or presiding officer may communicate about a pending contested case with any person if the communication is required for the disposition of *ex parte* matters authorized by statute or concerns an uncontested procedural issue.

C. A hearing officer or presiding officer may communicate about a pending contested case with an individual authorized by law to provide legal advice to the hearing officer or presiding officer and may communicate on ministerial matters with an individual who serves on the administrative staff of the hearing officer or presiding officer if the individual providing legal advice or ministerial information has not served as investigator, prosecutor, or advocate at any stage of the case, and if the communication does not augment, diminish, or modify the evidence in the record.

D. An agency employee or representative of the agency that is the presiding officer in a pending contested case may communicate about that case with another employee or representative of the agency if:

(1) the employee or representative: (A) has not served as investigator, prosecutor, or advocate at any stage of the case; (B) has not otherwise had a communication with any person about the case other than a communication a presiding officer is permitted to make or receive under this section or a communication permitted by this section; and

(2) the communication does not augment, diminish, or modify the evidence in the agency hearing record and is:

(a) an explanation of the technical or scientific basis of, or technical or scientific terms in, the evidence in the agency hearing record;

(b) an explanation of the precedent, policies, or procedures of the agency; or

* Option 1 – *Ex parte* prohibition applies to both informal fact finding and formal hearings handled by presiding officers and hearing officers, respectively.

(c) any other communication that does not address the quality or sufficiency of, or the weight that should be given to, evidence in the agency hearing record or the credibility of witnesses.

E. If a hearing officer or presiding officer makes or receives a communication in violation of this section, the hearing officer or presiding officer:

(1) if the communication is in a record, shall make the record of the communication a part of the hearing record and prepare and make part of the hearing record a memorandum that contains the response of the hearing officer or presiding officer or final decision maker to the communication and the identity of the person that communicated; or

(2) if the communication is oral, shall prepare a memorandum that contains the substance of the verbal communication, the response of the hearing officer or presiding officer or final decision maker to the communication, and the identity of the person that communicated.

F. If a communication prohibited by this section is made, the hearing officer or presiding officer shall notify all parties of the prohibited communication and permit parties to respond in a record not later than 15 days after the notice is given. For good cause, the hearing officer or presiding officer may permit additional testimony in response to the prohibited communication.

G. If a hearing officer or presiding officer is a member of a multi-member body of individuals that is the agency head, the hearing officer or presiding officer may communicate with the other members of the body when sitting as the hearing officer or presiding officer. Otherwise, while a contested case is pending, no communication, direct or indirect, regarding any issue in the case may be made between the hearing officer or presiding officer and members of the body.

H. If necessary to eliminate the effect of a communication received in violation of this section, a hearing officer or presiding officer may be disqualified under § 2.2-4024.1, the parts of the record pertaining to the communication may be sealed by protective order, or other appropriate relief may be granted, including an adverse ruling on the merits of the case.

§ 2.2-4024.2. Ex Parte Communications (Option 2)*

A. Except as otherwise provided in this section, while a contested case is pending, the hearing officer may not make to or receive from any person any communication concerning the case without notice and opportunity for all parties to participate in the communication.

B. A hearing officer may communicate about a pending contested case with any person if the communication is required for the disposition of *ex parte* matters authorized by statute or concerns an uncontested procedural issue.

C. A hearing officer may communicate about a pending contested case with an individual authorized by law to provide legal advice to the hearing officer or presiding officer and may communicate on ministerial matters with an individual who serves on the administrative staff of the hearing officer if the individual providing legal advice or ministerial information has not served as investigator, prosecutor, or advocate at any stage of the case, and if the communication does not augment, diminish, or modify the evidence in the record.

D. If a hearing officer makes or receives a communication in violation of this section, the hearing officer:

(1) if the communication is in a record, shall make the record of the communication a part of the hearing record and prepare and make part of the hearing record a memorandum that contains the response of the hearing officer or presiding officer or final decision maker to the communication and the identity of the person that communicated; or

(2) if the communication is oral, shall prepare a memorandum that contains the substance of the verbal communication, the response of the hearing officer or presiding officer or final decision maker to the communication, and the identity of the person that communicated.

E. If a communication prohibited by this section is made, the hearing officer shall notify all parties of the prohibited communication and permit parties to respond in a record not later than 15 days after the notice is given. For good cause, the hearing officer may permit additional testimony in response to the prohibited communication.

F. If necessary to eliminate the effect of a communication received in violation of this section, a hearing officer may be disqualified under § 2.2-4024.1, the parts of the record pertaining to the communication may be sealed by protective order, or other appropriate relief may be granted, including an adverse ruling on the merits of the case.

* Option 2 – *Ex parte* prohibition applies to only formal hearings handled by presiding officers and hearing officers.

DISCUSSION:

Virginia administrative law does not currently prohibit *ex parte* communications among decision-makers and litigants. While ethics rules may prohibit this activity by lawyers representing those affected by agency decisions in contested cases, the purpose of this new code section is to ensure fairness and a level playing field for those who appear before an agency in a contested case by specifically setting out what types of communications are appropriate and not proper, along with the mechanism to be used to handle inadvertent or non-material discussions that are off the agency record.

Option 1 prohibits improper *ex parte* communications in both informal fact finding hearings usually handled by agency employees acting as presiding officers in contested cases and formal hearings that are handled by hearing officers acquired from the list maintained by the Executive Secretary of the Supreme Court of Virginia.

Option 2 prohibits improper *ex parte* communications in only formal hearings. Several ALAC members believe that the prohibition should not extend to presiding officers of informal fact finding hearings because these individuals are generally agency employees, and it would not be appropriate to unduly hinder the presiding officer's communications with colleagues. Other ALAC members believe that the integrity and fairness of the hearing process depends on a blanket rule covering both types of hearings.

ALAC determined that it would be appropriate to present both alternatives to the Code Commission for its determination of the appropriate *ex parte* rule in administrative proceedings.

Agenda Item #6
Recodification of Title 23, Education Institutions

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 Ornaments 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 CHAPTER 31.

2 OTHER EDUCATIONAL ENTITIES.

3 **Drafting note: Other educational entities, existing Chapters 16.1, 16.2, 16.3, 16.4,**
4 **16.5, 16.6, and 22 of Title 23, are reorganized as articles within proposed Chapter 31.**

5 ~~CHAPTER 22.~~

6 ~~COMMONWEALTH HEALTH RESEARCH FUND.~~

7 Article 1.

8 Commonwealth Health Research Board and Fund.

9 **Drafting note: Existing Chapter 22 (§ 23-277 et seq.) is reorganized as proposed**
10 **Article 1 of Chapter 31.**

11 ~~§ 23-277. Definitions.~~

12 ~~As used in this chapter, unless the context clearly indicates otherwise:~~

13 ~~"Board" means the Commonwealth Health Research Board.~~

14 ~~"Council" means the State Council of Higher Education for Virginia.~~

15 ~~"Fund" means the Commonwealth Health Research Fund.~~

16 **Drafting note: The definitions stricken here are reincorporated in § 23.1-1xx of**
17 **Chapter 1 (where "Council" is defined titlewide) and § 23.1-31xx [23-278] (where "Board"**
18 **and "Fund" are defined for this proposed article).**

19 ~~§ 23-278 23.1-xxx. Commonwealth Health Research Board~~created established.

20 A. ~~There is hereby created, as an independent body, the~~ The Commonwealth Health
21 Research Board (the Board) is established as an independent body. The purpose of the Board
22 ~~shall be~~ is to provide financial support; from the Commonwealth Health Research Fund (the
23 Fund) in the form of grants, donations, or other assistance; for research efforts that have the
24 potential of maximizing human health benefits for the citizens of the Commonwealth. Research
25 efforts eligible for support by the Board shall include traditional medical and biomedical

26 research ~~relating to the causes and cures of diseases as well as research~~ related to health services
27 ~~and~~, the delivery of health care, and the causes and cures of diseases.

28 B. The Board shall be composed of seven members. ~~The, of whom three shall be~~
29 appointed by the Governor ~~shall appoint three members of the Board who shall be confirmed by~~
30 ~~the affirmative vote of a majority of those voting in each house of the General Assembly. The~~
31 and four shall be appointed by the Joint Rules Committee ~~shall appoint the other four members~~
32 ~~of the Board who shall be confirmed by the affirmative vote of a majority of those voting in~~
33 ~~each house of.~~ All appointments to the Board are subject to confirmation by the General
34 Assembly. ~~The initial members shall be appointed for terms of office as follows: one of the~~
35 ~~members appointed by the Governor shall be appointed for a term of one year; one of the~~
36 ~~members appointed by the Joint Rules Committee shall be appointed for a term of two years;~~
37 ~~one of the members appointed by the Governor and one of the members appointed by the Joint~~
38 ~~Rules Committee shall be appointed for terms of three years; one of the members appointed by~~
39 ~~the Joint Rules Committee shall be appointed for a term of four years; and one of the members~~
40 ~~appointed by the Governor and one of the members appointed by the Joint Rules Committee~~
41 ~~shall be appointed for terms of five years.~~ Appointments ~~thereafter~~ shall be for terms of five
42 years. Appointments to fill vacancies, other than by expiration of a term, shall be for the
43 unexpired terms. Vacancies ~~in the membership of the Board~~ shall be filled ~~by appointment of~~
44 ~~the entity initially making the appointment for the unexpired portion of the term in the same~~
45 manner as the original appointments.

46 No member shall ~~be eligible to for~~ serve more than two ~~successive~~ consecutive five-year
47 terms; however, ~~after the expiration of a term of four years or less or after the expiration of the~~
48 ~~remainder of a term to which he was appointed to fill a vacancy, two additional terms may be~~
49 ~~served by such member if appointed thereto. Immediately after such appointment, the members~~
50 ~~shall enter upon the performance of their duties.~~ a member appointed to serve an unexpired term
51 shall be eligible to serve two consecutive five-year terms.

52 C. ~~The members~~ Members of the Board shall have substantial experience or expertise,
53 personal or professional, in at least one of the following areas: medicine, medical or scientific
54 research, public policy, government, business, or education. No member shall be an incumbent
55 elected official, state official ~~or, state~~ employee, or member of the governing board of a state
56 agency or institution. Members of the Board need not be residents of the Commonwealth.

57 D. The ~~members~~ Board shall elect annually a chairman and vice-chairman from among
58 its ~~members~~ membership. The chairman, or in his absence, the vice-chairman, shall preside at
59 all meetings of the Board.

60 E. A majority of the members of the Board serving at any one time shall constitute a
61 quorum for the transaction of business.

62 F. The Board shall meet annually or more frequently at the call of the chairman.

63 ~~E. Notwithstanding the provisions of § 2.2-2813, members of the Board shall receive~~
64 ~~compensation for their services at the rate provided in Item 1 of Chapter 924 of the 1997 Acts of~~
65 ~~Assembly used to compensate General Assembly members for the time actually spent in the~~
66 ~~discharge of their duties and shall receive reimbursement for actual expenses incurred in the~~
67 ~~performance of their duties on behalf of the Board.~~ G. The members of the Board shall receive
68 no compensation for their services but shall be reimbursed for the reasonable and necessary
69 expenses incurred in the performance of their duties as provided in § 2.2-2825. Such
70 compensation and expenses shall be paid from the Fund.

71 **Drafting note: Technical changes.**

72 ~~§ 23-279~~ 23.1-xxx. Duties of the Board.

73 The Board shall ~~perform the following duties~~:

74 1. Establish specific criteria and procedures governing its decisions to support research
75 efforts consistent with its purposes, including, ~~but not limited to~~, (i) encouraging collaborative
76 research efforts among two or more institutions or organizations, (ii) giving priority to those
77 research efforts ~~where from which~~ Board support can be leveraged to foster contributions from

78 federal agencies or other entities, and (iii) supporting both new research efforts and the
79 expansion or continuation of existing research efforts;

80 2. Establish requirements for the submission of research proposals, including, ~~but not~~
81 ~~limited to~~, (i) a clear statement of the problem or opportunity to be addressed; (ii) the specific
82 objectives; (iii) a description of how the results will maximize human health benefits for the
83 citizens of the Commonwealth; (iv) a budget for the research effort, including other anticipated
84 sources of financial assistance; and (v) the time frame for ~~the conduct of conducting~~ the
85 research;

86 3. Evaluate the proposals in accordance with the criteria established by the Board and the
87 provisions of this ~~chapter article~~; and

88 4. Evaluate the implementation and results of all research efforts receiving support from
89 the Board.

90 **Drafting note: The phrase "but not limited to" is removed when using the term**
91 **"including" based on § 1-218, which states "'Includes' means includes, but not limited to."**

92 **Technical changes are made.**

93 § ~~23-281~~ 23.1-xxx. Powers of the Board.

94 In order to carry out its ~~purpose purposes~~, the Board ~~shall have the power to~~ may:

95 1. Make grants ~~or other expenditures or and~~ disbursements from the Fund ~~to provide that~~
96 support ~~for~~ research efforts approved by the Board in accordance with the purposes of this
97 ~~chapter; however, the article and pay expenditures from the Fund that are necessary to carry out~~
98 the purposes of this article. The Board shall not be obligated to make annual or other periodic
99 disbursements or expenditures;

100 2. Contract for the services of consultants to review research proposals and ~~to~~ assist in
101 the evaluation of the research efforts funded by the Board;

102 3. Contract for other professional services to assist the Board in the performance of its
103 duties and responsibilities;

104 4. Accept, hold, administer, and solicit gifts, grants, bequests, contributions, or other
105 assistance from federal agencies, the Commonwealth, or any other public or private source to
106 carry out the purposes of this ~~chapter~~ article;

107 5. Enter into any agreement or contract relating to the acceptance or use of any grant,
108 assistance, or support provided by or to the Board, or otherwise in furtherance of the purposes of
109 this ~~chapter~~ article;

110 6. Perform any lawful acts necessary or appropriate to carry out the purposes of the
111 Board; and

112 7. Employ such staff as is necessary to perform the Board's duties. The Board may
113 determine the duties of such staff and fix the salaries and compensation of such staff, which
114 shall be paid from the Fund. Such staff shall be employees of the Department of Accounts and
115 shall be entitled to all benefits available to state employees as provided by law.

116 **Drafting note: Technical changes.**

117 § ~~23-280~~ 23.1-xxx. Conditions and restrictions on financial assistance.

118 A. The Board shall provide financial support only ~~to~~ for research efforts that satisfy the
119 following conditions:

120 1. The research shall be conducted by ~~state public~~ institutions of higher education,
121 agencies of the Commonwealth, or nonprofit organizations exempt from income taxation
122 pursuant to § 501(c)(3) of the Internal Revenue Code and located in the Commonwealth;

123 2. The institution, agency, or organization shall ~~provide a cash amount for the support~~
124 provided by the Board in such match a percentage of the Board's support ~~as~~ in a cash amount
125 required by the Board ~~deems appropriate~~;

126 3. Support provided by the Board shall not be used by the recipient to finance capital
127 improvements or renovations, for indirect costs incurred by the institution, agency, or
128 organization in its administration of the financial support, or for any other purpose proscribed by
129 the Board; and

130 4. Recipients of support provided by the Board shall agree to provide the Board with
131 such information regarding the implementation of the research effort; and ~~to~~ allow such
132 monitoring and review of the research effort; as may be required by the Board to ensure
133 compliance with the terms ~~by~~ under which the support is provided.

134 B. Any support provided by the Board shall be used by the recipient only for personal
135 services, contractual services, material, supplies, and equipment directly related to the approved
136 research effort.

137 **Drafting note: Technical changes.**

138 § ~~23-283~~ 23.1-xxx. Cooperation with other agencies.

139 All agencies of the Commonwealth shall cooperate with the Board and, upon request,
140 assist the Board in the performance of its duties and responsibilities.

141 **Drafting note: No change.**

142 § ~~23-284~~ 23.1-xxx. Commonwealth Health Research Fund ~~established~~; administration.

143 A. There is hereby created in the ~~State Treasury~~ state treasury a special, nonreverting
144 revolving fund to be known as the Commonwealth Health Research Fund. The Fund shall be
145 established on the books of the ~~State~~ Comptroller.

146 B. The Fund shall consist of all stock and cash distributed to the Commonwealth as a
147 policyholder pursuant to the conversion of Blue Cross and Blue Shield of Virginia, doing
148 business as Trigon Blue Cross Blue Shield, from a mutual insurance company to a Virginia
149 stock corporation known as Trigon Healthcare, Inc., exclusive of cash paid by Blue Cross and
150 Blue Shield of Virginia or its successor to the Commonwealth in connection with such
151 conversion, which was assumed as general fund revenue in Chapter 912 of the 1996 Acts of
152 Assembly. The Fund shall also consist of any moneys appropriated from the general fund,
153 grants and donations received by the Board, and other moneys received by the State Treasurer
154 and designated for deposit in the Fund. Interest and other income earned on moneys in the Fund
155 shall remain in the Fund and be credited to ~~the Fund~~ it. Any moneys remaining in the Fund,

156 including interest and other income thereon, at the end of each fiscal year shall not revert to the
157 general fund but shall remain in the Fund.

158 C. Notwithstanding any other provision of law, the moneys and other property
159 ~~comprising~~ constituting the Fund shall be invested, reinvested, and managed by the Board of the
160 Virginia Retirement System as provided in § 51.1-124.36. The State Treasurer shall not be held
161 liable for losses suffered by the Virginia Retirement System on investments made under the
162 authority of this section.

163 D. ~~The Moneys in the~~ Fund shall be expended solely for the purpose of supporting
164 research efforts approved by the Board and any other purpose permitted by this ~~chapter~~ article.

165 E. An amount not to exceed six percent of the moving average of the market value of the
166 Fund calculated over the previous five years or since inception, whichever is shorter, on a one-
167 year delayed basis, net of any administrative fee assessed pursuant to subsection E of § 51.1-
168 124.36, may be expended in a calendar year for any purpose permitted by this ~~chapter~~ article.
169 The Board shall not be required to expend such amount in a calendar year, and any amount up to
170 such six percent that is not expended in a calendar year may be expended in any other calendar
171 year.

172 F. ~~The disbursement of moneys~~ Expenditures and disbursements from the Fund shall be
173 made by the State Treasurer on warrants issued by the ~~State~~ Comptroller ~~at the~~ upon written
174 request ~~of~~ signed by the chairman of the Board.

175 **Drafting note: Technical changes.**

176 § ~~23-285~~ 23.1-xxx. ~~Forms~~ Form and audit of accounts and records; ~~audit of same~~.

