

# ***VIRGINIA CODE ANNOTATED***

	<b>2016 PRICES</b>				<b>2015 PRICES</b>			
	<b>STATE</b> <i>(6 Replacement Volumes)</i>	<b>PRIVATE</b>	<b>STATE</b> <i>(5 Replacement Volumes)</i>	<b>PRIVATE</b>	<b>STATE</b> <i>(4 Replacement Volumes)</i>	<b>PRIVATE</b>	<b>STATE</b> <i>(6 Replacement Volumes)</i>	<b>PRIVATE</b>
SUPPLEMENT	\$174.80	\$226.00	\$191.00	\$247.75	\$209.00	\$278.50	\$166.50	\$215.25
INDEX	\$88.50	\$93.50	\$ 88.50	\$93.50	\$88.50	\$93.50	\$84.25	\$89.00
VOLUMES (EACH)	\$47.50	\$59.25	\$ 47.50	\$59.25	\$47.50	\$59.25	\$45.25	\$56.50
VOLUME 11	\$36.00	\$47.50	\$ 36.00	\$47.50	\$36.00	\$47.50	\$34.25	\$45.25
VOLUME 11 SUPP	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00	\$11.50	\$11.50
ADVANCE CODE SERVICE	\$72.00	\$ 72.00	\$72.00	\$68.50				
<b>TOTAL</b>	<b>\$596.30</b>	<b>\$806.50</b>	<b>\$565.00</b>	<b>\$769.00</b>	<b>\$535.50</b>	<b>\$740.50</b>	<b>\$568.00</b>	<b>\$768.50</b>

(STATE GOVERNMENT PRICING FOR PURCHASES OUTSIDE OF THE CODE COMMISSION PURCHASE)

PPI increase is 5.0%

Vol	Title	Subject	Edition	BV pp*	15 CS	%	Lexis*	Replacement Candidates
1	1-2.2	Prov., Adm. of	2014	1081	271	25.1%	1171	
1A	3.2	Agriculture	2008	432	171	39.6%	550	Last replaced 2008
1B	4.1-7.1	lic Bev. -- Bou	2010	685	202	29.5%	747	
2	8.01	remedies & Pro	2015	1386		0.0%		
2A	8.1-8.11	UCC	2015	1029		0.0%		
2B	9-10.1	ssions -- Cons	2012	680	98	14.4%	150	
3	11-14.1	acts to Corpor	2011	643	192	29.9%	683	
3A	15.2	es, Cities, and	2012	1334	249	18.7%	1352	
3B	16.1-17.1	Courts	2015	690	0	0.0%	711	Percentage
4	18.2	Crimes	2014	1197	103	8.6%	1227	
4A	19.2	iminal Procedu	2015	805		0.0%		
4B	20, 21	ic Relations, D	2008	548	203	37.0%	715	Last replaced 2008
5	22.1, 23	on -- Eminent	2011	785	288	36.7%	829	T.23 2016 recod
5A	24.2-28.2	ctions - Fiducia	2011	791	277	35.0%	747	
5B	29.1-32.1	Game to Health	2015	898		0.0%		
6	33.2-37.2	nstitutions for t	2014	866	190	21.9%	932	
6A	38.2	Insurance	2014	1231	81	6.6%	1218	
6B	40.1-45.1	ployment -- Mi	2013	655	89	13.6%	668	~
7	46.2	Motor Vehicles	2014	1186	239	20.2%	1126	
7A	47.1 - 53.1	otaries to Priso	2013	758	137	18.1%	777	
7B	54.1	Professions	2013	698	178	25.5%	745	
8	55-57	Property -- Re	2012	1203	240	20.0%	1254	
8A	58.1	Taxation	2013	1181	284	24.0%	1229	Supp size
9	59.1-62.1	Trade -- Water	2014	1172	80	6.8%	1180	
9A	63.2-67	Youth & Famil	2012	1552	253	16.3%	1634	
10		Tables	2015	691		0.0%		
11		Rules	2011	n/a	n/a	n/a		
12		Index	2011	n/a	n/a	n/a		
13		Index	2011	n/a	n/a	n/a		
Compacts		Compacts	2010	514	121	23.5%		
Const.		Consts.	2008	296	73	24.7%		Last replaced 2008
LEO1		LEO/UPL	2002	631	58	9.2%		
LEO2		LEO/UPL	2013	955	58	6.1%		

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

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CHAPTER 4.

GENERAL PROVISIONS.

**Drafting note: Provisions of existing Chapter 1 relating to students generally are consolidated in proposed Chapter 4.**

§ ~~23-9.2:12~~ 23.1-400. Student organizations; rights and recognition.