177 A. The accounts and records of the Board showing the receipt and disbursement of funds
178 from whatever source derived shall be in such form as the Auditor of Public Accounts
179 prescribes.

180 B. The accounts and records of the Board shall be subject to an annual audit by the
181 Auditor of Public Accounts or his legal representative.

182 **Drafting note: Technical changes.**

183 § ~~23-286 23.1-xxx~~. Reports to the Governor and General Assembly Annual report.

184 The Board shall submit a report annually to the Governor and the General Assembly.

185 The report shall include information regarding research efforts supported by the Board and

186 expenditures from the Fund.

187 **Drafting note: Technical changes.**

188 CHAPTER 16.2.

189 A.L. PHILPOTT MANUFACTURING EXTENSION PARTNERSHIP.

190 Article 2.

191 Genedge Alliance.

192 **Drafting note: Existing Chapter 16.2 (§ 23-231.8 et seq.) is reorganized as proposed**

193 **Article 2 of Chapter 31. The name of the A.L. Philpott Manufacturing Extension**

194 **Partnership is changed to Genedge Alliance to reflect current usage.**

195 § ~~23-231.8 23.1-xxx~~. A. L. Philpott Manufacturing Extension Partnership created

196 Genedge Alliance established; mission purpose and duties.

197 A. The A. L. Philpott Manufacturing Center, established from such funds as may be

198 appropriated or provided pursuant to Chapters 217 and 668 of the 1992 Acts of Assembly, as

199 amended, is hereby continued and redesignated the A. L. Philpott Manufacturing Extension

200 Partnership, referred to in this chapter as the Extension Partnership. The mission of the

201 Extension Partnership is Genedge Alliance (the Alliance) is established to help create and

202 maintain industrial and manufacturing jobs. The Extension Partnership Alliance shall:

203 1. Develop, demonstrate, test, and assist in the implementation of advanced

204 manufacturing technologies;

205 2. Promote industrial expansion by providing manufacturing technology consulting

206 services to manufacturers in Virginia;

207 3. Foster the creation of manufacturing networks and the development of buyer and
208 supplier relationships in the region and throughout the Commonwealth;

209 4. Serve as a resource center for industrial training and technology transfer programs for
210 the renewal, enhancement, and expansion of existing manufacturing enterprises and ~~for~~
211 manufacturing modernization outreach;

212 5. Be available as a federal demonstration center for the training of displaced workers in
213 a any manufacturing area; and

214 6. Receive and accept any available grants, from any federal, state, or private agency,
215 corporation, association, or person, to be expended in accomplishing the ~~goals~~ duties
216 enumerated in ~~subdivisions 1 through 5 above~~ this subsection.

217 B. The ~~Extension Partnership Alliance~~ shall be considered a local or regional industrial
218 or economic development authority or organization for purposes of the Virginia Freedom of
219 Information Act (§ 2.2-3700 et seq.).

220 **Drafting note: Technical changes.**

221 ~~§ 23-231.9 23.1-xxx. Membership of governing board; terms; compensation; officers;~~
222 bylaws Board of trustees.

223 A. The ~~Extension Partnership Alliance~~ shall be governed by a 24-member board of
224 trustees (the board) consisting of three presidents of community colleges; ~~two~~ two presidents of
225 four-year public ~~four-year~~ institutions of higher education, ~~and~~ one president of a four-year
226 private ~~four-year~~ institution of higher education, and 15 nonlegislative citizen members,
227 representing manufacturing industries, to be appointed by the Governor; and the director of the
228 Center for Innovative Technology; ~~the Secretary of Commerce and Trade;~~ and and the
229 Secretary of Technology, to serve ex officio with voting privileges.

230 B. ~~Initial appointments in 1992 shall be as follows: the three community college~~
231 ~~presidents shall be appointed for two-year, three-year, and four-year terms, respectively; the two~~
232 ~~presidents of the public four-year institutions shall be appointed for two-year and four-year~~

233 ~~terms, respectively; the president of a private four-year institution shall be appointed for a three-~~
234 ~~year term; two citizen members shall be appointed for two-year terms, and two citizen members~~
235 ~~shall be appointed for three-year and four-year terms, respectively. Of the five citizen members~~
236 ~~to be appointed in 1994, two shall be appointed for two-year terms, two shall be appointed for~~
237 ~~three-year terms, and one shall be appointed for a four-year term. Of the six citizen members to~~
238 ~~be appointed in 1997, two shall be appointed for two-year terms, two shall be appointed for~~
239 ~~three-year terms, and two shall be appointed for four-year terms. Thereafter, all appointments~~
240 Appointments shall be for terms of four years, ~~except that appointments to fill vacancies. Ex~~
241 officio members of the board shall serve terms coincident with their terms of office.
242 Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired
243 terms. Vacancies shall be filled in the same manner as the original appointments. All members
244 may be reappointed. ~~With the exceptions of the director of the Center for Innovative~~
245 ~~Technology, the Secretary of Commerce and Trade, and the Secretary of Technology, no person~~
246 ~~shall be eligible to~~ No member shall serve for more than two ~~successive~~ consecutive four-year
247 terms; however, ~~upon the expiration of a term of less than four years, or after the expiration of~~
248 ~~the remainder of a term to which appointed to fill a vacancy, two additional terms may be~~
249 ~~served by such member if appointed thereto~~ a member appointed to serve an unexpired term
250 shall be eligible to serve two consecutive four-year terms.

251 C. The board shall elect a chairman and a vice-chairman from among its ~~members and~~
252 membership. The board shall ~~also~~ elect a secretary and a treasurer, who ~~may or may need~~ not be
253 members of the board. The board may ~~also~~ elect other subordinate officers, who ~~may or may~~
254 need not be members of the board.

255 D. Eight members shall constitute a quorum. The meetings of the board shall be held at
256 the call of the chairman or whenever the majority of the members so request.

257 ~~All members shall be reimbursed for their actual expenses incurred in the performance~~
258 ~~of their duties in the work of the Extension Partnership.~~

259 ~~D. E.~~ The board may adopt, alter, or repeal its own bylaws that govern the manner in
260 which its business may be transacted and may form committees and advisory councils, which
261 may include representatives who are not board members.

262 **Drafting note: The second paragraph of subsection C is stricken here the concept is**
263 **instead reincorporated into proposed § 23.1-xxx (the succeeding section) and technical**
264 **changes are made.**

265 § . Compensation; expenses.

266 All members shall be reimbursed for all reasonable and necessary expenses incurred in
267 the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs
268 of compensation and expenses of the members shall be provided by the Alliance.

269 **Drafting note: Provisions on expenses of members, previously set forth in the**
270 **second paragraph of subsection C of existing § 23-231.9, have been updated and**
271 **incorporated instead into proposed section 23.1-xxx (this section).**

272 ~~§ 23-231.10~~ 23.1-xxx. Executive director; ~~powers and duties; staff~~.

273 A. The board shall appoint an executive director who shall (i) supervise and manage the
274 ~~Extension Partnership Alliance~~, (ii) ~~discharge perform~~ such functions as may be directed by the
275 board, and (iii) prepare and submit, upon the direction and approval ~~by of~~ the board, all requests
276 for appropriations. The executive director shall be authorized to employ such staff as necessary
277 to enable the ~~Extension Partnership Alliance~~ to perform its duties as set forth in this ~~chapter~~
278 article. The board is authorized to determine staff duties and ~~to~~ fix salaries and compensation
279 from such funds as may be appropriated or received. In addition, the board is authorized to
280 make arrangements with institutions of higher education to extend course credit to graduate
281 students employed by the ~~Extension Partnership Alliance~~.

282 B. Additional staff support for the functions of the ~~Extension Partnership Alliance~~ may
283 be provided by the Center for Innovative Technology, the University of Virginia Center for

284 Public Service, ~~community colleges and four-year public~~ institutions of higher education, small
285 business development centers, and private businesses.

286 **Drafting note: Technical changes.**

287 § ~~23-231.11~~ 23.1-xxx. ~~Additional powers and duties~~ Powers of the board.

288 ~~To assist the Extension Partnership in its mission, the board is authorized on behalf of~~
289 ~~the Extension Partnership to:~~ In order to carry out the purposes of the Alliance, the board may:

290 1. Apply for, accept, and expend gifts, grants, or donations from public or private
291 sources to enable the Extension Partnership Alliance to carry out its ~~objectives~~ purposes;

292 2. Fix, alter, charge, and collect rates, fees, and other charges for the sale of products of,
293 ~~or and~~ services rendered by the Extension Partnership Alliance at rates ~~to be~~ determined by ~~it~~
294 the board to pay the expenses of the Extension Partnership Alliance;

295 3. Make and enter into all contracts or agreements ~~which are~~ necessary or incidental to
296 the performance of its duties and ~~to~~ the execution of powers granted by this ~~chapter article~~,
297 including agreements with any federal agency, person, private firm, or other organization that
298 can provide technical or other business assistance to the Extension Partnership's Alliance's
299 industrial clients;

300 4. Employ, ~~at its discretion~~, consultants, researchers, architects, engineers, accountants,
301 financial experts, investment bankers, superintendents, managers, and such other employees and
302 agents as may be necessary; and ~~to~~ fix their compensation to be payable from funds made
303 available to the Extension Partnership Alliance;

304 5. Render advice and assistance and provide services to state and federal agencies, local
305 and regional economic development entities, private firms, and other persons or organizations
306 providing services or facilities for small and medium-sized manufacturers and industrial firms in
307 Virginia the Commonwealth;

308 6. Develop and provide programs or projects, ~~at its discretion~~, alone or in cooperation
309 with any person; state or federal agency; state, local, or regional economic development entity;

310 private firm; or other organization for economic development through improvements in
311 industrial competitiveness in ~~Virginia~~ the Commonwealth; and

312 7. Do all acts and things necessary or convenient to carry out the powers granted to it by
313 this ~~chapter article~~ or any other ~~acts act~~.

314 **Drafting note: Technical changes.**

315 § ~~23-231.12~~ 23.1-xxx. Cooperation of other agencies; legal services.

316 A. All agencies of the Commonwealth shall cooperate with the ~~Extension Partnership~~
317 Alliance and, upon request, assist the ~~Extension Partnership~~ Alliance in the performance of its
318 duties and responsibilities.

319 B. The Attorney General shall provide legal services for the ~~Extension Partnership~~
320 Alliance pursuant to Chapter 5 (§ 2.2-500 et seq.) of Title 2.2.

321 **Drafting note: Technical changes.**

322 ~~CHAPTER 16.4.~~

323 ~~INSTITUTE FOR ADVANCED LEARNING AND RESEARCH.~~

324 Article 3.

325 Institute for Advanced Learning and Research.

326 **Drafting note: Existing Chapter 16.4 (§ 23-231.19 et seq.) is reorganized as**
327 **proposed Article 3 of Chapter 31.**

328 § ~~23-231.19~~ 23.1-xxx. Institute for Advanced Learning and Research ~~created~~
329 established; ~~responsibilities~~ duties.

330 A. ~~With such funds as are appropriated or made available for this purpose, there is~~
331 ~~hereby created and constituted, in Southside Virginia, a political subdivision of the~~
332 ~~Commonwealth to be known as the~~ The Institute for Advanced Learning and Research;
333 ~~hereinafter referred to as the "Institute." The Institute shall be founded by Averett University,~~
334 ~~Danville Community College, and Virginia Polytechnic Institute and State University (the~~
335 Institute) is established in Southside Virginia as a political subdivision of the Commonwealth.

336 B. The Institute shall:

337 1. Seek to diversify the economy of the Dan River ~~Region's economy region~~ by engaging
338 the resources of Virginia Polytechnic Institute and State University in partnership with Danville
339 Community College and Averett University and public and private bodies and organizations of
340 the region and ~~state.~~ Commonwealth;

341 2. Serve as a catalyst for economic and community transformation by leveraging and
342 brokering resources that support the economic diversity ~~for of~~ the Dan River region, particularly
343 within the network economy.;

344 3. Provide a site for the development of the technology and trained workforce necessary
345 for new economic enterprises to flourish in Southside Virginia through the teaching, research,
346 outreach, and technology available from its partner institutions.;

347 4. Expand access to higher education in Southside Virginia by providing for adult and
348 continuing education, workforce training and development, and degree-granting programs,
349 including undergraduate, graduate, and professional programs, through partnerships with the
350 Commonwealth's private and public institutions of higher education, the City of Danville, the
351 County of Pittsylvania, the public schools, and the public and private sectors in the region.;

352 5. Serve as a resource and hub for network-related initiatives ~~in education,~~ at all levels,
353 of education and in economic development activities.;

354 6. Assist in regional economic and community development efforts by housing and
355 encouraging research and product-related activities and encouraging high technology economic
356 development in the region.;

357 7. Encourage and coordinate, as appropriate, the development and delivery of programs
358 offered by ~~those~~ the educational institutions serving the region.;

359 8. Serve as a resource and referral center by maintaining and disseminating information
360 on existing educational programs, research, and university outreach resources.

361 **Drafting note: Technical changes.**

362 § ~~23-231.20~~ 23.1-xxx. Board of trustees; ~~membership; appointments; terms;~~
363 ~~compensation and expenses; officers.~~

364 A. The Institute shall be governed by a 15-member ~~Board of Trustees consisting board~~
365 ~~of trustees (the board) that shall consist~~ of ~~the presidents or their designees of Averett~~
366 ~~University, Danville Community College, and Virginia Polytechnic Institute and State~~
367 ~~University; the chairman or his designee of the Board of the Future of the Piedmont Foundation;~~
368 11 nonlegislative citizen members and four ex officio members. Nonlegislative citizen members
369 shall be appointed as follows: one resident of the City of Danville, to be appointed by the
370 Danville City Council; one resident of Pittsylvania County, to be appointed by the Pittsylvania
371 County Board of Supervisors; and nine ~~citizens~~ nonlegislative citizen members representing
372 business and industry and residing in Southside Virginia, of whom three ~~to~~ shall be appointed
373 by the Governor, three ~~to~~ shall be appointed by the Senate Committee on Rules, and three ~~to~~
374 shall be appointed by the Speaker of the House of Delegates. The presidents of Averett
375 University, Danville Community College, and Virginia Polytechnic Institute and State
376 University or their designees and the chairman of the Board of the Future of the Piedmont
377 Foundation or his designee shall serve ex officio with voting privileges. All Nonlegislative
378 citizen members ~~appointed of the board~~ shall be nonelected citizens of the Commonwealth.

379 B. ~~The presidents or their designees of the named institutions of higher education and the~~
380 ~~chairman or his designee of the Board of the Future of the Piedmont Foundation~~ Ex officio
381 members of the board shall serve terms coincident with their terms of office. ~~Of the initial~~
382 ~~citizen appointments to be made in 2004, one appointee each by the Governor, the Speaker of~~
383 ~~the House of Delegates, and the Senate Committee on Rules shall serve for one-year terms and~~
384 ~~one appointee each by the Governor, the Speaker of the House of Delegates, and the Senate~~
385 ~~shall serve for two-year terms. After the initial staggering of terms, all citizen appointments~~
386 Appointments shall be for terms of three years, ~~except that appointments to fill vacancies,~~
387 Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired

388 terms. Vacancies shall be ~~for the unexpired terms~~ filled in the same manner as the original
389 appointments.

390 No citizen member ~~of the Board~~ shall ~~be eligible to~~ serve more than two ~~successive~~
391 consecutive three-year terms; however, ~~after expiration of a term of less than three years, or~~
392 ~~after the remainder of a three-year term to which a member was appointed to fill a vacancy, a~~
393 ~~member may serve two additional three-year terms, if so appointed~~ a member appointed to serve
394 an unexpired term shall be eligible to serve two consecutive three-year terms.

395 C. The ~~Board~~ board shall elect a chairman and vice-chairman from among its ~~members~~
396 membership and may establish bylaws as necessary.

397 D. Members of the ~~Board~~ board shall not be entitled to receive compensation. All
398 members shall be reimbursed for all reasonable and necessary expenses incurred in the
399 performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the cost of
400 expenses of the members shall be provided by the Institute.

401 **Drafting note: Technical changes.**

402 § ~~23-231.24~~ 23.1-xxx. Powers ~~and duties of Board; contracts for educational services of~~
403 the board.

404 A. The ~~Board of Trustees shall have~~ board has, in addition to its other powers, all the
405 corporate powers given to corporations by the provisions of Title 13.1, except in those cases
406 where, by the express terms of its provisions, the law is confined to corporations created under
407 that title. The ~~Board~~ board shall ~~also~~ have the power to accept, execute, and administer any trust
408 in which it may have an interest under the terms of the instrument creating the trust.

409 B. The ~~Board shall have the authority to~~ board may enter into and administer agreements
410 with institutions of higher education in the Commonwealth to provide continuing education and
411 instructional programs at the Institute through both traditional and electronic modes of delivery.

412 § ~~23-231.23. Gifts, grants, and donations; cooperation with other agencies.~~

413 C. The ~~Board~~ board may, on behalf of the Institute, apply for, accept, and expend gifts,
414 grants, or donations from public or private sources to enable it to carry out the purposes of this
415 ~~chapter~~ article.

416 D. The ~~Board~~ board may ~~also~~ request and accept the cooperation of ~~agencies of~~ the
417 Commonwealth ~~or~~, the local ~~governments~~ governing bodies located in Southside Virginia, ~~or~~
418 the agencies of the Commonwealth or such governing bodies in the performance of its duties.

419 **Drafting note: The provisions of existing § 23-231.23 are incorporated as**
420 **subsections C and D of this proposed section, which includes broader provisions related to**
421 **powers of the board. Technical changes are made.**

422 ~~§ 23-231.22 23.1-xxx.~~ Executive director; ~~responsibilities; additional staff support.~~

423 The ~~Board~~ board may appoint an executive director ~~for~~ of the Institute; who may be an
424 employee of ~~one of the founding institutions of higher education~~ Averett University, Danville
425 Community College, or Virginia Polytechnic Institute and State University. The executive
426 director shall supervise and manage the Institute and shall prepare and submit, upon direction
427 and approval by the ~~Board~~ board, all budgets and requests for appropriations. ~~During the initial~~
428 ~~development and implementation phase of the Institute, additional staff support for the functions~~
429 ~~of the Institute may be provided upon agreement by the founding institutions and local~~
430 ~~governments.~~

431 **Drafting note: Technical changes and removal of language concerning the initial**
432 **development of the Institute.**

433 ~~CHAPTER 16.6.~~

434 ~~THE NEW COLLEGE INSTITUTE.~~

435 Article 4.

436 New College Institute.

437 **Drafting note: Existing Chapter 16.6 (§ 23-231.3 et seq.) is reorganized as proposed**
438 **Article 4 of Chapter 31.**

439 § ~~23-231.30~~ 23.1-xxx. ~~The~~ New College Institute ~~created~~ established; ~~responsibilities~~
440 duties.