A. To the extent allowed by state and federal law:

~~1. A.~~ a religious or political student organization may determine that ordering the organization's internal affairs, selecting the organization's leaders and members, defining the organization's doctrines, and resolving the organization's disputes are in furtherance of the organization's religious or political mission and that only persons committed to that mission should conduct such activities; and

~~2. B.~~ No public institution of higher education that has granted recognition of and access to any student organization or group shall discriminate against any such student organization or group that exercises its rights pursuant to ~~subdivision 1~~ subsection A.

**Drafting note: Technical changes.**

§ ~~23-2.1~~ 23.1-401. Collection and dissemination of information concerning religious preferences and affiliations.

Notwithstanding any provision of law to the contrary, any ~~state~~ public institution of higher ~~learning~~ education may collect and disseminate information concerning the religious preferences and affiliations of its students; ~~provided that no student may be required such~~ institution shall (i) require any student to indicate his religious preference or affiliation ~~and that no dissemination of the~~ or (ii) disseminate such information ~~shall be made except to categories of persons as to whom without the student has given his student's consent that dissemination may be made.~~

**Drafting note: Technical changes.**

26 | § ~~23-2.1:1~~ 23.1-402. Access to campus and student directory ~~for~~ provided to certain  
27 | persons and groups.

28 | ~~If a~~ Any public institution of higher education that provides access to its campus and  
29 | student directory to persons or groups for occupational, professional, or educational recruitment;  
30 | ~~the institution~~ shall provide access on the same basis to official recruiting representatives of the  
31 | military forces of the Commonwealth and the United States.

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

33 | § ~~23-2.1:2~~ 23.1-403. Retention of certain documents; authorized.

34 | ~~If any~~ Any public institution of higher education ~~in Virginia, as a condition of~~  
35 | enrollment, that requests that ~~a student~~ an applicant who has been accepted for admission  
36 | present a certified copy of his birth certificate, ~~a copy may be retained by the institution as a~~  
37 | condition of enrollment may retain a copy of the birth certificate in the student's record.

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

39 | § ~~23-2.1:3~~ 23.1-404. Student records and personal information.

40 | A. ~~Each~~ Any public ~~and or~~ private institution of higher education may require ~~that~~ any  
41 | student who attends, or any applicant who has been accepted to and ~~who~~ has committed to  
42 | attend, ~~or is attending~~, such institution to provide, to the extent available, from the originating  
43 | secondary school and, if applicable, any institution of higher education he has attended a  
44 | complete student record, including any mental health records held by the previous school or  
45 | institution. ~~These~~ Such records shall be kept confidential as required by state and federal law,  
46 | including the Family Educational Rights and Privacy Act, (20 U.S.C. § 1232g).

47 | B. No public institution of higher education shall sell students' personal information,  
48 | including names, addresses, phone numbers, and email addresses, to any person. This subsection  
49 | shall not apply to transactions involving credit, debit, employment, finance, identity verification,  
50 | risk assessment, fraud prevention, or other transactions initiated by the student.

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

51 **Drafting note: Technical changes.**

52 § ~~23-2.2~~ 23.1-405. Reporting of certain students issued student visas.

53 A. Each associate-granting and baccalaureate public and private ~~two-and-four-year~~  
54 institution of higher education ~~in the Commonwealth~~ and the governing board, president, or  
55 director of any ~~correspondence school~~, postsecondary school, ~~or proprietary career school~~, as  
56 defined in § ~~23-276.1~~ 23.1-213, or flight school in the Commonwealth shall ~~inform~~ notify the  
57 Attorney General of the Commonwealth whenever ~~a student~~ (i) an applicant who has been  
58 accepted for admission to such ~~an educational~~ institution pursuant to a student visa fails to enroll  
59 or (ii) a student who has been attending such ~~an educational~~ institution pursuant to a student visa  
60 ~~and~~ withdraws at from such institution or violates the terms of his visa. ~~The~~ Such notification  
61 shall contain all available information from ~~the~~ U.S. Citizenship and Immigration ~~and~~  
62 Naturalization Service form Services Form I-20 and shall be submitted ~~not no~~ later than ~~thirty~~  
63 30 days after ~~the~~ discovery of the ~~reportable~~ event for which notification is required.

64 B. The Attorney General shall notify ~~the~~ U.S. Citizenship and Immigration ~~and~~  
65 Naturalization Service Services and all other appropriate national, state, and local agencies of  
66 any such failure to enroll, withdrawal, or student visa ~~violations~~ violation.

67 C. This section shall be effective until ~~supereeded~~ superseded by federal action.

68 **Drafting note: References to correspondence schools and proprietary career**  
69 **schools in subsection A are stricken because such terms are neither used in proposed**  
70 **Article 2 (§ 23.1-213 et seq.) of Chapter 2 nor defined in § 23.1-213. Technical changes are**  
71 **made.**

72 § ~~23-2.2:1~~ 23.1-406. Reporting of enrollment information to Sex Offender and Crimes  
73 Against Minors Registry.

74 A. Each associate-granting and baccalaureate public and private ~~two-and-four-year~~  
75 institution of higher education ~~physically located in the Commonwealth~~ shall electronically  
76 transmit ~~enrollment data including (i) the~~ complete name, ~~(ii)~~ social security number or other

77 identifying number, ~~(iii)~~ date of birth, and ~~(iv)~~ gender of each applicant accepted to attend the  
78 institution to the Department of State Police, in a format approved by the Department of State  
79 Police, for comparison with information contained in the Virginia Criminal Information  
80 Network and National Crime Information Center Convicted Sexual Offender Registry File, ~~for~~  
81 ~~all applicants that are offered acceptance to attend the institution. This~~ Such data shall be  
82 transmitted (i) before ~~such time that~~ an accepted applicant becomes a "student in attendance"  
83 pursuant to 20 U.S.C. § 1232g(a)(6) ~~at that institution. However, or~~ (ii) in the case of institutions  
84 with a rolling or instantaneous admissions policy ~~shall report enrollment,~~ in accordance with  
85 guidelines developed by the Department of State Police in consultation with the ~~State Council of~~  
86 ~~Higher Education and the Virginia Community College System. Such guidelines shall be~~  
87 ~~developed no later than January 1, 2007.~~

88 B. Whenever it appears from the records of the Department of State Police that ~~a person~~  
89 an accepted applicant has failed to comply with the duty to register or reregister pursuant to  
90 Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the Department of State Police shall promptly  
91 investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or  
92 assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which  
93 ~~the person was enrolled with the educational~~ institution of higher education is located.

94 **Drafting note: Technical changes.**

95 § ~~23-2.3~~ 23.1-407. Annual reporting of the use of student fees.

96 Each public ~~two and four year~~ institution of higher education ~~in the Commonwealth~~  
97 shall publish annually a descriptive report detailing (i) the ~~(i)~~ amount and distribution of student  
98 activity fees assessed each semester or during an academic year; and (ii) the name of each  
99 organization, ~~including the nature of the organization's activity,~~ that receives funding of \$100 or  
100 more from student activity fees and the nature of such organization's activity. Each such  
101 institution shall post ~~the such~~ annual descriptive report ~~of the use of student activity fees to on~~

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

102 its website to facilitate [its access by](#) and availability ~~of the report~~ to [enrolled](#) students ~~enrolled at~~  
103 ~~the institution~~ and their parents.

104 **Drafting note: Technical changes.**

105 § ~~23-2.6~~ [23.1-408](#). Transparency in higher education information.

106 Each ~~four-year~~ [baccalaureate](#) public institution of higher education shall maintain and  
107 update annually no later than September 30 a tab or link on the home page of its website that  
108 shall include the following information:

- 109 1. The institution's six-year undergraduate graduation rate for each of the past 10 years;
- 110 2. The institution's freshman-to-sophomore retention rate for full-time undergraduate  
111 students for each of the past 10 years;
- 112 3. The institution's average annual percentage increase in base undergraduate tuition for  
113 each of the past 10 years;
- 114 4. The institution's average annual percentage increase in mandatory undergraduate  
115 comprehensive student fees for each of the past 10 years;
- 116 5. A link to the annual report of the use of student fees as required by § ~~23-2.3~~ [23.1-407](#);
- 117 6. A link to the postsecondary education and employment data referenced in [subsection](#)  
118 [B of § 23-2.4](#) [23.1-204](#); and
- 119 7. A summary of the institution's budget, consistent with the institution's annual  
120 budgeting process, that includes (i) the major budget units (MBUs) in the institution and  
121 standard expenditure categories within each MBU for the current fiscal year and the previous  
122 fiscal year or (ii) a link to the annual reports required by [subdivision B 10 of § 23-1.04](#) [23.1-](#)  
123 [1303](#).

124 **Drafting note: Technical changes.**

125 § ~~23-4.3:2~~ [23.1-409](#). ~~Policies addressing student~~ [Student](#) loan vendors.

126 | A. No employee ~~at of~~ a ~~Virginia~~ public institution of higher education shall demand or  
127 | receive any payment, loan, advance, deposit of money, services, or anything, present or  
128 | promised, as an inducement for promoting any student loan vendor.

129 | B. No public institution of higher education shall enter into any agreement with any  
130 | student loan vendor that states or implies an exclusive relationship between the ~~school~~  
131 | institution and vendor regarding student loans.