441 A. ~~With such funds as are appropriated or made available for this purpose, there is~~
442 ~~hereby created and constituted, in the area of Martinsville and Henry County, Virginia, an~~
443 ~~educational institution of the Commonwealth to be known as the~~ New College Institute;
444 hereinafter referred to as New College (New College) is established as an educational institution
445 of the Commonwealth in the area of the City of Martinsville and Henry County.

446 B. New College shall:

447 1. Seek to diversify the region's economy by engaging the resources of other institutions
448 of higher education, public and private bodies, and organizations of the region and ~~state.~~
449 Commonwealth;

450 2. Serve as a catalyst for economic and community transformation by leveraging and
451 brokering resources that support economic diversity;

452 3. Facilitate development of the technology and trained workforce necessary for new
453 economic enterprises to flourish, using the resources available from collaborating educational
454 institutions;

455 4. Expand educational opportunities in the region by providing access to degree-granting
456 programs, including undergraduate, graduate, and professional programs, through partnerships
457 with ~~private and~~ public and private institutions of higher education, the public schools, and the
458 public and private sectors;

459 5. Encourage and coordinate the development and delivery of degree programs and other
460 credit and noncredit courses with a focus on statewide and regional critical shortage areas as
461 well as the needs of industry. ~~This~~ Such programs and courses shall include needed adult
462 education and workforce training;

463 6. Serve as a resource and referral center by maintaining and disseminating information
464 on existing educational programs, research, and university outreach and technology resources;
465 and

466 7. Direct the development and focus of the New College curriculum to include
467 appropriate degree and nondegree programs offered by other institutions of higher education.

468 **Drafting note: The provisions of existing § 23-231.33 are incorporated as**
469 **subdivision 7 of subsection B of this proposed section, which includes broader provisions**
470 **related to board duties. Technical changes are made.**

471 ~~§ 23-231.33. Curriculum.~~

472 ~~The Board shall direct the development and focus of New College's curriculum. The~~
473 ~~curriculum shall include appropriate degree and nondegree programs offered by other~~
474 ~~educational institutions. New College shall enroll students by the fall semester of 2007 or as~~
475 ~~soon as practicable.~~

476 **Drafting note: The provisions of existing § 23-231.33 are stricken here and**
477 **incorporated instead as subdivision B 7 of proposed § 23.1-31xx in this article.**

478 ~~§ 23-231.31 23.1-xxx. Board of Directors; membership; appointments; terms;~~
479 ~~compensation; officers directors.~~

480 A. New College shall be governed by a ~~Board of Directors~~ board of directors (the board)
481 consisting of 12 members that shall consist of five legislative members and seven nonlegislative
482 citizen members. Members ~~of the Board~~ shall be appointed as follows: three members of the
483 House of Delegates to be appointed by the Speaker of the House of Delegates in accordance
484 with the rules of proportional representation contained in the Rules of the House of Delegates;
485 and two members of the Senate to be appointed by the Senate Committee on Rules; seven
486 nonlegislative members to be appointed by the Governor, subject to ~~the approval of~~
487 confirmation by the General Assembly; ~~three members to be appointed by the Speaker of the~~
488 ~~House of Delegates in accordance with the rules of proportional representation in the Rules of~~

489 ~~the House; and two members to be appointed by the Senate Committee on Rules.~~ Of the 12
490 members, ~~no more than two may be nonresidents~~ at least 10 shall be residents of the
491 Commonwealth.

492 Legislative members shall serve terms coincident with their terms of office. Beginning
493 ~~with the 2006-2007 fiscal year or for the first fiscal year of the Commonwealth in which funds~~
494 ~~are appropriated for the purposes of this chapter, whichever is later, of the Governor's initial~~
495 ~~appointments to the Board, two shall be appointed for terms of four years, two for terms of three~~
496 ~~years, two for terms of two years, and one for a term of one year. Notwithstanding any other~~
497 ~~provision of this chapter, each of the Governor's initial appointees may be appointed to one~~
498 ~~additional successive four-year term. After the initial staggering of terms, all nonlegislative~~
499 ~~citizen appointments~~

500 B. Nonlegislative citizen members shall be appointed for terms of four years, ~~except that~~
501 ~~appointments to fill vacancies shall be for the unexpired terms.~~ Appointments to fill vacancies,
502 other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in
503 the same manner as the original appointments. All members may be reappointed.

504 No nonlegislative citizen member ~~of the Board~~ shall be eligible to serve more than two
505 ~~successive consecutive~~ four-year terms, but after the expiration of the remainder of a term to
506 ~~which appointed to fill a vacancy, two additional four-year terms may be served by such~~
507 ~~member if appointed thereto; however, a member appointed to serve an unexpired term shall be~~
508 eligible to serve two consecutive four-year terms.

509 B. C. ~~The Board~~ board shall elect a chairman and vice-chairman from among its
510 ~~members~~ membership and may establish bylaws as necessary. A majority of the members shall
511 constitute a quorum. The meetings of the board shall be held at the call of the chairman or
512 whenever the majority of the members so request.

513 C. D. Nonlegislative citizen members shall not be entitled to compensation for their
514 services. Legislative members of the ~~Board~~ board shall be compensated as provided in § 30-

515 19.12, ~~and all.~~ All members ~~of the Board~~ shall be reimbursed for all reasonable and necessary
516 expenses incurred in the performance of their duties in the work of New College as provided in
517 §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the
518 members shall be provided by New College.

519 **Drafting note: Technical changes, including adding the standard language for a**
520 **quorum and how meetings are called.**

521 ~~§ 23-231.32 23.1-xxx. Powers and duties of Board; contracts for educational services~~
522 Powers of the board.

523 A. The ~~Board of Directors~~ board shall have, in addition to its other powers, all the
524 corporate powers given to corporations by the provisions of Title 13.1, except in those cases
525 where, by the express terms of its provisions, the law is confined to corporations created under
526 that title. The ~~Board~~ board shall ~~also~~ have the power to accept, execute, and administer any trust
527 in which it may have an interest under the terms of the instrument creating the trust.

528 B. The ~~Board~~ board shall oversee the educational programs of New College and ~~also~~
529 ~~have the authority to~~ may enter into and administer agreements with institutions of higher
530 education for ~~them~~ such institutions to provide continuing education, instructional programs,
531 and degree programs at New College.

532 ~~§ 23-231.34. Sale, etc., of real estate.~~

533 C. The ~~Board~~ board, with the approval of the Governor ~~first obtained, is hereby~~
534 ~~authorized to,~~ may lease, sell, and convey any and all real estate to which New College has
535 acquired title by gift, devise, or purchase ~~since the commencement of New College under any~~
536 ~~previous names, or which may hereafter be conveyed or devised to it.~~ The proceeds derived
537 from any such lease, sale, or conveyance shall be held by New College upon the identical trusts,
538 and subject to the same uses, limitations, and conditions, if any, that are expressed in the
539 original deed or will under which its title has derived; ~~or if,~~ If there ~~be~~ are no such trusts, uses,

540 limitations, or conditions expressed in such original deed or will, then such funds shall be
541 applied by the ~~Board~~ board to such purposes as it may deem best for New College.

542 ~~§ 23-231.36. Gifts, grants, and donations; cooperation with other agencies.~~

543 D. The ~~Board~~ board may, on behalf of New College, apply for, accept, and expend gifts,
544 grants, or donations from public or private sources to enable it to carry out the purposes of this
545 ~~chapter~~ article.

546 E. The ~~Board~~ board may ~~also~~ request and accept the cooperation of ~~agencies of~~ the
547 Commonwealth ~~or~~, the local ~~governments governing bodies~~ located in Southside Virginia, or
548 the agencies of the Commonwealth or such local governing bodies in the performance of its
549 duties.

550 **Drafting note: The provisions of existing §§ 23-231.34 and 23-231.36 are**
551 **incorporated as subsections C, D, and E of this proposed section, which includes broader**
552 **provisions related to board powers. Technical changes are made.**

553 ~~§ 23-231.35 23.1-xxx. Executive~~ Director ~~director; responsibilities.~~

554 The ~~Board~~ board shall appoint an ~~Executive Director~~ executive director of New College
555 who shall supervise and manage New College. The ~~Executive Director shall be authorized~~
556 executive director may, with the oversight of the ~~Board, to~~, employ such staff and faculty as are
557 necessary to enable New College to perform its duties as set forth in this ~~chapter~~ article and the
558 bylaws established by the ~~Board~~ board.

559 **Drafting note: Technical changes.**

560 ~~CHAPTER 16.3.~~

561 ~~ROANOKE HIGHER EDUCATION AUTHORITY.~~

562 Article 5.

563 Roanoke Higher Education Authority.

564 **Drafting note: Existing Chapter 16.3 (§ 23-231.13 et seq.) is reorganized as**
565 **proposed Article 5 of Chapter 31.**

566 § ~~23-231.13~~ 23.1-xxx. Roanoke Higher Education Authority ~~created~~ established.

567 ~~With such funds as are appropriated or made available for this purpose, there is hereby~~
568 ~~created and constituted a political subdivision of the Commonwealth to be known as the~~ The
569 Roanoke Higher Education Authority, hereinafter referred to as the "Authority." (the Authority)
570 is established as a political subdivision of the Commonwealth.

571 **Drafting note: Technical changes.**

572 § ~~23-231.14~~ 23.1-xxx. Responsibilities Duties of the Authority.

573 The Authority shall:

574 1. Expand access to higher education in the Roanoke Valley by providing for adult and
575 continuing education and degree-granting programs, including undergraduate, graduate, and
576 professional programs, through partnerships with the Commonwealth's public and private
577 institutions of higher education;

578 2. Serve as a resource and referral center on existing educational programs and resources
579 by maintaining and disseminating information;

580 3. Develop, in coordination with the ~~State Council of Higher Education for Virginia,~~
581 specific goals for higher education access and availability in the Roanoke Valley; and

582 4. Accept, administer, and account for any state grant to a nonstate entity ~~which that~~ may
583 be provided in the name of the Roanoke Higher Education Center (the Center) or ~~in the name of~~
584 the ~~Roanoke Higher Education~~ Authority.

585 **Drafting note: Technical changes.**

586 § ~~23-231.15~~ 23.1-xxx. Board of ~~Trustees; appointments; terms; compensation; officers~~
587 trustees.

588 A. The Authority shall be governed by a ~~Board of Trustees~~ board of trustees (the board)
589 consisting of 22 members as follows: two members of the House of Delegates to be appointed
590 by the Speaker of the House of Delegates in accordance with the principles of proportional
591 representation contained in the Rules of the House of Delegates; one member of the Senate to be

592 appointed by the Senate Committee on Rules; the Director of the ~~State~~ Council ~~of Higher~~
593 ~~Education for Virginia~~ or his designee; the Chancellor of the Virginia Community College
594 System or his designee; ~~and the presidents or their designees~~ of Averett ~~College~~ University,
595 Bluefield College, Hollins University, James Madison University, Mary Baldwin College, Old
596 Dominion University, Radford University, Roanoke College, the University of Virginia,
597 Virginia Polytechnic Institute and State University, and Virginia Western Community College
598 or their designees; the Director of Total Action for Progress (TAP) This Valley Works; ~~two~~
599 ~~members of the House of Delegates to be appointed by the Speaker of the House of Delegates;~~
600 ~~one member of the Senate to be appointed by the Senate Committee on Rules;~~ and five
601 nonlegislative citizen members representing business and industry in the Roanoke Valley to be
602 appointed by the Governor. Nonlegislative citizen members of the ~~Board~~ board shall be citizens
603 of the Commonwealth and residents of the Roanoke region.

604 B. The legislative members, the Director of the ~~State~~ Council ~~of Higher Education for~~
605 ~~Virginia~~, the Chancellor of the Virginia Community College System, the Director of TAP This
606 Valley Works, and the presidents ~~or their designees~~ of the named institutions of higher
607 education or their designees shall serve terms coincident with their terms of office. ~~After the~~
608 ~~initial staggering of terms, all nonlegislative~~ Nonlegislative citizen members shall be appointed
609 for terms of four years, ~~except that appointments to fill vacancies.~~ Appointments to fill
610 vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall
611 be filled in the same manner as the original appointments.

612 No nonlegislative citizen member ~~of the Board~~ shall be eligible to serve more than two
613 ~~successive consecutive~~ four-year terms; however, ~~after the expiration of the remainder of a term~~
614 ~~to which appointed to fill a vacancy, two additional four-year terms may be served by such~~
615 ~~member, if appointed thereto~~ a member appointed to serve an unexpired term shall be eligible to
616 serve two consecutive four-year terms.

617 C. Nonlegislative citizen members shall not be entitled to compensation for their
618 services. Legislative members of the ~~Board~~ board shall receive such compensation as provided
619 in § 30-19.12, ~~and all. All~~ members ~~of the Board~~ shall be reimbursed for all reasonable and
620 necessary expenses incurred in the performance of their duties in the work of the Authority as
621 provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of
622 the members shall be provided by the Authority.

623 D. The ~~Board~~ board shall elect a chairman and a vice-chairman from among its ~~members~~
624 membership and may establish bylaws as necessary.

625 **Drafting note: Technical changes.**

626 § ~~23-231.16~~ 23.1-xxx. Powers ~~and duties~~ of ~~Board of Trustees~~ the board.

627 A. The ~~Board of Trustees~~ board shall have, in addition to such other powers, all the
628 corporate powers given to corporations by the provisions of Title 13.1, except in those cases
629 where, by the express terms of its provisions, this law is confined to corporations created under
630 that title.

631 B. The ~~Board shall have the power to~~ board may issue bonds upon the advice of bond
632 counsel and a financial institution with expertise in bonds and investments. Bonds issued under
633 the provisions of this section shall not be deemed to constitute a debt or a pledge of the faith and
634 credit of the Commonwealth or ~~of any~~ of its political ~~subdivision thereof~~ subdivisions other than
635 the Authority.

636 C. The ~~Board~~ board may accept, execute, and administer any trust in which it may have
637 an interest under the terms of any instrument creating the trust.

638 B. D. The ~~Board shall have the authority to~~ board may lease property or ~~to~~ hold any
639 property for which it may acquire the title and ~~to~~ dispose of such property in a manner ~~which~~
640 that will benefit the Authority.

641 E. The ~~Board~~ board may ~~also~~ enter into agreements with public and private institutions
642 of higher education in the Commonwealth to provide adult education, continuing education,

643 ~~undergraduate-level~~ undergraduate-level education, and ~~graduate-level~~ graduate-level
644 instructional programs. The ~~Board~~ board may enter into agreements with local school boards
645 and other entities to provide such programs as it deems necessary and appropriate to carry out
646 the purposes of the Authority.

647 ~~C.~~ F. The ~~Board~~ board may establish, with such funds as are appropriated for this
648 purpose or made available to it, the ~~Roanoke Higher Education~~ Center.

649 ~~D.~~ G. Notwithstanding any provision of law to the contrary, any real estate and tangible
650 personal property held or acquired by the ~~Board~~ board shall be exempt from any prohibition of
651 the use of noncash assistance as matching funds.

652 ~~§ 23-231.18. Gifts, grants, and donations.~~

653 H. The ~~Board~~ board may, on behalf of the Authority or the Center, apply for, accept, and
654 direct the expenditure of gifts, grants, or donations from public or private sources to enable it to
655 carry out the purposes of this ~~chapter~~ article. Any locality may make gifts and donations of real
656 ~~property, real or personal, personal property,~~ or money, to the Authority.

657 **Drafting note: The provisions of existing § 23-231.18 are incorporated as subsection**
658 **H of this proposed section, which includes broader provisions related to board powers.**
659 **Technical changes are made.**

660 ~~§ 23-231.17~~ 23.1-xxx. Executive director; staff.

661 A. From funds available for this purpose, the ~~Board~~ board may appoint an executive
662 director for the ~~Roanoke Higher Education~~ Center who shall supervise and manage the Center
663 and ~~shall~~ prepare and submit, upon direction and approval by the ~~Board~~ board, all requests for
664 appropriations. The ~~Executive Director~~ executive director of the Center ~~shall be authorized to~~
665 may employ such staff as necessary to enable the Center to perform its duties as set forth in the
666 bylaws of the ~~Board of Trustees~~ board and this ~~chapter~~ article. The ~~Board~~ board may determine
667 the duties of the staff and fix salaries and compensation from such funds as may be appropriated
668 or received.

669 B. Additional staff support for the functions of the Center may be provided upon
670 agreement by the participating institutions.

671 **Drafting note: Technical changes.**

672 ~~CHAPTER 16.5.~~

673 ~~SOUTHERN VIRGINIA HIGHER EDUCATION CENTER.~~

674 Article 6.

675 Southern Virginia Higher Education Center.

676 **Drafting note: Existing Chapter 16.5 (§ 23-231.24 et seq.) is reorganized as**
677 **proposed Article 6 of Chapter 31.**

678 § ~~23-231.24~~ 23.1-xxx. Southern Virginia Higher Education Center ~~created~~ established;
679 duties.

680 ~~From such funds as may be appropriated, the~~ The Southern Virginia Higher Education
681 Center, ~~previously established as an off-campus center of Longwood University, (the Center)~~ is
682 ~~hereby continued~~ established as an educational institution in the Commonwealth ~~and shall be~~
683 ~~referred to in this chapter as the "Center."~~ The Center shall:

684 1. Encourage the expansion of higher education, including adult and continuing
685 education, associate, undergraduate, and graduate degree programs in the region, and foster
686 partnerships between the public and private sectors to enhance higher education in the Southside
687 region;

688 2. Coordinate the development and delivery of continuing education programs offered
689 by ~~those~~ the educational institutions serving the region;

690 3. Facilitate the delivery of teacher training programs leading to licensure and graduate
691 degrees;

692 4. Serve as a resource and referral center by maintaining and disseminating information
693 on existing educational programs and resources; and

694 | 5. Develop, in coordination with the ~~State Council of Higher Education for Virginia,~~
695 | specific goals for higher education in Southside Virginia.

696 | **Drafting note: Technical changes.**

697 | § ~~23-231.25~~ 23.1-xxx. ~~Membership of governing board; terms; compensation; officers~~
698 | Board of trustees.

699 | A. The Center shall be governed by a ~~15-member Board of Trustees,~~ board of trustees
700 | (the board) consisting of 15 members as follows: two members of the House of Delegates to be
701 | appointed by the Speaker of the House of Delegates in accordance with the principles of
702 | proportional representation contained in the Rules of the House of Delegates; one member of
703 | the Senate to be appointed by the Senate Committee on Rules; the Director of the ~~State~~ Council
704 | ~~of Higher Education for Virginia~~ or his designee; the Chancellor of the Virginia Community
705 | College System or his designee; the presidents ~~or chancellors, as appropriate, or their designees~~
706 | of Longwood University, Danville Community College, and Southside Virginia Community
707 | College or their designees; the division superintendent of Halifax County public schools; ~~two~~
708 | ~~members of the House of Delegates to be appointed by the Speaker of the House of Delegates;~~
709 | ~~one member of the Senate to be appointed by the Senate Committee on Rules;~~ and six
710 | nonlegislative citizen members to be appointed by the Governor, including the chairman and
711 | two other members of the Halifax Education Foundation; and three representatives of business
712 | and industry. The Speaker of the House of Delegates may appoint an alternate for ~~the one~~
713 | Delegate appointed to the ~~Center board~~. The alternate shall serve a term coincident with the
714 | term of the Delegate and shall have the power to act in his absence. The Senate Committee on
715 | Rules may appoint an alternate for the Senator appointed to the ~~Center board~~. The alternate shall
716 | serve a term coincident with the term of the Senator and ~~shall have the power to~~ may act in his
717 | absence.

718 Nonlegislative citizen members of the ~~Board~~ board shall be chosen from among
719 residents of the Southside region of the Commonwealth and shall be citizens of the
720 Commonwealth.

721 B. Legislative members and the representatives of the Council, the Virginia Community
722 College System, and the named institutions of higher education shall serve terms coincident
723 with their terms of office. ~~After the initial staggering of terms, all nonlegislative~~ Nonlegislative
724 ~~citizen appointments members~~ shall be appointed for terms of four years, ~~except that~~
725 ~~appointments to fill vacancies.~~ Appointments to fill vacancies, other than by expiration of a
726 term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the
727 original appointments.

728 No nonlegislative citizen member ~~of the Board~~ shall be eligible to serve more than two
729 ~~suecessive consecutive~~ four-year terms, but after the expiration of the remainder of a term to
730 ~~which appointed to fill a vacancy, two additional four-year terms may be served by such~~
731 ~~member if appointed thereto; however, a member appointed to serve an unexpired term shall be~~
732 eligible to serve two consecutive four-year terms.

733 C. Nonlegislative citizen members shall not be entitled to compensation for their
734 services. Legislative members of the ~~Board~~ board shall be compensated as provided in § 30-
735 19.12, ~~and all.~~ All members of the ~~Board~~ board shall be reimbursed for all reasonable and
736 necessary expenses incurred in the performance of their duties in the work of the Center as
737 provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses
738 of the members shall be provided by the Center.

739 D. The ~~Board~~ board shall elect a chairman and a vice-chairman from among its ~~members~~
740 membership.

741 **Drafting note: Technical changes.**

742 § ~~23-231.26~~ 23.1-xxx. Powers of ~~Board; contracts for educational services~~ the board.

743 | A. The ~~Board of Trustees~~ board shall have, in addition to its other powers, all the
744 | corporate powers given to corporations by the provisions of Title 13.1, except in those cases
745 | where, by the express terms of its provisions, it is confined to corporations created under that
746 | title.

747 | B. The ~~Board shall also have the power to~~ board may accept, execute, and administer
748 | any trust in which it may have an interest under the terms of the instrument creating the trust.

749 | B. C. The ~~Board shall have the authority to~~ board may establish and administer
750 | agreements with public and private institutions of higher education for the provision of
751 | associate, undergraduate, and graduate degree instructional programs at the Center.

752 | ~~§ 23-231.28. Application for and acceptance of gifts and grants.~~

753 | D. The ~~Board is authorized~~ board, on behalf of the Center ~~to,~~ may apply for, accept, and
754 | expend gifts, grants, or donations from public or private sources to enable it to carry out its
755 | objectives.

756 | **Drafting note: The provisions of existing § 23-231.28 are incorporated as subsection**
757 | **D of this proposed section, which includes broader provisions related to board powers.**
758 | **Technical changes are made.**

759 | ~~§ 23-231.27~~ 23.1-xxx. Executive director; ~~powers and duties~~; staff.

760 | A. The ~~Board~~ board shall appoint an executive director for the Center who shall
761 | supervise and manage the Center and shall prepare and submit, upon direction and approval by
762 | the ~~Board~~ board, all requests for appropriations. The ~~Executive Director of the Center~~ executive
763 | director shall be authorized to employ such staff as necessary to enable the Center to perform its
764 | duties as set forth in this ~~chapter~~ article. The ~~Board~~ board is authorized to determine the duties
765 | of such staff and to fix salaries and compensation from such funds as may be appropriated or
766 | received.

767 B. Additional staff support for the functions of the Center may be provided upon
768 agreement by Longwood University, Danville Community College, and Southside Virginia
769 Community College.

770 **Drafting note: Technical changes.**

771 § ~~23-231.29~~ 23.1-xxx. Cooperation of other agencies.

772 All agencies of the Commonwealth shall cooperate with the Center, and, upon request,
773 assist the Center in the performance of its duties and responsibilities.

774 **Drafting note: No change.**

775 ~~CHAPTER 16.1.~~

776 ~~SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER.~~

777 Article 7.

778 Southwest Virginia Higher Education Center.

779 **Drafting note: Existing Chapter 16.1 (§ 23-231.2 et seq.) is reorganized as proposed**
780 **Article 7 of Chapter 31.**

781 § ~~23-231.2~~ 23.1-xxx. Southwest Virginia Higher Education Center ~~created~~ established;
782 duties.

783 ~~From such funds as may be appropriated, the~~ The Southwest Virginia Higher Education
784 Center (the Center) is ~~hereby~~ established as an educational institution in the Commonwealth ~~and~~
785 ~~shall be referred to in this chapter as the "Center"~~. The Center shall:

786 1. Encourage the expansion of higher education, including adult and continuing
787 education, associate degrees to be offered by Virginia Highlands Community College,
788 undergraduate degrees to be offered by the University of Virginia's College at Wise, and
789 graduate degree programs; in the Southwest region of the Commonwealth and foster
790 partnerships between the public and private sectors to enhance higher education in the region;

791 2. Coordinate the development and delivery of continuing education programs offered
792 by ~~those~~ the educational institutions serving the region;

793 3. Facilitate the delivery of teacher training programs leading to licensure and graduate
794 degrees;

795 4. Serve as a resource and referral center by maintaining and disseminating information
796 on existing educational programs and resources; and

797 5. Develop, in coordination with the ~~State Council of Higher Education for Virginia~~,
798 specific goals for higher education in Southwest Virginia.

799 **Drafting note: Technical changes.**

800 § ~~23-231.3 23.1-xxx. Membership of governing board; terms; compensation; officers~~
801 Board of trustees.

802 A. The Center shall be governed by a ~~23-member Board of Trustees~~, board of trustees
803 (the board), consisting of 23 members as follows: four members of the House of Delegates to be
804 appointed by the Speaker of the House of Delegates in accordance with the principles of
805 proportional representation contained in the Rules of the House of Delegates; two members of
806 the Senate to be appointed by the Senate Committee on Rules; the Director of the ~~State Council~~
807 ~~of Higher Education for Virginia~~ or his designee; the Chancellor of the Virginia Community
808 College System or his designee; the presidents or chancellors, as appropriate, ~~or their designees~~
809 of Virginia Polytechnic Institute and State University, Radford University, the University of
810 Virginia, the University of Virginia's College at Wise, Old Dominion University, Emory and
811 Henry College, Virginia Intermont College, and Virginia Highlands Community College or their
812 designees; ~~four members of the House of Delegates to be appointed by the Speaker of the House~~
813 ~~of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules~~;
814 and seven nonlegislative citizen members to be appointed by the Governor, ~~representing who~~
815 represent Southwest Virginia public education and area business and industry, including one
816 ~~school~~ division superintendent, one public school teacher, two business and industry leaders,
817 ~~and three persons~~, one each representing representative of the technology industry, one

818 representative of the tourism industry, and one representative of the health care ~~industries~~,
819 respectively industry.

820 Nonlegislative citizen members of the ~~Board~~ board shall be chosen from among
821 residents of the Southwest region of the Commonwealth and shall be citizens of the
822 Commonwealth.

823 B. Legislative members and the representatives of the ~~State~~ Council, the Virginia
824 Community College System, and the named institutions of higher education shall serve terms
825 coincident with their terms of office. ~~After the initial staggering of terms, all nonlegislative~~
826 Nonlegislative citizen ~~appointments~~ members shall be appointed for terms of four years, ~~except~~
827 ~~that appointments to fill vacancies. Appointments to fill vacancies, other than by expiration of a~~
828 term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the
829 original appointments.

830 No nonlegislative citizen member ~~of the Board~~ shall be eligible to serve more than two
831 successive consecutive four-year terms, ~~but after the expiration of the remainder of a term to~~
832 ~~which appointed to fill a vacancy, two additional four-year terms may be served by such~~
833 ~~member if appointed thereto; however, a member appointed to serve an unexpired term shall be~~
834 eligible to serve two consecutive four-year terms.

835 C. Nonlegislative citizen members shall not be entitled to compensation for their
836 services. Legislative members of the ~~Board~~ board shall be compensated as provided in § 30-
837 19.12, ~~and all~~. All members of the ~~Board~~ board shall be reimbursed for all reasonable and
838 necessary expenses incurred in the performance of their duties in the work of the Center as
839 provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses
840 of the members shall be provided by the Center.

841 D. The ~~Board~~ board shall elect a chairman and a vice-chairman from among its ~~members~~
842 membership.

843 **Drafting note: Technical changes.**

844 § ~~23-231.4~~ 23.1-xxx. Powers of ~~Board; contracts for educational services~~ the board.

845 A. The ~~Board of Trustees~~ board shall have, in addition to its other powers, all the
846 corporate powers given to corporations by the provisions of Title 13.1, except in those cases
847 where, by the express terms of its provisions, it is confined to corporations created under that
848 title. The ~~Board shall also have the power to~~ board may accept, execute, and administer any trust
849 in which it may have an interest under the terms of the instrument creating the trust.

850 B. The ~~Board shall have the authority to~~ board may establish and administer agreements
851 with (i) public institutions of higher education in the Commonwealth to provide ~~graduate level~~
852 graduate-level instructional programs at the Center and ~~with (ii)~~ Emory and Henry College for
853 the provision of graduate degree instructional programs in education at the Center. The ~~Board~~
854 ~~shall be empowered to~~ board may establish and administer agreements with (a) the University of
855 Virginia's College at Wise and Emory and Henry College for the provision of ~~upper level~~ upper-
856 level undergraduate instructional programs at the Center and ~~with (b)~~ Virginia Highlands
857 Community College for the provision of associate degree instructional programs at the Center.

858 § ~~23-231.6. Application for and acceptance of gifts and grants.~~

859 C. The ~~Board is authorized~~ board may, on behalf of the Center ~~to~~, apply for, accept, and
860 expend gifts, grants, or donations from public or private sources to enable it to carry out its
861 objectives.

862 **Drafting note: The provisions of existing § 23-231.6 are incorporated as subsection**
863 **C of this proposed section, which includes broader provisions related to board powers.**
864 **Technical changes are made.**

865 § ~~23-231.5~~ 23.1-xxx. Executive director; ~~powers and duties; staff~~.

866 A. The ~~Board~~ board shall appoint an executive director for the Center who shall
867 supervise and manage the Center and shall prepare and submit, upon direction and approval by
868 the ~~Board~~ board, all requests for appropriations. The ~~Executive Director of the Center~~ executive
869 director shall be authorized to employ such staff as necessary to enable the Center to perform its

870 duties as set forth in this ~~chapter~~ article. The ~~Board~~ board is authorized to determine the duties
871 of such staff and ~~to~~ fix salaries and compensation from such funds as may be appropriated or
872 received.

873 B. Additional staff support for the functions of the Center may be provided upon
874 agreement by Virginia Polytechnic Institute and State University, the University of Virginia, the
875 University of Virginia's College at Wise, and Virginia Highlands Community College.

876 **Drafting note: Technical changes.**

877 ~~§ 23-231.7~~ 23.1-xxx. Cooperation of other agencies.

878 All agencies of the Commonwealth shall cooperate with the Center, and, upon request,
879 assist the Center in the performance of its duties and responsibilities.

880 **Drafting note: Technical changes.**

881 CHAPTER 32.

882 MUSEUMS AND OTHER CULTURAL ENTITIES.

883 **Drafting note: Museums and other cultural entities, existing Chapters 18, 18.1, 23,**
884 **24, and 25 of Title 23, are grouped and reorganized as articles within proposed Chapter**
885 **32. Also logically relocated to proposed Chapter 32 are provisions relating to two other**
886 **cultural entities, the Virginia Commission for the Arts (existing Article 4 [§ 2.2-2508 et**
887 **seq.] of Chapter 25 of Title 2.2) and the Virginia Arts Foundation (existing Article 1 [§ 2.2-**
888 **2700 et seq.] of Chapter 27 of Title 2.2).**

889 ~~CHAPTER 25.~~

890 ~~FRONTIER CULTURE MUSEUM OF VIRGINIA.~~

891 Article 1.

892 Frontier Culture Museum of Virginia.

893 **Drafting note: Existing Chapter 25 (§ 23-296 et seq.) is reorganized as proposed**
894 **Article 1 of Chapter 32.**

895 ~~§ 23-296~~ 23.1-xxx. Frontier Culture Museum of Virginia ~~created;~~ purpose established.

896 ~~There is hereby created the~~ The Frontier Culture Museum of Virginia (the Museum) is
897 established as a state agency and educational institution. The purpose of the ~~museum~~ Museum is
898 to construct, operate, and maintain, in the Augusta ~~County/Staunton/Waynesboro~~ County,
899 Staunton, and Waynesboro area of the Commonwealth, an outdoor museum ~~in order~~ to
900 commemorate on an international scale the ~~contribution which~~ contributions of the pioneers and
901 colonial frontiersmen and frontierswomen of the eighteenth and nineteenth centuries ~~made~~ to
902 the creation and development of the United States. The Museum is ~~an educational institution~~
903 with responsibility to administer certain responsible for administering such historical and
904 interpretive programs as may be established by the board of trustees of the Museum.

905 **Drafting note: Technical changes.**

906 § ~~23-297~~ 23.1-xxx. Board of ~~Trustees; membership; terms; officers and committees;~~
907 compensation trustees.

908 A. ~~The Frontier Culture Museum of Virginia~~ shall be administered by a ~~Board of~~
909 Trustees board of trustees (the board) consisting of no more than 25 members. The members
910 shall be appointed as follows: five members of the House of Delegates shall be appointed by the
911 Speaker of the House of Delegates; in accordance with the rules of proportional representation
912 contained in the Rules of the House of Delegates, three members of the Senate shall be
913 appointed by the Senate Committee on Rules; and nine nonlegislative citizen members shall be
914 appointed by the Governor. The Governor may appoint, upon recommendation of the ~~Board of~~
915 Trustees board, up to eight additional nonlegislative members ~~for four-year terms~~ who may be
916 nonresidents of the Commonwealth and who shall serve at no expense to the Commonwealth.

917 B. Legislative members shall serve terms coincident with their terms of office. ~~After the~~
918 ~~initial staggering of terms, nonlegislative~~ Nonlegislative citizen members shall be appointed
919 ~~shall serve~~ for ~~four-year~~ terms of four years. Appointments to fill vacancies, other than by
920 expiration of a term, shall be ~~made~~ for the unexpired ~~term~~ terms. Vacancies shall be filled in the
921 same manner as the original appointments. All members may be reappointed.

922 C. The ~~Board of Trustees~~ board shall elect a chairman, vice-chairman, and such other
923 officers as it deems necessary. ~~Seven or more of the members of the Board of Trustees shall~~
924 ~~constitute~~ The board may appoint an executive committee for the transaction of business in the
925 recess of the board consisting of at least seven members. A majority of the members shall
926 constitute a quorum. The meetings of the board shall be held at the call of the chairman or
927 whenever the majority of the members so request.

928 ~~The Board of Trustees~~ D. Members of the board shall be reimbursed for all reasonable
929 and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813
930 and 2.2-2825 and shall be compensated at the per diem rate established for members of the
931 General Assembly for meetings as provided in § 30-19.12. Funding for the costs of
932 compensation and expenses of the members shall be provided by the ~~Frontier Culture~~ Museum.

933 **Drafting note: Technical changes, including adding standard language for a**
934 **quorum and how meetings are called.**

935 § ~~23-298~~ 23.-xxx. Powers of ~~Board of Trustees; donation~~ the board.

936 A. The ~~Board of Trustees~~ board shall:

937 1. Establish, operate, and maintain the ~~Frontier Culture~~ Museum ~~of Virginia~~ to
938 commemorate the contributions ~~which of~~ the pioneers and colonial frontiersmen and
939 frontierswomen ~~made~~ to the creation of this nation;

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

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

943 4. ~~Establish a nonprofit corporation to develop and maintain public awareness of the~~
944 ~~Frontier Culture Museum of Virginia;~~

945 ~~5.~~ Receive and expend gifts, grants, and donations of any kind from whatever sources
946 determined, including donations accepted by the American Frontier Culture Foundation on
947 behalf of the Museum;

948 6.5. Adopt regulations and set fees concerning the use and visitation of properties under
949 its control;

950 7.6. Acquire by purchase, lease, gift, devise, or condemnation proceedings, with the
951 consent of the Governor, lands, property, and structures deemed necessary to the purpose of the
952 Museum ~~by purchase, lease, gift, devise or condemnation proceedings~~. The title to land and
953 property acquired shall be in the name of the Commonwealth. In the exercise of the power of
954 eminent domain granted under this section, the Museum may proceed in the manner provided by
955 Chapter 3 (§ 25.1-300 et seq.) of Title 25.1;

956 8.7. Convey by lease land and structures to any person, association, firm, or corporation,
957 with the consent of the Governor, for such terms and on such conditions as the Museum may
958 determine;

959 9.8. Enter into contracts to further the purpose of the Museum, ~~which have been~~
960 ~~approved by the Attorney General~~; and

961 10.9. Elect any past member of the ~~Board of Trustees~~ board to the honorary position of
962 trustee emeritus. Trustees emeriti shall serve as honorary members for life, shall not have voting
963 privileges, and shall be elected in addition to those positions set forth in § ~~23-297~~ 23.1-xxx.