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

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9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

151 CHAPTER ~~5.3~~ 14.

152 CHRISTOPHER NEWPORT UNIVERSITY.

153 **Drafting note: Existing Chapter 5.3 of Title 23 is logically reorganized as proposed**  
154 **Chapters 13 and 14 of Title 23.1. Existing provisions that apply generally to governing**  
155 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**  
156 **Existing provisions relating to the incorporation, membership and meetings, and powers**  
157 **and duties of the governing board that are unique to the University are retained in**  
158 **proposed Chapter 14.**

159 ~~§ 23-49.23 23.1-1400. Board of visitors a corporation and under control of General~~  
160 ~~Assembly~~ Corporate name; name of the University.

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

171 B. The ~~University institution~~ shall be known as Christopher Newport University (the  
172 University).

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

175 ~~§ 23-49.24. Transfer and control of certain property in Newport News.~~

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

183 **Drafting note: The provisions of existing § 23-49.24 are stricken here and**  
184 **incorporated instead into proposed § 23.1-1310.**

185 ~~§ 23-49.25 23.1-1401. Appointments of visitors generally; terms Membership.~~

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

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

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

193 **Drafting note: Existing provisions relating to the terms and removal of members of**  
194 **the board are stricken and incorporated instead into proposed § 23.1-1300, and technical**  
195 **changes are made to conform the language to that of each other four-year public**  
196 **institution of higher education.**

197 ~~§ 23-49.26. Eligibility to serve for more than two terms.~~

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

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

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

202 **Drafting note: The provisions of existing § 23-49.26 are stricken and incorporated**  
203 **instead into proposed § 23.1-1300.**

204 ~~§ 23-49.27.~~

205 **Drafting note: Repealed by Acts 2015, c. 560.**

206 ~~§ 23-49.28 23.1-1402. Powers and duties of visitors generally; meetings; rector,~~  
207 ~~secretary and vice-rector; executive committee Meetings; officers; committees.~~

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

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

216 B. ~~The board of visitors shall meet at the University at least four times a year and at such~~  
217 ~~other times as it shall determine, the days of meetings to be fixed by the board determines.~~  
218 Special meetings of the board may be called by the rector or any three members. The secretary  
219 shall provide notice of any special meeting to each member.

220 B. Seven members shall constitute a quorum.

221 C. At the first meeting after July 1 in every even-numbered year, the board shall elect  
222 from its membership a rector, who shall to preside at its meetings, a secretary and a vice-rector.  
223 In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and in the  
224 absence of all three, the to preside at its meetings in the absence of the rector, and a secretary to  
225 preside at its meetings in the absence of the rector and vice-rector.

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

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

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

235 **Drafting note: Duties of the board set forth in the second paragraph of subsection**  
236 **A are stricken here and incorporated instead into proposed §§ 23.1-1301 and 23.1-1403.**  
237 **Technical changes are made to conform provisions relating to meetings, officers, and**  
238 **committees of the board of visitors to those of each other four-year public institution of**  
239 **higher education.**

240 ~~§ 23-49.29. Rates, fees and charges.~~

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

243 **Drafting note: The provisions of existing § 23-49.29 are stricken here and**  
244 **incorporated instead into proposed § 23.1-1301.**

245 ~~§ 23-49.30 23.1-1403. Degrees Powers and duties.~~

246 A. The board shall appoint all teachers and fix their salaries, provide for the employment  
247 of other personnel as required, and generally direct the affairs of the University.

248 B. The board ~~shall have the right to~~ may confer degrees.

249 ~~§ 23-49.31. Curriculum.~~

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

250 ~~The existing collegiate curriculum of the University shall be continued; however, the~~  
251 ~~board may make such alterations therein as it shall from time to time deem necessary and,~~  
252 ~~subject to the provisions of § 23.1-203, approve new academic programs and discontinue~~  
253 ~~academic programs offered by the University.~~

254 **Drafting note: Proposed subsection A incorporates board powers from subsection**  
255 **A of proposed § 23.1-1402. Board powers related to degrees (existing § 23-49.30) and**  
256 **curriculum (existing § 23-49.31) are combined in subsection B of this proposed section. A**  
257 **reference to the Council's powers related to academic programs is included in subsection**  
258 **B. Technical changes are made.**

259 ~~§ 23-49.32. Sale, etc., of real estate.~~

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

270 **Drafting note: The provisions of existing § 23-49.32 are stricken here and**  
271 **incorporated instead into proposed § 23.1-1301.**

272 ~~§ 23-49.33. Use of library; sharing of faculty and facilities with College of William and~~  
273 ~~Mary.~~

274 ~~A. Use of the library of the University shall be granted to students and faculty of the~~  
275 ~~College of William and Mary in Virginia.~~

276 | ~~B. The board of visitors shall make cooperative agreements with the board of visitors of~~  
277 | ~~the College of William and Mary in Virginia for the sharing of faculty and of laboratory and~~  
278 | ~~other facilities.~~

279 | **Drafting note: Existing § 23-49.33 is recommended for repeal as obsolete.**

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301 CHAPTER ~~9.1~~ 15.