964 B. In addition to the powers granted by subsection A, the ~~Board~~ board may, ~~from time to~~
965 ~~time~~, evaluate the significance ~~or~~ and suitability of the furnishings, household items, and other
966 objects ~~heretofore and hereinafter~~ acquired by purchase, gift ~~or donations~~, or donation with or
967 for the Museum, for the purpose of accurately presenting the means, tastes, and lifestyles of the
968 people living during the era depicted by the Museum ~~depicts and within the limitations of the~~
969 ~~furnishings, household items, and other objects that would have been available to and within the~~
970 ~~means of such persons~~. The ~~Board~~ board may ~~dispose of~~ exchange or sell those furnishings,
971 household items, and other objects ~~determined by the Board that it determines~~ to be of little or
972 no significance or suitability for achieving the purposes or mission of the Museum ~~by exchange~~
973 ~~or sale, so as~~ long as such disposition is not inconsistent with the terms of the acquisition of the

974 relevant property. ~~At the discretion of the Board, sales~~ Sales of these items may be conducted by
975 auction houses recognized for their expertise in the sale of such property.

976 C. Any furnishings, household goods, and other objects previously acquired by donation
977 or purchase and the net proceeds of any sale of these items as provided in subsection B shall
978 constitute a discrete fund of the ~~Frontier Culture Museum of Virginia~~ and shall be used solely
979 for the acquisition of period furnishings, household goods, and other objects consistent with the
980 purpose and mission of the Museum.

981 Donations to the Museum of any funds, securities, and any other property, real or
982 personal, for use in accordance with its purpose and mission, shall constitute endowments or
983 unrestricted gifts within the meaning of § ~~23-9-2 23.1-xxx~~. The ~~Board~~ board may change the
984 form of investment of any such funds, securities, or other property, real or personal, if the
985 change in such form is not inconsistent with the terms of the instrument under which such
986 property was acquired; and may sell, grant, or convey any such property; however, any transfers
987 of real property ~~may~~ shall be made only with the consent of the Governor.

988 **Drafting note: Technical changes.**

989 ~~CHAPTER 24.~~

990 ~~BOARDS OF REGENTS; GUNSTON HALL.~~

991 ~~Article 2.~~

992 ~~Gunston Hall.~~

993 **Drafting note: Existing Chapter 24 (§ 23-295 et seq.) is reorganized as proposed**
994 **Article 2 of Chapter 32.**

995 § ~~23-295 23.1-xxx~~. Board of Regents of Gunston Hall; and Board of Visitors for
996 Gunston Hall established.

997 ~~There is hereby created the The~~ Board of Regents of Gunston Hall ~~and the Board of~~
998 Visitors for Gunston Hall (Board of Regents) is established as an educational institution to
999 manage, maintain, and operate Gunston Hall and accept and administer gifts of real and

1000 personal property made for the benefit of Gunston Hall. The Board of Visitors for Gunston Hall
1001 is established. Membership of both collegial bodies shall be pursuant to the terms and conditions
1002 of the deed of gift of Gunston Hall from Louis Hertle to the Commonwealth ~~of Virginia~~. The
1003 duties ~~for of~~ the two boards are prescribed in Chapter 138 of the ~~1932~~ Acts of Assembly of 1932
1004 and Chapter 175 of the ~~1948~~ Acts of Assembly of 1948. ~~As such, the Board of Regents is~~
1005 ~~declared an educational institution with all the rights, powers, privileges, and immunities under~~
1006 ~~law. The Board of Regents shall manage, maintain and operate Gunston Hall and accept and~~
1007 ~~administer gifts of real and personal property made for the benefit of Gunston Hall.~~

1008 **Drafting note: Technical changes.**

1009 § ~~23-295.1~~ 23.1-xxx. ~~Certain powers~~ Powers of the Board of Regents.

1010 A. The Board of Regents may ~~from time to time~~ undertake to determine the significance
1011 or suitability of the furnishings, household items, and other objects ~~heretofore and hereafter~~
1012 acquired by purchase, gift, or ~~donations with or~~ donation for Gunston Hall, for the purpose of
1013 accurately presenting Gunston Hall according to the means and taste of George Mason ~~and~~
1014 ~~within the limitations of the furnishings, household items, and other objects that would have~~
1015 ~~been available to him and within his means~~. Those furnishings, household items, and other
1016 objects determined by the Board of Regents to be of little or no significance or unsuitable for
1017 achieving this purpose may be ~~disposed of~~ exchanged or sold by the Board ~~by exchange or sale~~
1018 of Regents if not inconsistent with the terms of the acquisition ~~thereof of the items~~. ~~At the~~
1019 ~~discretion of the Board, such~~ Such sales may be conducted by auction houses recognized for the
1020 expertise in the sale of such items.

1021 B. Any such furnishings, household goods, and other objects ~~previously~~ acquired by
1022 donation or purchase and the net proceeds of any sale of these items as provided in subsection A
1023 shall constitute a discrete fund of Gunston Hall, restricted to future acquisitions of period
1024 furnishings, household goods, and other objects consistent with the purposes set forth in
1025 subsection A; and the conservation of all such holdings of Gunston Hall.

1026 C. Donations to Gunston Hall of any funds, securities, and any other property, real or
1027 personal, for use in accordance with the mission of Gunston Hall, shall constitute endowments
1028 or unrestricted gifts within the meaning of § ~~23-9.2~~ 23.1-xxx. The Board of Regents may (i)
1029 change the form of investment of any such funds, securities, or other property, real or personal,
1030 provided that the same are form is not inconsistent with the terms of the instrument under which
1031 ~~the same were property was~~ acquired, and ~~to~~ (ii) sell, grant, or convey any such property, except
1032 that any transfers of real property may be made only with the consent of the Governor.

1033 **Drafting note: Technical changes.**

1034 ~~CHAPTER 23.~~

1035 ~~JAMESTOWN-YORKTOWN FOUNDATION.~~

1036 Article 3.

1037 Jamestown-Yorktown Foundation.

1038 **Drafting note: Existing Chapter 23 (§ 23-287 et seq.) is reorganized as proposed**
1039 **Article 3 of Chapter 32.**

1040 § ~~23-287~~ 23.1-xxx. Jamestown-Yorktown Foundation ~~continued; Board of Trustees;~~
1041 ~~officers and executive committee~~ established; board of trustees.

1042 A. The Jamestown-Yorktown Foundation, ~~hereinafter referred to as the Foundation, is~~
1043 ~~hereby continued and shall be deemed to be~~ (the Foundation) is established as an ~~institution of~~
1044 ~~higher education within the meaning of §§ 23-3.1 and 23-9.2~~ educational institution to
1045 administer certain historical museums and such related programs as may be established by the
1046 board of trustees.

1047 B. The Foundation shall be administered by ~~the Board~~ a board of ~~Trustees consisting of~~
1048 ~~the following ex-officio~~ trustees: (the board). The Governor, the Lieutenant Governor, the
1049 Attorney General, the Speaker of the House of Delegates, the President Pro Tempore of the
1050 Senate, the Chairman of the House Appropriations Committee, either the Chairman or the
1051 Chairman Emeritus of the Senate Finance Committee, to be determined by the Senate

1052 Committee on Rules, ~~and~~ the Secretary of Education, and the president of the Jamestown-
1053 Yorktown Foundation, Inc., shall serve ex officio. ~~In addition, there~~ There shall be 12
1054 nonlegislative citizen members appointed by the Governor from the Commonwealth at large for
1055 four-year terms ~~who shall be,~~ subject to confirmation by ~~a majority of the members of each~~
1056 ~~house of~~ the General Assembly; eight members of the House of Delegates appointed by the
1057 Speaker of the House of Delegates ~~from the membership thereof for terms concurrent with the~~
1058 ~~terms for which they have been elected to office~~ in accordance with the rules of proportional
1059 representation contained in the Rules of the House of Delegates; four members of the Senate
1060 appointed by the Senate Committee on Rules ~~from the membership of the Senate for terms~~
1061 ~~concurrent with the term for which they have been elected to office;~~ five members annually
1062 elected by the ~~Board of Trustees~~ board, some of whom may be nonresidents of the
1063 Commonwealth; and any and all chairmen emeriti elected by the ~~Board of Trustees~~ board
1064 pursuant to § ~~23-288~~ 23.1-xxx. ~~The president of the Jamestown Yorktown Foundation, Inc.~~
1065 ~~shall also serve as a member of the Board of Trustees. Nonresident members of the Board of~~
1066 ~~Trustees shall serve at no expense to the Commonwealth.~~

1067 Legislative and ex officio members shall serve terms coincident with their terms of
1068 office. Appointments to fill vacancies, other than by expiration of a term, shall be for the
1069 unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

1070 C. The ~~Board of Trustees~~ board shall elect a chairman, vice-chairman, and such other
1071 officers as ~~are deemed it deems~~ necessary. The ~~chairman~~ board shall appoint at least seven ~~or~~
1072 ~~more~~ members ~~of the Board~~ to constitute an executive committee, ~~the membership of~~ which
1073 shall include the chairman and vice-chairman. A majority of the members shall constitute a
1074 quorum. The meetings of the board shall be held at the call of the chairman or whenever the
1075 majority of the members so request.

1076 ~~Resident members of the Board of Trustees~~ D. Nonresident members of the board shall
1077 serve at no expense to the Commonwealth. Members who are residents of the Commonwealth

1078 shall be reimbursed for all reasonable and necessary expenses incurred in the performance of
1079 their duties as provided in §§ 2.2-2813 and 2.2-2825 and shall receive compensation at the per
1080 diem rate established for members of the General Assembly as provided in § 30-19.12. The
1081 funding for the costs of compensation and expenses of the members shall be provided by the
1082 Foundation.

1083 ~~B. The Foundation is an educational institution and has the further responsibility to~~
1084 ~~administer certain historical museums and such related programs as may be established as~~
1085 ~~defined from time to time.~~

1086 **Drafting note: Technical changes.**

1087 § ~~23-288~~ 23.1-xxx. Powers and duties.

1088 The Foundation board shall have the power and duty to:

1089 1. Do all things necessary and proper to (i) foster through its living-history museums,
1090 Jamestown Settlement, and Yorktown Victory Center, an awareness and understanding of the
1091 early history, settlement, and development of the United States through the convergence of
1092 American Indian, European, and African cultures and the enduring legacies bequeathed to the
1093 nation; ~~to~~ (ii) commemorate Jamestown as the first permanent English-speaking settlement in
1094 the United States and its contributions to the building of our Commonwealth and nation; ~~to~~ (iii)
1095 commemorate the winning of American independence on the battlefield at Yorktown; and ~~to~~
1096 (iv) enhance our understanding of the making of the United States Constitution and Bill of
1097 Rights, including Virginia's role in shaping the fundamental principles of the American
1098 constitutional system;

1099 2. Administer, develop, and maintain at Jamestown and Yorktown permanent
1100 commemorative shrines and historical museums;

1101 3. Adopt names, flags, seals, and other emblems for use in connection with such shrines
1102 and copyright the same in the name of the Commonwealth;

1103 4. Enter into contracts to further the purposes of the Foundation, ~~which have been~~
1104 ~~approved by the Attorney General;~~

1105 5. ~~Establish nonprofit corporations as instrumentalities to assist in administering the~~
1106 ~~affairs of the Foundation.~~

1107 6. With the consent of the Governor, acquire by purchase, lease, gift, devise, or
1108 condemnation proceedings lands, property, and structures deemed necessary for the purposes of
1109 the Foundation ~~by purchase, lease, gift, devise or condemnation proceedings~~. The title to ~~the~~
1110 such acquired land and property ~~acquired~~ shall be in the name of the Commonwealth. In the
1111 exercise of the power of eminent domain granted under this section, the Foundation may
1112 proceed in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1;

1113 7.6. With the consent of the Governor, convey by lease land to any person, association,
1114 firm, or corporation for such term and on such conditions as the Foundation may determine;

1115 8.7. Receive and expend gifts, grants, and donations from whatever source derived for
1116 the purposes of the Foundation;

1117 9.8. Employ an executive director and such deputies and assistants as may be required;

1118 10.9. Elect any past chairman of the ~~Board of Trustees~~ board to the honorary position of
1119 ~~Chairman Emeritus~~ chairman emeritus. Chairmen emeriti shall serve as honorary members for
1120 life. Chairmen emeriti shall be elected in addition to the at-large positions defined in § ~~23-287~~.
1121 23.1-xxx;

1122 11.10. With the consent of the Governor, enter into agreements or contracts with private
1123 entities for the promotion of tourism through marketing without participating in competitive
1124 sealed bidding or competitive negotiation, provided that a demonstrable cost savings, as
1125 reviewed by the Secretary of Education, can be realized by the Foundation and such agreements
1126 or contracts are based on competitive principles;

1127 ~~12.11.~~ Determine ~~what~~ which paintings, statuary, works of art, manuscripts, and artifacts
1128 may shall be acquired by purchase, gift, or loan, and exchange or sell ~~the same~~ such items if not
1129 inconsistent with the terms of such purchase, gift, loan, or other acquisition; and

1130 ~~13.12.~~ Change the form of investment of any funds, securities, or other property, real or
1131 personal, provided the ~~same are~~ form is not inconsistent with the terms of the instrument under
1132 which the ~~same were~~ property was acquired, and sell, grant, or convey any such property, except
1133 that any transfers of real property may be made only with the consent of the Governor.

1134 **Drafting note: Technical changes.**

1135 ~~§ 23-289 23.1-xxx. Authority to adopt regulations as to use and visitation of properties~~
1136 Regulations.

1137 A. The ~~Board of Trustees, or the executive committee thereof, of the Foundation board~~
1138 or its executive committee may adopt ~~such~~ regulations ~~from time to time~~, concerning the use
1139 and visitation of properties under the control of the Jamestown-Yorktown Foundation, to protect
1140 ~~or and~~ secure such properties and the public enjoyment ~~thereof of such properties~~.

1141 B. Any person, who knowingly violates a regulation of the Foundation may be requested
1142 by an agent or employee of the Foundation to leave the property and upon the failure of such
1143 person so to do, shall be guilty of a trespass, as provided in § 18.2-119.

1144 **Drafting note: Technical changes.**

1145 ~~§ 23-290 23.1-xxx.~~ Authority to contract debts and obligations payable from revenues.

1146 The Foundation, acting by and through the corporation authorized by ~~§ 23-288 23.1-xxx,~~
1147 may contract debts and obligations to the extent of its anticipated revenues. Such debts and
1148 obligations shall be paid only from the revenues of the Foundation.

1149 **Drafting note: Technical changes.**

1150 ~~§ 23-290.1.~~

1151 **Drafting note: Repealed by Acts 2011, cc. 345 and 356, cl. 2.**

1152 ~~§§ 23-291, 23-292.~~

1153 **Drafting note: Expired by the terms of Acts 1998, c. 799, cl. 2, on July 1, 2008.**

1154 ~~§§ 23-293, 23-294.~~

1155 **Drafting note: Existing §§ 23-293 and 23-294, currently reserved, are stricken.**

1156 ~~CHAPTER 18.~~

1157 ~~THE SCIENCE MUSEUM OF VIRGINIA.~~

1158 ~~Article 4.~~

1159 ~~Science Museum of Virginia.~~

1160 **Drafting note: Existing Chapter 18 (§ 23-239 et seq.) is reorganized as proposed**

1161 **Article 4 of Chapter 32.**

1162 ~~§ 23-239. 23.1-xxx. Science Museum created; essential governmental function of~~
1163 ~~Virginia established.~~

1164 ~~There is hereby created and constituted an educational institution of the Commonwealth~~
1165 ~~of Virginia to be known as "The Science Museum of Virginia," hereinafter in this chapter~~
1166 ~~sometimes referred to as the "Museum." The Museum is hereby declared to be (the Museum) is~~
1167 ~~established as an educational institution of the Commonwealth, and~~ a public body and
1168 instrumentality for the dissemination of education. The exercise by the Museum of the powers
1169 conferred by this ~~chapter article~~ shall be deemed ~~and held~~ to be the performance of an essential
1170 governmental function.

1171 **Drafting note: Technical changes. Language declaring the Museum an institution of**
1172 **higher education has been relocated from existing § 23-252.**

1173 **Drafting note: Technical changes.**

1174 ~~§ 23-241. Reserved.~~

1175 **Drafting note: Existing § 23-241, currently reserved, is stricken.**

1176 ~~§ 23-242. Organization.~~

1177 ~~The Museum shall contain a headquarters and six divisions to encompass the following~~
1178 ~~major areas of science:~~

1179 ~~Physical Sciences~~

1180 ~~Botanical Sciences~~

1181 ~~Natural History~~

1182 ~~Industry and Technology~~

1183 ~~Oceanography and Limnology~~

1184 ~~Zoological Gardens.~~

1185 **Drafting note: Existing § 23-242 is stricken as obsolete.**

1186 ~~§ 23-243 23.1-xxx. To be governed by board Board of trustees; ~~appointment of~~~~
1187 ~~members.~~

1188 A. The Museum shall be governed by a board of trustees; ~~(the board)~~ consisting of
1189 ~~fifteen~~ 15 members; ~~each of whom~~ who shall be appointed by the Governor. ~~One~~ At least one of
1190 the members ~~appointed to the board~~ shall be a member of the Virginia Academy of Science. The
1191 appointments shall be subject to confirmation by the General Assembly ~~if in session and, if not,~~
1192 ~~then at its next succeeding session. The board of trustees will hereinafter in this chapter be~~
1193 ~~referred to as the "board."~~

1194 B. Members shall be appointed for terms of five years. Appointments to fill vacancies,
1195 other than by expiration of a term, shall be for the unexpired terms. No member shall be eligible
1196 to serve more than two consecutive five-year terms; however, a member appointed to serve an
1197 unexpired term shall be eligible to serve two consecutive five-year terms.