302 GEORGE MASON UNIVERSITY.

303 **Drafting note: Existing Chapter 9.1 of Title 23 is logically reorganized as proposed**  
304 **Chapters 13 and 15 of Title 23.1. Existing provisions that apply generally to governing**  
305 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**  
306 **Existing provisions relating to the incorporation, membership, and meetings, and powers**  
307 **and duties of the governing board that are unique to the University are retained in**  
308 **proposed Chapter 15.**

309 § ~~23-91.24~~ 23.1-1500. ~~Board of visitors a corporation and under control of General~~  
310 ~~Assembly~~ Corporate name; name of the University.

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

318 B. The ~~University institution~~ shall be known as George Mason University (the  
319 University).

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

322 § ~~23-91.25~~. ~~Transfer of property.~~

323 ~~All the real estate and personal property now existing and heretofore standing in the~~  
324 ~~name of the rector and visitors of the University of Virginia, located in Fairfax and heretofore~~  
325 ~~exclusively used by the George Mason College Division of the University of Virginia, shall be~~  
326 ~~transferred to and be known and taken as standing in the name and under the control of the~~

327 ~~rector and visitors of George Mason University. Such real estate and personal property shall be~~  
328 ~~the property of the Commonwealth.~~

329 **Drafting note: The provisions of existing § 23-91.25 are stricken here and**  
330 **incorporated instead into proposed § 23.1-1310.**

331 ~~§ 23-91.26 23.1-1501. Appointment and terms of visitors generally~~ Membership.

332 ~~(a) A.~~ The board shall consist of sixteen 16 members, who shall be appointed by the  
333 Governor. Of the sixteen members, two may be nonresidents of Virginia. At least one member  
334 appointed each year shall be an alumnus of the University.

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

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

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



9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

351           **Drafting note:** Existing provisions relating to the membership of the board of  
352 visitors are logically combined in this proposed section, existing provisions relating to the  
353 terms and removal of members of the board are stricken and incorporated instead into  
354 proposed § 23.1-1300, existing provisions related to the initial staggering of terms are  
355 stricken as obsolete, and technical changes are made to conform the language to that of  
356 each other four-year public institution of higher education. The provision in existing  
357 subsection (a) related to nonresidents members is stricken as inconsistent with current  
358 practice. The provision in existing subsection (b) related to members from Planning  
359 District Eight and Fauquier County is recommended for repeal as obsolete. Proposed  
360 subsection B is relocated from existing § 23-91.27.

361           ~~§ 23-91.27. Appointment of visitors from nominees submitted by board and association.~~

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

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

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

369           **Drafting note:** The July deadline for alumni association nominations is  
370 recommended for repeal as obsolete. The remaining provisions of existing § 23-91.27 are  
371 stricken and incorporated instead into proposed § 23.1-1501.

372           ~~§ 23-91.28. No person eligible to serve more than two terms; when office of visitor~~  
373 ~~deemed vacant.~~

374           ~~No person shall be eligible to serve for more than two successive terms; however, a~~  
375 ~~member appointed to serve an unexpired term shall be eligible to serve two successive four-year~~  
376 ~~terms.~~

377           **Drafting note: The provisions of existing § 23-91.28 are stricken and incorporated**  
378 **instead into proposed § 23.1-1300.**

379           ~~§ 23-91.29 23.1-1502. Powers and duties of board generally; meetings; Meetings;~~  
380 ~~officers; executive committee committees.~~

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

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

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

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

394           ~~C. Every other year, the board shall appoint from their own body its membership a~~  
395 ~~rector, who shall to preside at their its meetings, a secretary and a vice-rector to preside at its~~  
396 ~~meetings in the absence of the rector, and a secretary to preside at its meetings in the absence of~~  
397 ~~the rector and vice-rector.~~

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

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

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

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

409 **Drafting note: Duties of the board set forth in existing subsection (a) are stricken**  
410 **and incorporated instead into proposed §§ 23.1-1301 and 23.1-1503. Technical changes are**  
411 **made to conform provisions relating to meetings, officers, and committees of the board of**  
412 **visitors to those of each other four-year public institution of higher education. An obsolete**  
413 **reference to the board's first meeting after July 1, 1972 is stricken as obsolete.**

414 ~~§ 23-91.30. Tuition, fees and other charges.~~

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

417 **Drafting note: The provisions of existing § 23-91.30 are stricken here and**  
418 **incorporated instead into proposed § 23.1-1301.**

419 ~~§ 23-91.31~~ 23.1-1503. Right to confer degrees Powers and duties.

420 A. The board shall appoint all teachers, staff members, and agents and fix their salaries  
421 and generally direct the affairs of the University.