1198 C. No member shall receive a salary for his service on the board.

1199 ~~§ 23-245. Officers of board.~~

1200 D. The board shall ~~select~~ elect a chairman and a secretary from its membership; and
1201 ~~under rules adopted by itself~~ may elect ~~one of its members as a~~ vice-chairman from its
1202 ~~membership. It shall elect one of its members as secretary.~~

1203 ~~§ 23-248. Meetings of board.~~

1204 G. The board shall meet at such times as it deems appropriate ~~and on call of the~~
1205 ~~chairman when in his opinion meetings are expedient or necessary.~~

1206 ~~§ 23-249. Quorum of board.~~

1207 H. Seven members of the board shall constitute a quorum for all purposes.

1208 **Drafting note: The provisions of existing §§ 23-244, 23-245, 23-248, and 23-249 are**
1209 **incorporated into this proposed section, which includes broader provisions relating to the**
1210 **membership of the board of trustees. Technical changes are made.**

1211 ~~§ 23-246. Oath of members.~~

1212 ~~Before entering upon the discharge of his duties, each member of the board shall take the~~
1213 ~~usual oath of office.~~

1214 **Drafting note: Existing § 23-246 is stricken as obsolete.**

1215 ~~§ 23-247. Bonds of members.~~

1216 ~~Each member of the board shall give bond, with corporate surety, in such penalty as is~~
1217 ~~fixed by the Governor, conditioned upon the faithful discharge of his duties. The premium on~~
1218 ~~the bonds shall be paid from funds available to the Museum.~~

1219 **Drafting note: Existing § 23-247 is stricken as obsolete.**

1220 ~~§ 23-244. Terms of members; vacancies.~~

1221 ~~The members of the board shall be appointed for terms of five years each beginning~~
1222 ~~from the expiration of the respective terms of their predecessors, except that an appointment to~~
1223 ~~fill a vacancy shall be for the unexpired term and that the initial appointments to increase the~~
1224 ~~board to fifteen members shall be for such terms of less than five years as may be necessary to~~
1225 ~~stagger the expiration of terms so that the terms of not more than four members expire in any~~
1226 ~~one year. Members of the board may be suspended or removed by the Governor at his pleasure.~~
1227 ~~For the purpose of succession, the initial appointments of members for terms of less than five~~
1228 ~~years shall be deemed appointments to fill vacancies. No person shall be eligible to serve for or~~
1229 ~~during more than two successive terms; provided, however, any person appointed to fill a~~

1230 ~~vacancy may be eligible for two additional successive terms after the term of the vacancy for~~
1231 ~~which he was appointed has expired. The members of the board shall receive no salaries.~~

1232 **Drafting note: The provisions of existing § 23-244 are stricken here and**
1233 **incorporated as subsections B, C, and D of proposed § 23.1-xxx of Article 4.**

1234 ~~§ 23-240~~ 23.1-xxx. Purposes Duties of the board.

1235 The ~~purposes of The Science Museum of Virginia are: to deepen~~ board shall:

1236 1. Deepen our understanding of man and his environment; ~~to promote~~

1237 2. Promote a knowledge of the scientific method and thus encourage objectivity in the
1238 everyday affairs of man; ~~to engage~~

1239 3. Engage in instruction and research in the sciences in order to educate citizens of all
1240 ages in the concepts and principles of science and how these concepts and principles form the
1241 foundation upon which rests our technological society and its economy; ~~to use, subject to~~
1242 ~~approval of the accredited educational affiliates concerned, Museum personnel in educational~~
1243 ~~programs; to motivate~~

1244 4. Motivate and stimulate young people to seek careers in science; ~~to encourage~~

1245 5. Encourage an understanding of the history of scientific endeavor; ~~to provide special~~
1246 ~~facilities and collections for the study of Virginia's natural resources; and to foster~~

1247 6. Foster a love of nature and concern for its preservation. ~~These purposes are hereby~~
1248 ~~declared to be a matter of legislative determination.; and~~

1249 7. Inspire Virginians to enrich their lives through science.

1250 ~~§ 23-250~~ 23.1-xxx. Powers and duties of the board.

1251 The board ~~is hereby authorized and empowered~~ may:

1252 ~~1. To select~~ Select sites for the Museum and ~~the its~~ divisions ~~thereof~~ and ~~to~~ provide for
1253 the erection, care, and preservation of all property belonging to the Museum;

1254 ~~2. To appoint~~ Appoint the ~~Director~~ director of the Museum, (the director) and prescribe
1255 his duties and salary;

1256 ~~3. To prescribe rules and regulations for the operation of the Museum, including, but not~~
1257 ~~limited to, the kinds and types of instruction and exhibits, and the making of plans for expansion~~
1258 ~~from time to time of the Museum;~~

1259 ~~4. To employ~~ Employ planning consultants and architects ~~in relation to establishment for~~
1260 ~~any expansion~~ of the Museum ~~and any expansions thereof;~~

1261 ~~5. To acquire~~ 4. Acquire by purchase, gift, loan, or otherwise land necessary for
1262 ~~establishment and~~ exhibits, displays, and expansion of the Museum, ~~and exhibits and displays;~~

1263 ~~6. To enter~~ 5. Enter into contracts, including contracts for construction of physical
1264 facilities;

1265 ~~7. To adopt a seal; and~~

1266 ~~8. To charge~~ 6. Charge for admission to the Museum, ~~if deemed appropriate;~~

1267 7. Ensure fiscal discipline; and

1268 8. On behalf of the Commonwealth and in furtherance of the purposes of the Museum,
1269 receive and administer gifts, bequests, and devises of property of any kind whatsoever and
1270 grants from agencies of the United States government and expend, or authorize the expenditure
1271 of, funds derived from such sources and funds appropriated by the General Assembly to the
1272 Museum.

1273 **Drafting note: Subsection A of existing § 23-252 is stricken and its provisions are**
1274 **incorporated instead into this proposed section, which includes broader provisions relating**
1275 **to board powers. Existing subdivisions 3 and 7 are stricken as obsolete. Technical changes**
1276 **are made.**

1277 § ~~23-251~~ 23.1-xxx. Agents and employees.

1278 The ~~Director~~ director may engage or authorize the engagement of such agents and
1279 employees as may be needed in the operation and maintenance of the Museum, subject to the
1280 approval of the board.

1281 **Drafting note: Technical changes.**

1282 ~~§ 23-252. Acceptance of gifts; expenditures; application of §§ 23-3.1 and 23-9.2.~~

1283 ~~A. The board is authorized, on behalf of the Commonwealth and in furtherance of the~~
1284 ~~purposes of the Museum, to receive and administer gifts, bequests and devises of property of~~
1285 ~~any kind whatsoever, and grants from agencies of the United States government, and to expend,~~
1286 ~~or authorize the expenditure of, funds derived from such sources and funds appropriated by the~~
1287 ~~General Assembly to the Museum.~~

1288 ~~B. The Museum shall be deemed to be an institution of higher education within the~~
1289 ~~meaning of §§ 23-3.1 and 23-9.2.~~

1290 ~~C. Gifts heretofore made to the Museum by political subdivisions of the Commonwealth~~
1291 ~~are hereby validated.~~

1292 **Drafting note: Subsections A and B of existing § 23-252 are stricken here and**
1293 **incorporated instead into proposed §§ 23.1-xxx and 23.1-xxx in Article 4. Subsection C is**
1294 **stricken as obsolete.**

1295 ~~§ 23-253~~ 23.1-xxx. Annual report.

1296 The ~~Board of Trustees~~ board shall submit an annual report to the Governor and General
1297 Assembly on or before ~~November 1~~ December 31 of each year. Such report shall contain, at a
1298 minimum, the annual financial statements of the Museum for the fiscal year ending the
1299 preceding June 30.

1300 **Drafting note: Technical changes.**

1301 ~~CHAPTER 18.1.~~

1302 ~~VIRGINIA MUSEUM OF FINE ARTS.~~

1303 ~~Article 5.~~

1304 ~~Virginia Museum of Fine Arts.~~

1305 **Drafting note: Existing Chapter 18.1 (§ 23-253.1 et seq.) is reorganized as proposed**
1306 **Article 5 of Chapter 32.**

1307 § 23.1-xxx. Virginia Museum of Fine Arts established.

1308 The Virginia Museum of Fine Arts is established as an educational institution in the
1309 Commonwealth. The Museum shall be deemed to be an institution of higher education within
1310 the meaning of § 2.2-3705.4 and 23.1-xxx [23-9.2].

1311 **Drafting note: Subdivision (x) of existing § 23-253.4 and the last sentence of the first**
1312 **paragraph of existing § 23-253.4 are stricken and incorporated instead into this proposed**
1313 **section relating to the establishment and nature of the Museum.**

1314 ~~§ 23-253.1~~ 23.1-xxx. Membership of board of trustees; quorum Board of trustees.

1315 A. The management and control of the Virginia Museum of Fine Arts, ~~hereinafter in this~~
1316 ~~chapter called the "Museum," together with the~~ (the Museum) and its building, contents,
1317 furnishings, grounds, and other properties ~~thereof~~ shall be vested in a board of trustees (the
1318 board) composed of ~~the following persons:~~ (i) ~~ex officio members:~~ the Governor, the Lietenant
1319 Governor, the Speaker of the House of Delegates, and the mayor of the City of Richmond, who
1320 shall serve ex officio, and (ii) ~~regular members: the trustees who are in office on June 27, 1958,~~
1321 ~~and their successors from time to time, consisting of not less than at least 25 persons and but~~ not
1322 more than 35 ~~persons~~ nonlegislative citizen members. ~~The term of office of all regular~~
1323 Nonlegislative citizen members ~~who are in office on June 27, 1958, shall continue until June 30,~~
1324 ~~1963, and shall expire at that time. All successors from time to time, whether for a full term or~~
1325 ~~for the remainder of an unexpired term,~~ shall be appointed ~~and commissioned~~ by the Governor
1326 after consideration of a list of ~~nominated trustees~~ nominees from the Museum submitted at least
1327 60 days before the expiration of the member's term for which the nominations are being made.
1328 ~~The trustees appointed to hold office beginning on July 1, 1963, shall be divided as nearly as~~
1329 ~~may be, into five equal groups, their terms of office to expire, respectively, one, two, three, four~~
1330 ~~and five years thereafter. All trustees subsequently appointed~~

1331 B. Nonlegislative citizen members shall ~~hold office~~ be appointed for ~~a term~~ terms of five
1332 years ~~unless appointed for the remainder of an unexpired term.~~

1333 No ~~person nonlegislative citizen member~~ shall be eligible to serve ~~consecutively for~~
1334 more than two ~~successive complete~~ consecutive five-year terms; however, a member appointed
1335 to serve an unexpired term shall be eligible to serve two consecutive five-year terms.

1336 C. Nine ~~trustees~~ members shall constitute a quorum at any meeting and a majority vote
1337 of those members present shall control in all matters.

1338 ~~§ 23-253.2. Bylaws; president of Museum.~~

1339 D. ~~Such trustees~~ The board shall adopt bylaws governing ~~their its~~ organization and
1340 procedure and may ~~from time to time~~ alter and amend the ~~same~~ bylaws.

1341 E. The ~~trustees~~ board shall elect one of ~~their its~~ members president of the Museum.

1342 ~~§ 23-253.3. Executive committee.~~

1343 ~~Such trustees~~ F. The board may ~~also~~ provide for an executive committee, composed of
1344 ~~not less than at least~~ three ~~trustees, which committee members that~~ may exercise the powers
1345 vested in it and perform the duties imposed upon ~~the trustees by this chapter to the extent~~
1346 ~~designated and permitted it~~ by the board.

1347 **Drafting note: The provisions of existing §§ 23-253.2 and 23-253.3 are incorporated**
1348 **into this proposed section as subsections D, E, and F, which includes broader provisions**
1349 **relating to membership of the board of trustees. The Lieutenant Governor is added as an**
1350 **ex officio member. Technical changes are made.**

1351 ~~§ 23-253.4 23.1-xxx. Authority of trustees generally~~ Powers of the board.

1352 ~~Such trustees are vested with full authority to~~ The board may:

1353 ~~(i) manage~~ 1. Manage, control, maintain, and operate the Museum, including ~~the its~~
1354 contents, furnishings, grounds funds, property, and endowments ~~thereof~~;

1355 ~~(ii) charge~~ 2. Charge for admission to the Museum ~~if deemed proper~~;

1356 ~~(iii) employ~~ 3. Employ such persons as may be necessary to manage, control, maintain,
1357 and operate the ~~same~~ Museum;

1358 ~~(iv) suspend or~~ 4. Consistent with subdivision 15 of § 2.2-2905, suspend and remove ~~at~~
1359 ~~pleasure any person so employed~~ employees;

1360 ~~(v) determine what paintings, statuary and~~ 5. Determine which works of art ~~may shall~~ be
1361 kept, housed, or exhibited in the Museum;

1362 ~~(vi) acquire~~ 6. Acquire by purchase, gift, loan, or otherwise ~~paintings, statuary and~~
1363 works of art and ~~to~~ exchange or sell ~~the same~~ such works if not inconsistent with the terms of
1364 the purchase, gift, loan, or other acquisition ~~thereof~~;

1365 ~~(vii) enter~~ 7. Enter into contracts, including agreements with organizations interested in
1366 art;

1367 ~~(viii) adopt~~ 8. Adopt a seal;

1368 ~~(ix) stimulate~~ 9. Stimulate and assist in the formation of new organizations;

1369 ~~(x) do~~ 10. Do such other things as ~~they deem it deems~~ proper to promote art education ~~in~~
1370 ~~the realm of art~~ throughout the Commonwealth through the Museum, ~~which is hereby~~
1371 ~~constituted and declared an educational institution, an institution of learning, and a public body~~
1372 ~~and instrumentality for the dissemination of education; and~~

1373 ~~(xi) receive~~ 11. Receive and administer on behalf of the Commonwealth gifts, bequests,
1374 and devises of real and personal property for the endowment of the Museum or ~~for~~ any special
1375 purpose designated by the donor.;

1376 ~~The trustees are hereby authorized to change~~ 12. Change the form of investment of any
1377 funds, securities, or other property, real or personal, provided that the same are form is not
1378 inconsistent with the terms of the instrument under which the ~~same~~ property was acquired. The
1379 trustees may sell, grant, and convey any such property, but, in the case of real property, only by
1380 ~~and~~ with the written consent of the Governor.;

1381 ~~The trustees may from time to time confer~~ 13. Confer the honorary degree of patron of
1382 arts on any person who has, ~~in their opinion,~~ made an outstanding contribution ~~in the realm of to~~

1383 art, ~~but not provided that no~~ more than two such degrees shall be conferred in any calendar year;

1384 ~~and~~

1385 14. Adopt regulations to establish classes of membership in the Museum.

1386 B. Nothing in this section shall be construed to prohibit the assessment and levying of a
1387 service charge pursuant to the provisions of Chapter 34 (§ 58.1-3400 et seq.) of Title 58.1.

1388 C. The exercise ~~by the Museum~~ of the powers conferred on the board by this ~~chapter~~
1389 article shall be deemed ~~and held~~ to be the performance of an essential governmental function.

1390 **Drafting note: The provisions of existing § 23-253.5 are incorporated into this**
1391 **proposed section, which includes broader provisions relating to board powers. A portion**
1392 **of existing subdivision (x) is stricken here and incorporated instead into proposed § 23.1-**
1393 **xxx of Article 5. Existing § 23-253.5 is stricken and incorporated as subdivision A 14 of**
1394 **this proposed section. Technical changes are made.**

1395 ~~§ 23-253.5. Classes of membership; testamentary disposition.~~

1396 ~~Such trustees are vested with full authority to establish classes of membership in the~~
1397 ~~Museum under such regulations as to them may seem proper. All members making a~~
1398 ~~contribution of \$1,000 or more prior to June 27, 1958, may dispose of their membership by last~~
1399 ~~will and testament.~~

1400 **Drafting note: The provisions of existing § 23-253.5 are stricken here and**
1401 **incorporated as subdivision A 14 in proposed § 23.1-xxx of Article 5.**

1402 ~~§ 23-253.6~~ 23.1-xxx. Authority of Art and Architectural Review Board.

1403 The Art and Architectural Review Board shall ~~have no power or authority to not~~ control,
1404 manage, or supervise in any way the ~~trustees~~ board in the exercise of ~~the its~~ powers and ~~the~~
1405 ~~performance of the~~ duties ~~provided for in this chapter~~ except that in the matter of additions,
1406 repairs, and alterations ~~of to~~ the exterior of the Museum ~~itself~~ building the Art and Architectural
1407 Review Board shall continue to exercise the powers now conferred on it by law, ~~which powers~~
1408 ~~are specifically reserved to the Board.~~

1409 **Drafting note: Technical changes.**

1410 § ~~23-253.7~~ 23.1-xxx. Expenditures for current expenses; ~~annual report~~.

1411 All ~~money moneys~~ received by the ~~Museum board~~ for current expenses in conducting
1412 the Museum shall be paid into the state treasury ~~of Virginia~~, where it shall be set aside as a
1413 special fund for the operation of the Museum, ~~for which purpose such money is hereby~~
1414 ~~appropriated~~, to be paid by the State Treasurer on warrants of the Comptroller issued upon
1415 vouchers signed by the president of the Museum or his duly authorized agent. ~~The Museum~~
1416 ~~shall be deemed to be an institution of higher education within the meaning of §§ 23-3.1 and 23-~~
1417 ~~9.2.~~

1418 § 23.1-xxx. Annual report.

1419 The ~~Board of Trustees~~ board shall submit an annual report to the Governor and General
1420 Assembly on or before November 1 of each year, ~~such report to contain~~ containing, at a
1421 minimum, the annual financial statements of the Museum for the fiscal year ending the
1422 preceding June 30.

1423 **Drafting note: The provision in the first paragraph of existing § 23-253.7 declaring**
1424 **the Museum an institution of higher education is stricken in this section and incorporated**
1425 **instead into proposed § 23.1-xxx of Article 5. The provision on the annual report of the**
1426 **board, the second paragraph of this existing section, is reorganized as a distinct section.**

1427 Article ~~4~~ 6.

1428 Virginia Commission for the Arts and Virginia Arts Foundation.

1429 **Drafting note: Existing Article 4 (§ 2.2-2508 et seq.) of Chapter 25 of Title 2.2 and**
1430 **Article 1 (§ 2.2-2700 et seq.) of Chapter 27 of Title 2.2 are logically relocated to proposed**
1431 **Chapter 32 and combined as proposed Article 6.**

1432 § ~~2.2-2508~~ 23.1-xxx. Virginia Commission for the Arts established; ~~official agency to~~
1433 ~~receive and disburse funds from National Foundation on the Arts purpose~~; membership; ~~terms~~;
1434 compensation.

1435 A. The Virginia Commission for the Arts (the "Commission") is established as ~~an~~
1436 advisory a supervisory commission within the meaning of § 2.2-2100, in the executive branch of
1437 state government.