422 B. The board ~~shall have the right to~~ may confer degrees.

423 ~~§ 23-91.32. Curriculum.~~

424 ~~The existing collegiate curriculum shall be continued; however, the board may make~~  
425 ~~such alterations therein as it shall from time to time deem necessary and, subject to the~~

426 [provisions of § 23.1-203, approve new academic programs and discontinue academic programs](#)  
427 [offered by the University.](#)

428 **Drafting note: Subsection A incorporates board duties set forth in subsection (a) of**  
429 **existing § 23-91.29. Board powers related to degrees (existing § 23-91.31) and curriculum**  
430 **(existing § 23-91.32) are combined in subsection B of this proposed section. A reference to**  
431 **the Council's powers related to academic programs is proposed in subsection B. Technical**  
432 **changes are made.**

433 ~~§ 23-91.33. Conveyance of real estate; disposition of proceeds.~~

434 ~~The rector and visitors of George Mason University with the approval of the Governor~~  
435 ~~first obtained, are hereby authorized to lease, sell and convey any and all real estate to which it~~  
436 ~~has acquired title by gift, devise or purchase since the commencement of the University under~~  
437 ~~any previous names, or which may hereafter be conveyed or devised to it. The proceeds derived~~  
438 ~~from any such lease, sale or conveyance shall be held by the rector and visitors of George~~  
439 ~~Mason University upon the identical trusts, and subject to the same uses, limitations and~~  
440 ~~conditions, if any, that are expressed in the original deed or will under which its title was~~  
441 ~~derived; or if there be no such trusts, uses, limitations or conditions expressed in such original~~  
442 ~~deed or will, then such funds shall be applied by the rector and visitors of the University to such~~  
443 ~~purposes as said board may deem best for the University.~~

444 **Drafting note: The provisions of existing § 23-91.33 are stricken and incorporated**  
445 **instead into proposed § 23.1-1301.**

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451 CHAPTER ~~12.1~~ 16.

452 JAMES MADISON UNIVERSITY.

453 **Drafting note: Existing Chapter 12.1 of Title 23 is logically reorganized as proposed**  
454 **Chapters 13 and 16 of Title 23.1. Existing provisions that apply generally to governing**  
455 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**  
456 **Existing provisions relating to the incorporation, membership, and powers and duties of**  
457 **the governing board that are unique to the University are retained in proposed Chapter**  
458 **16.**

459 ~~§ 23-164.1 23.1-1600. Corporation composed of board of visitors established; style;~~  
460 Corporate name; name of the University.

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

468 B. ~~The University institution~~ shall be known as James Madison University (the  
469 University).

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

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

474 ~~§ 23-164.2. Transfer of property.~~

475 ~~All the real estate and personal property now existing and heretofore standing in the~~  
476 ~~name of the visitors of Madison College shall be known and taken as standing in the name, and~~

477 ~~to be under the control, of the corporate body designated "The Visitors of James Madison~~  
478 ~~University." Such real estate and personal property shall be the property of the Commonwealth.~~

479 **Drafting note: The provisions of existing § 23-164.2 are stricken here and**  
480 **incorporated instead into proposed § 23.1-1310.**

481 ~~§ 23-164.3. Appointment of members of board of visitors generally; terms; vacancies.~~  
482 23.1-1601. Membership.

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

485 ~~Of the four members of the board appointed for terms beginning July 1, 1989, two~~  
486 ~~members shall be appointed for initial terms of two years and two members shall be appointed~~  
487 ~~for initial terms of three years. Successors to the members so appointed shall be appointed to~~  
488 ~~serve for terms of four years each. Vacancies occurring other than by expiration of term shall be~~  
489 ~~filled for the unexpired term. Of the persons so appointed two may be nonresidents of the~~  
490 ~~Commonwealth.~~

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

493 B. The alumni association of the University may submit to the Governor a list of at least  
494 three nominees for each vacancy on the board of visitors, whether the vacancy occurs by  
495 expiration of a term or otherwise. The Governor may appoint a member from the list of  
496 nominees. The Governor is not limited in his appointments to the individuals so nominated.

497 **Drafting note: Existing provisions relating to the membership of the board of**  
498 **visitors are logically combined in this proposed section, existing provisions relating to the**  
499 **terms and removal of members of the board are stricken and incorporated instead into**  
500 **proposed § 23.1-1300, existing provisions related to the initial staggering of terms are**

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

501 **stricken as obsolete, and technical changes are made to conform the language to that of**  
502 **each other four-year public institution of higher education.**

503 ~~§ 23-164.4. Appointment of visitors from list submitted by alumni.~~

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

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

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

509 **Drafting note: The July deadline for alumni association nominations is**  
510 **recommended for repeal as obsolete. The remaining provisions of existing § 23-164.4 are**  
511 **stricken and incorporated instead into proposed § 23.1-1601.**

512 ~~§ 23-164.5. Eligibility to serve more than two successive terms.~~

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

516 **Drafting note: The provisions of existing § 23-164.5 are stricken and incorporated**  
517 **instead into proposed § 23.1-1300.**

518 ~~§ 23-164.6 23.1-1602. Rights and powers of board generally Powers and duties.~~

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

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

525 ~~§ 23-164.8. Degrees.~~

526 ~~B. The board shall have the right to may confer degrees.~~

527           **Drafting note: The board's duties to control and expend funds, make regulations,**  
528 **and appoint a president and professors, as set forth in the second paragraph of existing §**  
529 **23-164.6, are stricken and incorporated instead into proposed § 23.1-1301. Proposed**  
530 **subsection B incorporates the provisions of existing § 23-164.8. Technical changes are**  
531 **made.**

532           ~~§ 23-164.7. Tuition, fees and charges.~~

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

535           **Drafting note: The provisions of existing § 23-164.7 are stricken and incorporated**  
536 **instead into proposed § 23.1-1301.**

537           ~~§ 23-164.9 23.1-1603. Curriculum Program of instruction to educate and train teachers.~~

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

543           **Drafting note: Technical changes.**

544           ~~§ 23-164.10. Granting easements over, etc., property of University.~~

545           ~~The visitors of James Madison University are authorized, subject to the approval of the~~  
546 ~~Governor in writing first obtained, to convey upon such terms and conditions and for such~~  
547 ~~consideration as they deem proper easements upon, over, across or under the property of James~~  
548 ~~Madison University for which they serve as the governing body, to the City of Harrisonburg, the~~  
549 ~~County of Rockingham, the Rockingham Memorial Hospital, or to any public utility or public~~  
550 ~~service company, for the purpose of erecting or maintaining power, telephone, water, sewer or~~  
551 ~~gas lines and mains; provided, that any deed or other conveyance executed hereunder shall be in~~



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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

552 ~~form approved by the Attorney General; and provided, further, that any funds derived by the~~  
553 ~~visitors in consideration of the granting of any such easement shall be paid into the state~~  
554 ~~treasury to the account of James Madison University for use for capital outlay expenditures as~~  
555 ~~authorized by the visitors of James Madison University.~~

556 **Drafting note: The provisions of existing § 23-164.10 are stricken here and**  
557 **incorporated instead into the more general provision relating to easements contained in**  
558 **proposed § 23.1-1301.**

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CHAPTER ~~15~~ 17.

579

LONGWOOD UNIVERSITY.

580

**Drafting note: Existing Chapter 15 of Title 23 is logically reorganized as proposed**

581

**Chapters 13 and 17 of Title 23.1. Existing provisions that apply generally to governing**

582

**boards of public institutions of higher education are consolidated in proposed Chapter 13.**

583

**Existing provisions relating to the incorporation, membership, and powers and duties of**

584

**the governing board that are unique to the University are retained in proposed Chapter**

585

**17.**

586

~~§ 23-182 23.1-1700. Board of visitors established as corporation~~ Corporate name; name

587

of the University.

588

~~There is hereby established a corporation composed of the~~ A. The board of visitors of

589

Longwood University (the board) shall be a corporation under the name and style of "The

590

Visitors of Longwood University;" ~~hereinafter referred to in this chapter as the board~~ and shall

591

have, in addition to its other powers, all the corporate powers given to corporations by the

592

provisions of Title 13.1 except those powers that are confined to corporations created pursuant

593

to Title 13.1. The board shall at all times be under the control of the General Assembly.

594

~~§ 23-183. Name:~~

595

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

596

University).

597

**Drafting note: Existing §§ 23-182 and 23-183 are combined as proposed § 23.1-**

598

**1700. Technical changes are made to conform the language in this section to that of each**

599

**other four-year public institution of higher education.**

600

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

601

~~All the real estate and personal property now existing and heretofore standing in the~~

602

~~name of the State Board of Education, located at Farmville, and heretofore used by Longwood~~

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

603 ~~University under the State Board of Education, shall be transferred to and be known and taken~~  
604 ~~as standing in the name, and to be under the control, of the corporate body designated "The~~  
605 ~~Visitors of Longwood University." Such real estate and personal property shall be the property~~  
606 ~~of the Commonwealth.~~

607 **Drafting note: The provisions of existing § 23-184 are stricken here and**  
608 **incorporated instead into proposed § 23.1-1310.**

609 ~~§ 23-185 23.1-1701. Composition of board; appointment and terms of visitors generally;~~  
610 ~~vacancies; confirmation Membership.~~

611 A. The board shall consist of 13 members ~~who shall be~~ appointed by the Governor, of  
612 whom at least two shall be alumni of the University and at least 11 shall be residents of the  
613 Commonwealth.