1438 B. The Commission is designated the official agency of the Commonwealth to receive
1439 and disburse any funds made available to the Commonwealth by the National Foundation on the
1440 Arts.

1441 C. The Commission shall consist of ~~thirteen~~ 13 members appointed by the Governor
1442 subject to confirmation by the General Assembly. No employee of the Commonwealth or
1443 member of the General Assembly shall be eligible for appointment as a member of the
1444 Commission. At least one ~~member~~, but no more than two members, shall be appointed from
1445 each Congressional district in the Commonwealth.

1446 D. ~~Except for initial appointments, each member~~ Members shall ~~serve a five-year term;~~
1447 ~~provided that no member of the Commission who serves a full five-year term shall be eligible~~
1448 ~~for appointment during the five-year period following the expiration of his term~~ be appointed
1449 for one term of five years; however, a member appointed to serve an unexpired term shall be
1450 eligible to serve a full five-year term immediately succeeding the unexpired term. Appointments
1451 to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. ~~All~~
1452 ~~vacancies~~ Vacancies shall be filled ~~for the balance of the unexpired term~~ in the same manner as
1453 the original appointments. No member who serves a full five-year term shall be eligible for
1454 reappointment during the five-year period following the expiration of his term.

1455 E. The Commission shall ~~designate one of its members as~~ elect a chairman from among
1456 its membership.

1457 F. A majority of the members of the Commission shall constitute a quorum.

1458 F.-G. The members of the Commission shall ~~not~~ receive ~~any~~ no compensation for their
1459 services, but shall be reimbursed for the reasonable and necessary expenses incurred in the
1460 discharge performance of their duties as provided in § 2.2-2825.

1461 **Drafting note: Technical changes.**

1462 § ~~2.2-2509~~ 23.1-xxx. Duties of the Commission.

1463 A. The Commission shall perform ~~among others~~ the following duties:

1464 1. Stimulate and encourage throughout the Commonwealth growth in artistic quality and
1465 excellence, public interest and participation in the arts, and access to high quality and affordable
1466 art for all Virginians;

1467 2. Make recommendations concerning appropriate methods to encourage economic
1468 viability, an intellectually stimulating environment for artists, and participation in and
1469 appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the
1470 Commonwealth;

1471 3. Promote the development and implementation of a planned, sequential, and
1472 comprehensive program of arts education, taught by licensed teachers endorsed in arts
1473 education, in the public elementary and secondary schools of the Commonwealth;

1474 4. Provide supplemental learning opportunities to the public school arts education
1475 curriculum;

1476 5. Encourage the development of a network of professional arts organizations, the media,
1477 and arts promoters, ~~including, but not limited to, the literary, visual, and performing arts~~ for the
1478 production of classical and new works of art; and diversity in artistic expressions in media
1479 including the literary, visual, and performing arts;

1480 6. Provide funding for and technical assistance to artists, recognized nonprofit arts
1481 organizations, and arts organizations and activities ~~which that~~ celebrate and preserve the various
1482 cultures represented among the citizens of the Commonwealth;

1483 7. Encourage and support the creation of new works of art, arts organizations whose
1484 primary objective is to increase public access to the arts, particularly in underserved areas, and
1485 performing arts tours to increase the availability of this form of artistic expression throughout
1486 the Commonwealth;

- 1487 8. Establish a program of financial assistance to provide scholarships, grants, and other
1488 awards to artists who demonstrate exceptional ability and talent;
- 1489 9. Establish an advisory panel composed of artists, art administrators, and citizens to
1490 advise the Commission concerning fiscal matters;
- 1491 10. Encourage arts organizations to dedicate to ~~endowment~~ their endowments at least
1492 one dollar of the price of each adult admission to performances or exhibitions or at least one
1493 percent of moneys collected in fund campaigns;
- 1494 11. Encourage arts organizations to develop and implement endowment enlargement
1495 plans ~~which that~~ yield enough income to underwrite one-third of the organizations' annual
1496 operating costs;
- 1497 12. Apply to and enter into contracts and agreements, including contracts and
1498 agreements with the United States or any appropriate agency or officer of the United States for
1499 participation in or receipt of aid from any federal program respecting the arts, ~~and, in respect~~
1500 ~~thereto, enter into contracts and agreements with the United States or any appropriate agency~~
1501 ~~thereof~~;
- 1502 13. Provide incentives to local ~~governments~~ governing bodies to encourage public
1503 support and funding of the arts;
- 1504 14. Accept gifts, contributions, and bequests of money or any other thing to be used for
1505 carrying out the purposes of this article;
- 1506 15. Develop specific procedures for the administration and implementation of a program,
1507 so long as any such program is for the benefit of a nonprofit organization, qualifying as a § ~~501~~
1508 ~~(e) (3)~~ 501(c)(3) organization under the Internal Revenue Code, whereby interest earned on
1509 endowment funds donated to stimulate and encourage public interest and enjoyment of music
1510 and the performing arts may be matched by state funds appropriated for this program, and
1511 prepare written guidelines to govern such program; and

1512 16. Administer any funds available to the Commission and disburse such funds in
1513 accordance with the purposes of this article. In allocating funds to be disbursed to arts
1514 organizations, the Commission shall give preferential consideration to arts organizations
1515 actively implementing an endowment enlargement plan; either individually or as members of a
1516 regional consortium of arts organizations.

1517 B. Nothing in this article shall be construed to affect the statutory purposes of the
1518 Virginia Museum of Fine Arts.

1519 **Drafting note: Technical changes.**

1520 § ~~2.2-2510~~ 23.1-xxx. ~~Agency supervision; employment of personnel; budget preparation~~
1521 Director of the Commission.

1522 The Governor may appoint a ~~Director~~ director of the Commission who shall serve at his
1523 pleasure. The ~~Director~~ director may employ the personnel required to assist the Commission in
1524 the exercise and performance of its powers and duties. The ~~Director~~ director shall supervise and
1525 manage such personnel and shall prepare, approve, and submit all requests for appropriations;
1526 and be responsible for all expenditures pursuant to appropriations.

1527 **Drafting note: Technical changes.**

1528 Article 1.

1529 Virginia Arts Foundation.

1530 **Drafting note: Existing Article 1 (§ 2.2-2700 et seq.) of Chapter 27 of Title 2.2 and**
1531 **Article 4 (§ 2.2-2508 et seq.) of Chapter 25 of Title 2.2 above are logically relocated to**
1532 **proposed Chapter 32 and combined as proposed Article 6.**

1533 § ~~2.2-2700~~ 23.1-xxx. Virginia Arts Foundation established; board of trustees;
1534 compensation; staff.

1535 A. The Virginia Arts Foundation (the "Foundation"); is established to serve as ~~an~~
1536 advisory a supervisory foundation; within the meaning of § 2.2-2100, in the executive branch of

1537 state government and shall be deemed a body politic and corporate to be organized and to have
1538 such powers ~~and duties~~ as provided in ~~this article~~ [§ 23.1-xxx](#).

1539 B. The Foundation shall be governed by a board of trustees [\(the board\)](#), consisting of the
1540 members of the Virginia Commission for the Arts.

1541 C. Any person designated by the board ~~of trustees~~ to handle the funds of the Foundation
1542 shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the
1543 faithful discharge of his duties. Any premium on the bond shall be paid from funds available to
1544 the Foundation.

1545 D. The board ~~of trustees~~, acting as members of the Virginia Commission for the Arts,
1546 shall be entitled to reimbursement for all actual and necessary expenses; as provided by ~~§ 2.2-~~
1547 ~~2509~~ [23.1-xxx](#).

1548 E. The Director of the Virginia Commission for the Arts shall serve as the chairman; and
1549 the staff of such Commission shall serve as staff for the Foundation.

1550 **Drafting note: Technical changes.**

1551 ~~§ 2.2-2704~~ [23.1-xxx](#). Powers of [the](#) Foundation.

1552 The Foundation may:

1553 1. Make expenditures from the Fund's interest and income to assist [\(i\)](#) the Virginia
1554 Commission for the Arts in promoting the arts in the Commonwealth in accordance with ~~§ 2.2-~~
1555 ~~2704~~ [23.1-xxx](#) and ~~to assist~~ [\(ii\)](#) not-for-profit arts and cultural institutions and organizations
1556 within the Commonwealth to assess, enhance, and plan for enhancement of their fiscal stability,
1557 financial management ~~and~~ control capabilities, and capacity to raise funds for the furtherance of
1558 their respective missions from nongovernmental sources;:

1559 2. Accept, hold, and administer gifts and bequests of money, securities, or other
1560 property, absolutely or in trust, for the purposes for which the Foundation is created;:

1561 3. Enter into contracts and execute all instruments necessary and appropriate to carry out
1562 the Foundation's purposes;:

1563 4. Explore and make recommendations concerning other possible dedicated revenue
1564 sources for the Fund; and

1565 5. Perform any lawful acts necessary or appropriate to carry out the purposes of the
1566 Foundation.

1567 **Drafting note: Technical changes.**

1568 § ~~2.2-2702~~ 23.1-xxx. Virginia Arts Foundation Fund.

1569 A. There is hereby created in the state treasury a special nonreverting fund to be known
1570 as the Virginia Arts Foundation Fund, ~~a special nonreverting trust fund, referred to in this~~
1571 section as "the Fund." The Fund shall be established on the books of the Comptroller, ~~to be~~
1572 administered by the Foundation.

1573 B. The Fund shall include such funds as may be appropriated by the General Assembly;
1574 revenues transferred to the Fund from the special license plates for Virginians for the Arts
1575 program pursuant to § 46.2-749.2:2; voluntary contributions collected through the income tax
1576 checkoff for the arts pursuant to subdivision B 8 of § 58.1-344.3; and designated gifts,
1577 contributions, and bequests of money, securities, or ~~other~~ property of ~~whatsoever~~ any other
1578 character.

1579 C. All money, securities, or other property designated for the Fund ~~and any interest or~~
1580 income therefrom shall be paid into the state treasury and credited to the Fund. Interest earned
1581 on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in
1582 the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general
1583 fund but shall remain in the Fund ~~and shall not revert to the general fund. Expenditures and~~
1584 disbursements from the Fund shall be made by the State Treasurer on warrants issued by the
1585 Comptroller upon written request signed by persons authorized by the Foundation. The Fund's
1586 principal shall not be subject to expenditure by the Foundation.

1587 **Drafting note: Technical changes.**

1588 § ~~2.2-2703~~. Expired.

Agenda Item #7
Two-Dash Numbering System
(Follow up of July meeting discussion)

Two-dash renumbering

Two-dash renumbering

- Would introduce a third numbering system into the Code
- Embeds articles

Current numbering system

- Since 1984
- Embeds Chapter numbers
- Not all Chapters include Articles

Chapter without Articles

Title 33.1	Title 33.2	Title 33.2
Code of 1950 numbering	Current numbering system	Two-dash system
§ 33.1-221.1:1	§ 33.2-1600	§ 33-16-X01

Chapter with Articles

Title 33.1	Title 33.2	Title 33.2
Code of 1950 numbering	Current numbering system	Two-dash system
§ 33.1-23.6	§ 33.2-1500	§ 33-15-101

Examples within the Code

§ 2.2-1520. Certain funds established.

A. There is hereby established a special, nonreverting fund in the state treasury to be known as the Central Capital Planning Fund, hereafter referred to as the Fund. The Fund shall include such moneys as may be appropriated by the General Assembly from time to time and designated for the Fund. The Fund shall be established on the books of the Comptroller and shall be administered by the Director of the Department of Planning and Budget. Any moneys remaining in the Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely to pay the pre-planning or detailed planning costs of capital outlay projects that have been approved for pre-planning or detailed planning by the General Assembly.

B. The State Agency Capital Account shall be established in the general appropriation act as a separate item for appropriation purposes. The State Agency Capital Account shall consist of appropriations of the proceeds from the sale of certain bonds by the Virginia Public Building Authority that are designated for the Account and any other moneys as may be appropriated by the General Assembly. The Account shall be administered by the Director of the Department of Planning and Budget consistent with the provisions of this chapter. The Account shall be used to finance the construction of projects, as defined in § 2.2-2260, that have been approved for construction by the General Assembly. In addition, it is required that the Account reimburse the Central Capital Planning Fund for payments made for pre-planning or detailed planning of all such projects that have been approved for construction by the General Assembly.

C. The Public Educational Institution Capital Account shall be established in the general appropriation act as a separate item for appropriation purposes. The Public Educational Institution Capital Account shall consist of appropriations of the proceeds from the sale of certain bonds by the Virginia College Building Authority that are designated for the Account and any other moneys as may be appropriated by the General Assembly. The Account shall be administered by the Director of the Department of Planning and Budget consistent with the provisions of this chapter. The Account shall be used to finance the construction of projects, as defined in § 23-1-X05, that have been approved for construction by the General Assembly. In addition, it is required that the Account reimburse the Central Capital Planning Fund for payments made for pre-planning or detailed planning of all such projects that have been approved for construction by the General Assembly.

Two-dash renumbering and Subject matter organization

- Two-dash renumbering requires amending to the end of an Article; i.e. adding new sections at the end
- Example:
 - **Title 32.1. Health**
 - **Chapter 2. Disease Prevention and Control**
 - Article 1. Reporting of Diseases
 - Article 2. Investigation of Diseases
 - Article 3. Disease Control Measures
 - Article 3.01. Isolation of Certain Persons with Communicable Diseases of Public Health Significance
 - Article 3.02. Quarantine and Isolation of Persons with Communicable Diseases of Public Health Threat
 - Article 3.1. Control of Rabies
 - Article 4. Tuberculosis
 - Article 5. Venereal Diseases
 - Article 6. Prevention of Blindness from Ophthalmia Neonatorum
 - Article 6.1. Virginia Hearing Impairment Identification and Monitoring System
 - Article 7. Newborn Screening
 - Article 8. Voluntary Program for Control of Genetic and Metabolic Diseases
 - Article 8.1. Virginia Congenital Anomalies Reporting and Education System
 - Article 8.2. Virginia Cord Blood Bank Initiative
 - Article 9. Statewide Cancer Registry
 - Article 9.1. Statewide Alzheimer's Disease and Related Disorder Registry
 - Article 10. Laboratory Tests
 - Article 11. Penalty
 - Article 12. The Commonwealth Neurotrauma Initiative
 - Article 13. Statewide Asthma Management
 - Article 14. Youth Suicide Prevention
 - Article 15. Youth Health Risk Behavior Survey.

Chapter 16: Does not have Articles

Title 33.1	Title 33.2	Title 33.2
Code of 1950 numbering	Current numbering system	Two-dash system
§ 33.1-221.1:1	§ 33.2-1600	§ 33-16-X01
§ 33.1-221.1:1.1	§ 33.2-1601	§ 33-16-X02
§ 33.1-221.1:1.2	§ 33.2-1602	§ 33-16-X03
§ 33.1-221.1:1.3	§ 33.2-1603	§ 33-16-X04
§ 33.1-12.02	§ 33.2-1604	§ 33-16-X05

Chapter15: With Articles

Title 33.1 Code of 1950 numbering	Title 33.2 Current numbering system	Title 33.2 Two-dash system
Article 1		
§ 33.1-23.6	§ 33.2-1500	§ 33-15-101
§ 33.1-23.7	§ 33.2-1501	§ 33-15-102
§ 33.1-23.8	§ 33.2-1502	§ 33-15-103
§ 33.1-23.9	§ 33.2-1503	§ 33-15-104
§ 33.1-23.10	§ 33.2-1504	§ 33-15-105
§ 33.1-23.11	§ 33.2-1505	§ 33-15-106
§ 33.1-23.12	§ 33.2-1506	§ 33-15-107
§ 33.1-23.13	§ 33.2-1507	§ 33-15-108
Article 2		
§ 33.1-221.1:8	§ 33.2-1508	§ 33-15-201
Article 3		
§ 33.1-221	§ 33.2-1509	§ 33-15-301
§ 33.1-223	§ 33.2-1510	§ 33-15-302
Article 4		
§ 33.1-23.14	§ 33.2-1511	§ 33-15-401
§ 33.1-23.15	§ 33.2-1512	§ 33-15-402
§ 33.1-23.16	§ 33.2-1513	§ 33-15-403
§ 33.1-23.17	§ 33.2-1514	§ 33-15-404
§ 33.1-23.18	§ 33.2-1515	§ 33-15-405
§ 33.1-23.19	§ 33.2-1516	§ 33-15-406
§ 33.1-23.20	§ 33.2-1517	§ 33-15-407
§ 33.1-23.21	§ 33.2-1518	§ 33-15-408
§ 33.1-23.22	§ 33.2-1519	§ 33-15-409
§ 33.1-23.23	§ 33.2-1520	§ 33-15-410
§ 33.1-23.24	§ 33.2-1521	§ 33-15-411
§ 33.1-23.25	§ 33.2-1522	§ 33-15-412
§ 33.1-23.26	§ 33.2-1523	§ 33-15-413
Article 5		
§ 33.1-23.03:1	§ 33.2-1524	§ 33-15-501
§ 33.1-23.03:5, § 33.1-23.03:7	§ 33.2-1525	§ 33-15-502
§ 33.1-23.03:2	§ 33.2-1526	§ 33-15-503
§ 33.1-23.03:8	§ 33.2-1527	§ 33-15-504
§ 33.1-23.03:9	§ 33.2-1528	§ 33-15-505
§ 33.1-23.03:4	§ 33.2-1529	§ 33-15-506
Article 6		
New section	§ 33.2-1530	§ 33-15-601
Article 7		
§ 33.1-23.06	§ 33.2-1531	§ 33-15-701

Agenda Item #8
Review of Code Commission's Existing Policy of
Not Setting Out Certain Statutes in the Code of Virginia
(Follow up of July meeting discussion)

REVIEW OF CODE COMMISSION'S EXISTING POLICY OF NOT SETTING OUT CERTAIN STATUTES IN THE CODE OF VIRGINIA

REASON FOR REVIEW:

Use of "Not set out" raises questions

Currently numerous sections that have been enacted with or assigned Code section numbers are labeled as "Not set out." The annotated print Code describes the subject matter of the omitted Code section and explains why it is not set out, but the online Code does not contain this information due to publisher copyright. More and more people are going to the online Code as its prominence and accessibility increases; a section with a catchline that reads "not set out" without explanation is more likely to raise a question.

ENABLING STATUTES:

Section 30-146 directs the Code Commission to publish and maintain a Code of the general and permanent statutes of the Commonwealth.

Section 30-148 requires the Code Commission to arrange for the codification and incorporation of all general and permanent statutes enacted by the General Assembly into the Code of Virginia.

Section 30-149 specifies the types of minor changes that may be made by the Code Commission including omission from the statutes incorporated into the Code of Virginia provisions which, in the judgment of the Commission, are inappropriate in a code.

BACKGROUND:

The current policy of not setting out certain code sections appears to be derived from the 1948 Report of the Commission on Code Recodification and Proposed Code of Virginia. The policy on statutes included and statutes omitted from the 1950 Code is found in an explanatory note near the beginning of the report. The general policy was to include only statutes of a general nature and to leave out special and local acts. The note further specifies a number of categories of statutes that were omitted from the 1950 Code, including (i) repealed, expired, superseded, or obsolete statutes; (ii) statutes declared unconstitutional by the Virginia Supreme Court; (iii) preambles and preliminary recitals and legislative policy; (iv) severability provisions; and (v) statutes not effective unless a contingency is met.

CURRENT POLICY:

At its September 2013 meeting, the Code Commission reaffirmed its policy to set out provisions from the Acts of Assembly in the Code of Virginia only when the provisions have general or permanent application and to exclude policy statements and provisions that establish purpose and legislative intent.

APPLICATION OF POLICY:

Decisions concerning which sections are not set out are generally made by the Code Commission's Executive Committee, which is appointed by the Code Commission chair. The Executive Committee consists of three members--DLS Deputy Director Bill Crammé and Code Commission members Tom Moncure and Bob Calhoun. The Executive Committee's major role

is to work with the publishers of the Code of Virginia to incorporate all general and permanent statutes enacted after each General Assembly session. As to whether to set out or omit a code section, the publisher might present the question, but the Executive Committee makes the decision.

Also, the Code Commission applies the "not set out" criteria during the recodification process, and this information is noted in the report's drafting notes and later applied in the Code by the publishers.

ISSUES:

Most of the existing sections labeled "Not set out" can be placed in one of the following categories:

- Severability provisions (18)
- Legislative findings/purpose/intent/policy statements, etc. (17)
- Local applicability (39)
- Limited duration/date specific (3)
- Compacts (4)
- Property tax exemptions for various individually designated organizations (~1,000)

There are numerous sections fitting into some of these categories to which the policy has not been applied and are set out in full in the Code.

General issues

- Implementation of the current not set out policy is inconsistent.
- Omitted sections are not searchable.
- Omitted sections may need to be revised or repealed. Setting out in full will assist with identifying sections that are obsolete or need to be updated.
- Setting out provisions might be contrary to preference of General Assembly member requesting legislation.

Issues by category

- Severability - The Code Commission approved a bill to remove most severability provisions from the Code at its September 2014 meeting. This bill will remove all severability provisions that are currently not set out in the Code.
- Legislative findings/purpose/intent/policy statements - This category is especially inconsistent as there are numerous legislative findings, purpose, intent, policy, and similar statements scattered throughout the Code. Setting out these sections would make the Code more transparent; however, setting out these sections perpetuates a problem that already exists in the Code. Best bill drafting practice would be for legislators to avoid putting these statements in their legislation. It is expected that removing existing provisions would be difficult to accomplish.
- Local applicability - The Code specifically authorizes the Code Commission to arrange for the codification and incorporation into the Code of all general and permanent statutes enacted by the General Assembly; however, there is nothing specifically prohibiting the codification

and incorporation of special or local acts. Although approximately 39 provisions with local applicability are currently not set out, there are numerous provisions with local applicability that are set out.

- Limited duration/date specific - The Code Commission might wish to consider repealing provisions that are limited in duration once the time period has expired. This can be handled during the Code Commission's obsolete laws review conducted under § 30-151.
- Compacts - Code Commission policy regarding compacts was revised last year. Each compact will be assigned a Code section number in accordance with its proper title location. A staff recommendation concerning setting out all compacts in the Code will be presented to the Code Commission for discussion at the November meeting.
- Property tax exemptions for various individually designated organizations - There are approximately 1,000 sections exempting various individually designated properties from taxation. This category of exemptions is now designated by local ordinance. The Code Commission might wish to continue to not set out in the Code property tax exemptions for various individually designated organizations codified in §§ 58.1-3650.1 through 58.1-3650.1001 (approximately 1,000 sections). These organizations were exempted through legislation enacted by the General Assembly between 1972 and 2002.

No sections will be added to this category nor can any of these sections be amended because a constitutional amendment to Article X, subdivision 6 (a) (6) effective January 1, 2003, provided that thereafter only local governing bodies may exempt property from local taxes (however, since the General Assembly granted the exemptions in §§ 58.1-3650.1 through 58.1-3650.1001, the General Assembly is authorized by § 58.1-3651 E to repeal any such exemption). Because this category of exemptions cannot be amended or expanded, these sections are more or less static.

POSSIBLE ACTIONS:

- The Code Commission can request DLS to work with the Code publishers to add catchlines in both print and online codes to all sections that are currently not set out. The goal would be to add these catchlines for inclusion in the 2015 update.
- If the Code Commission decides to set out Code sections in full, DLS needs to enter and proof section text. This project could begin in 2015 with the goal of having the full text included in the Code in 2016.
- The Code Commission can request that DLS exclude severability provisions, policy statements, and provisions that establish purpose and legislative intent from bill drafts. If a legislator insists on including such statements in legislation, they could be drafted in a separate preamble or enactment clause, as appropriate.

Sections Not Set Out in Code of Virginia

Text of listed sections is available at: <http://drop.affixa.com/a80YV2/Text-of-Sections-Not-Set-Out-ALL.pdf>

Code Section	Acts	Catchline
TITLE 2.2		
2.2-4503	2001, c. 844	<i>Investments by Fairfax County finance director</i>
2.2-5500	2001, c. 844	<i>Purpose</i>
TITLE 5.1		
5.1-178	2001, c. 342	<i>Effective date</i>
TITLE 13.1		
13.1-312	1956, c. 428	<i>Declaration of policy</i>
13.1-542	1970, c. 77	<i>Legislative intent</i>
13.1-780	1985, c. 522	<i>Severability</i>
13.1-940	1985, c. 522	<i>Severability</i>
13.1-1068	1991, c. 168	<i>Severability</i>
TITLE 15.2		
15.2-1128	1995, c. 328 , § 15.1-29.25; 1997, c. 587	<i>Certain cities authorized to exchange information regarding criminal history</i>
15.2-1130	Acts 1995, cc. 291, 408, § 15.1-132.2; 1997, c. 587; 2000, cc. 829, 840	<i>Liability for failure to provide adequate security or crowd control</i>
15.2-1201.1	1997, c. 613 , § 15.1-539.1	<i>Discharging employee for service on board prohibited; penalty.</i>
15.2-1212	1974, c. 398, § 15.1-527.1; 1979, c. 333; 1980, c. 393; 1997, c. 587	<i>Frederick County; resolution of board of supervisors; referendum; election.</i>
15.2-1213	1990, c. 895, § 15.1-527.3; 1997, c. 587; 2008, c. 778	<i>Referendum in Loudoun County on election of the county chairman from the county at large</i>
15.2-1213.1	2004, cc. 18, 890	<i>Referendum in Page County on election of the county chairman from the county at large</i>
15.2-1226	1988, c. 876, § 15.1-12.1; 1997, c. 587	<i>Authority of certain counties over Smith Mountain Lake</i>
15.2-1227	1950, § 15-14; 1962, cc. 400, 623, § 15.1-11; 1964, c. 31; 1968, c. 423; 1974, c. 655; 1978, c. 533; 1983, cc. 192, 390; 1990, c. 177; 1992, c. 649; 1994, c. 167 ; 1997, c. 587	<i>Well covers in Caroline County</i>
15.2-1228	1988, c. 862, § 15.1- 37.3:9; 1993, c. 791; 1995, c. 393 ; 1997, c. 587	<i>Repair of foundation damage in certain counties</i>
15.2-1635.1	1998, c. 872	<i>Maximum total compensation for clerk of court in certain counties</i>
15.2-2158	1993, c. 402, § 15.1-360.1; 1997, c. 587	<i>Fee for street lighting</i>
15.2-2257	1987, c. 501, § 15.1-474.2; 1997, c. 587 ; 1998, c. 623	<i>Procedure to modify certain covenants in certain counties</i>

Code Section	Acts	Catchline
15.2-2277	1990, c. 906, § 15.1-465.1; 1997, c. 587	<i>Franklin County may require that notice be given to deed grantees of certain disclaimers regarding responsibility for roads; county eligible to have certain streets taken into secondary system.</i>
15.2-3245	1960, c. 420, § 15.1-1067.1; 1997, c. 587	<i>Validation of proceedings</i>
15.2-4600 through 15.2-4618 (19 sections)	1997, c. 587 . [Amendments: § 15.2-4603: 2000, c. 435 ; 2002, c. 770 . §§ 15.2-4608 and 15.2-4616: 2002, c. 770 .]	<i>See act (c. 587, 1997) for catchlines not listed here: § 15.2-4603. Creation of district; extension of term of district. § 15.2-4608. Agreements with Commonwealth Transportation Board; payment of special improvements tax to Transportation Trust Fund. § 15.2-4616. Abolition of local transportation districts</i>
15.2-4700 through 15.2-4715	1997, c. 587	<i>See act (16 sections)</i>
15.2-4800 through 15.2-4815	1997, c. 587	<i>See act (16 sections)</i>
15.2-5118	1997, c. 587	<i>Same; streetlights in King George County.</i>
15.2-5120	1997, c. 587	<i>Powers of authority in certain counties and cities</i>
15.2-6201	1997, c. 587	<i>Findings of fact</i>
TITLE 16.1		
16.1-69.2 through 16.1-69.4	1956, c. 555; 1972, c. 708; 1973, c. 546	<i>16.1-69.2. Effect of repeal of Title 16 and amendment of Title 16.1 16.1-69.3. Certain notices, recognizances and processes validated 16.1-69.4. References to former sections, articles or chapters of Title 16 or Title 16.1 as amended</i>
16.1-69.7:1	1976, c. 319	<i>Establishment of certain district courts</i>
16.1-69.13	1972, c. 708; 1973, c. 546	<i>Compensation and benefits</i>
16.1-69.35:1	1974, c. 508	<i>Location of district courts for Carroll County</i>
16.1-70 through 16.1-75	1956, c. 555. [§ 16.1-70.1: Acts 1972, c. 708; 1973, c. 546; 1974, c. 648; 1977, c. 95]	<i>16.1-70. Certain city and town courts of limited jurisdiction continued; to be known as police courts 16.1-70.1. Abolition of courts of limited jurisdiction; municipal court of Herndon 16.1-71. What provisions of municipal charters applicable; authority of city or town council 16.1-72. Removal of actions involving more than fifty dollars 16.1-73. Appeals 16.1-74. Procedure 16.1-75. Jurisdiction of mayors, etc., superseded; other powers continued</i>
TITLE 18.2		
18.2-76.2	1975, cc. 14, 15	<i>Severability clause</i>

Code Section	Acts	Catchline
TITLE 19.2		
19.2-309.1	1988, cc. 764, 785	<i>Sentence of confinement to jail farms maintained by the Cities of Danville, Martinsville and Newport News</i>
TITLE 22.1		
22.1-57.3:1	1993, c. 878; 1994, c. 744; 2002, c. 74	<i>Staggered terms of elected school boards in certain counties</i>
22.1-57.3:2	1994, c. 377	<i>Terms of school board members appointed to represent towns in Montgomery County</i>
22.1-57.3:2.1	1998, cc. 125, 218	<i>Appointment and terms of school board members for City of Williamsburg</i>
TITLE 23		
23-38.19	1972, c. 18	<i>Severability</i>
TITLE 28.2		
28.2-1309	1992, c. 836	<i>Emergency sand grading activities on nonvegetated wetlands located on the Atlantic Shoreline of Virginia Beach</i>
28.2-1409	1992, c. 836	<i>Emergency sand grading activities on sand dunes located on the Atlantic Shoreline of Virginia Beach</i>
TITLE 29.1		
29.1-610	1987, c. 488	<i>Portion of James River declared a no hunting area</i>
TITLE 32.1		
32.1-322	1981, c. 255	<i>Severability</i>
TITLES 33.2		
33.2-1300	1996, cc. 951, 1018 ; 2005, c. 839 , § 33.1-320.2 ; 2014, c. 805	<i>Preamble; Woodrow Wilson Bridge and Tunnel Compact</i>
33.2-1400	1992, c. 167, § 33.1-391.1 ; 2014, c. 805	<i>Virginia-North Carolina Interstate High-Speed Rail Compact.</i>
33.2-1824	2014, c. 805	<i>Severability</i>
33.2-3000	1988, c. 890; 2007, c. 378 ; 2009, c. 540 , § 56-530; 2014, c. 805	<i>Washington Metropolitan Area Transit Regulation Compact of 1958</i>
33.2-3100	1966, c. 2; 1969, Ex. Sess., c. 21; 1970, c. 590; 1972, c. 571; 1973, c. 508; 1974, c. 576; 1977, c. 592; 1981, c. 378; 1984, c. 610; 1987, c. 112; 1995, c. 150 ; 1997, c. 736 ; 2009, cc. 771, 828 ; § 56-529 ; 2014, c. 805	<i>Washington Metropolitan Area Transit Authority Compact of 1966.</i>
TITLE 36		
36-19.1	1952, c. 200; 1975, c. 575	
36-19.4	1960, c. 490; 1975, c. 575	<i>Referendum prior to making cooperation agreements for public housing projects in certain cities</i>
36-27.1	1966, c. 383; 1975, c. 575	<i>Same; damages to leasehold interests in certain cities</i>
36-72	1970, c. 305; 1971, Ex. Sess., c. 103; 1986, c. 37	<i>Declaration of policy</i>

Code Section	Acts	Catchline
36-85.4	1986, c. 37	<i>Purpose and application</i>
TITLE 40.1		
40.1-51.18	1972, c. 237 (numbered as § 40.1-51.13 in act)	<i>Severability</i>
TITLE 45.1		
45.1-227	1979, c. 290	<i>Findings and policy</i>
45.1-272	1982, c. 269	<i>Legislative findings; declaration of policy</i>
45.1-285.1 through 45.1-285.10	1983, c. 3. [Amendment: § 45.1-285.3 - 1984, c. 590.]	<i>45.1-285.1. Findings; declaration of policy</i> <i>45.1-285.2. Definitions</i> <i>45.1-285.3. Uranium Administrative Group created; composition</i> <i>45.1-285.4. Employment of consultants; other support</i> <i>45.1-285.5. Duties of Group</i> <i>45.1-285.6. Study criteria</i> <i>45.1-285.7. Additional factors</i> <i>45.1-285.8. Recommendations to the General Assembly</i> <i>45.1-285.9. Study filing procedure</i> <i>45.1-285.10. Applicability of studies under this chapter to any future licensing proceedings</i>
TITLE 46.2		
46.2-341.2	1989, c. 705 (numbered as § 46.1-372.2 in act)	<i>Statement of intent and purpose</i>
46.2-341.33	1989, c. 705 (numbered as § 46.1-372.31 in act)	<i>Severability and savings clause</i>
46.2-1106	1989, c. 727	<i>Bus widths in Arlington County</i>
46.2-1138	1989, c. 727	<i>County ordinances fixing weight limits on roads which have been withdrawn from secondary system</i>
46.2-1235	1989, c. 727	<i>Authority of Chesterfield County law-enforcement personnel to issue tickets</i>
46.2-1580	1989, c. 308 (numbered as § 46.1-550.5:39 in act)	<i>Legislative findings</i>
TITLE 51.1		
51.1-124.1	1994, cc. 4, 85	<i>Legislative intent and purposes</i>
TITLE 55		
55-297.1	1984, c. 726	<i>Severability</i>
55-349	1978, c. 510	<i>Severability</i>
55-422	1981, c. 627 (numbered in act as § 55-361)	<i>Severability</i>
55-437	1982, c. 277	<i>Severability</i>
TITLE 56		
56-265.27	1979, c. 291	<i>Severability</i>

Code Section	Acts	Catchline
56-509	1952, c. 696	<i>Declaration of policy</i>
56-537	1988, c. 649; 1993, c. 732	<i>Policy</i>
56-575	1994, c. 855 (numbered as § 56-555 in act)	<i>Policy</i>
TITLE 57		
57-39.2 through 57-39.7	1962, c. 264. [Amendments - § 57-39.2: 1964, c. 111; 1985, c. 414; 1986, c. 118. § 57-39.3: 1964, c. 111; 1986, c. 118. §§ 57-39.4 through 57-39.6: 1964, c. 111. § 57-39.7: 1964, c. 111; 1985, c. 414]	<i>Catchlines need to be drafted</i>
57-68	1974, c. 574 (numbered as 57-40.22 in act)	<i>Severability</i>
TITLE 58.1		
58.1-815.3	2000, c. 681 , cl. 1	<i>U.S. Route 29 Corridor Development Fund</i>
58.1-3229	1950, § 58-769.4; 1971, Ex. Sess., c. 172; 1984, c. 675	<i>Declaration of policy</i>
58.1-3506.8	1991, c. 646	<i>Designation by General Assembly</i>
58.1-3650.1 through 58.1-3650.1001.	for list of acts, see print code - editor's notes	
58.1-3814.1	1988, c. 702; 1990, c. 492	<i>Consumer utility tax on churches</i>
58.1-3820	1977, c. 265; 1984, c. 675; 1992, c. 834	<i>Arlington County transient occupancy tax</i>
58.1-3821	1990, c. 436; 1994, c. 896; 2006, c. 111	<i>Transient occupancy tax on certain rentals</i>
TITLE 59.1		
59.1-9.18	1974, c. 545	<i>Severability</i>
59.1-21.18	1973, c. 423 (numbered as § 59.1-21.17 in act)	<i>Severability</i>
59.1-261	1978, c. 764	<i>Severability</i>
59.1-342	1986, c. 210	<i>Severability</i>
59.1-428	1989, c. 703 (numbered as § 59.1-410 in act)	<i>Severability</i>
TITLE 62.1		
62.1-44.19:1	1972, c. 840	<i>Prohibiting sewage discharge under certain conditions in certain cities</i>
62.1-44.19:2	1972, c. 840; 1975, c. 373; 1976, c. 188	<i>Additional requirements on sewage discharge in Norfolk, Newport News, Hampton, Virginia Beach, and Chesapeake</i>
TITLE 63.2		
63.2-1400	2002, c. 747	<i>Findings and purposes</i>
63.2-1500	2002, c. 747	<i>Policy of the Commonwealth</i>