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

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

626 **Drafting note: Existing provisions relating to the membership of the board of**  
627 **visitors are logically combined in this proposed section, existing provisions relating to the**  
628 **terms and removal of members of the board are stricken and incorporated instead into**

629 proposed § 23.1-1300, and technical changes are made to conform the language to that of  
630 each other four-year public institution of higher education. Proposed subsection B is  
631 relocated from existing § 23-186.

632 ~~§ 23-186. Appointment of visitors from alumni.~~

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

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

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

638 **Drafting note:** The July deadline for alumni association nominations is  
639 recommended for repeal as obsolete. The remaining provisions of existing § 23-186 are  
640 stricken and incorporated instead into proposed § 23.1-1701.

641 ~~§ 23-186.1.~~

642 **Drafting note:** Repealed by Acts 2015, c. 560.

643 ~~§ 23-187. Eligibility to serve more than two successive terms.~~

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

647 **Drafting note:** The provisions of existing § 23-187 are stricken and incorporated  
648 instead into proposed § 23.1-1300.

649 ~~§ 23-188 23.1-1702. Rights, powers Powers and duties of board generally.~~

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

652 ~~The board shall control and expend the funds of the University and any appropriation~~  
653 ~~hereafter provided, and shall make all needful rules and regulations concerning the University;~~

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

654 appoint ~~the president, who shall be its chief executive officer, and all professors,~~ teachers and  
655 agents; and fix their salaries; and generally direct the affairs of the University.

656 ~~§ 23-190. Right to confer degrees.~~

657 ~~B.~~ The board ~~shall have the right to~~ may confer degrees.

658 **Drafting note: The board's duties to control and expend funds, make regulations,**  
659 **and appoint a president and professors, as set forth in the second paragraph of existing §**  
660 **23-188, are stricken and incorporated instead into proposed § 23.1-1301. Subsection B**  
661 **incorporates the provisions of existing § 23-190.**

662 ~~§ 23-189. Board may fix tuition, fees and other necessary charges.~~

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

665 **Drafting note: The provisions of existing § 23-189 are stricken here and**  
666 **incorporated instead into proposed § 23.1-1301.**

667 ~~§ 23-191~~ 23.1-1703. Curriculum Program of instruction to educate and train teachers.

668 The ~~curriculum of Longwood~~ University shall ~~embrace such branches of learning as~~  
669 ~~relate to teaching in the public free schools of Virginia, without excluding other studies in the~~  
670 ~~arts and sciences~~ maintain a program of instruction to educate and train teachers for the public  
671 elementary and secondary schools of the Commonwealth without excluding other programs of  
672 instruction.

673 **Drafting note: Technical changes.**

674 ~~CHAPTER 8.~~

675 ~~STATE TEACHERS COLLEGE AT FARMVILLE; MADISON COLLEGE.~~

676 ~~§§ 23-54 through 23-61.~~

677 **Drafting note: Repealed by Acts 1964, c. 97.**

678 #

679

680

CHAPTER 31.

681

EDUCATIONAL AUTHORITIES, CENTERS, INSTITUTES, AND PARTNERSHIPS.

682

**Drafting note: Other educational entities, existing Chapters 16.1, 16.2, 16.3, 16.4,**

683

**16.5, and 16.6 of Title 23, are consolidated and reorganized as proposed Articles 1 through**

684

**7 in Chapter 31.**

685

Article 1.

686

General Provisions.

687

**Drafting note: Existing provisions relating to educational entities in general are**

688

**consolidated in proposed Article 1.**

689

§ 23.1-3100. Governing boards of educational institutions; removal of members.

690

A. Notwithstanding any other provision of law, the Governor may remove from office

691

for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board

692

of any educational institution established pursuant to this chapter and fill the vacancy resulting

693

from the removal. Each appointment to fill a vacancy shall be subject to confirmation by the

694

General Assembly.

695

B. The Governor shall set forth in a written public statement his reasons for removing

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any member pursuant to subsection A at the time the removal occurs. The Governor shall be the

697

sole judge of the sufficiency of the cause for removal as set forth in subsection A.

698

**Drafting note: The provisions of existing subsections A and C of § 2.2-108 that**

699

**apply to other educational institutions in general are logically reorganized as proposed §§**

700

**23.1-3100 and 23.1-3200. Technical changes are made.**

701

CHAPTER 16.2.

702

A. L. PHILPOTT MANUFACTURING EXTENSION PARTNERSHIP.

703

Article 2.

704

A.L. Philpott Manufacturing Extension Partnership.

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

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

706 **Article 2 of Chapter 31.**

707 § ~~23-231.8~~ 23.1-3101. A. L. A.L. Philpott Manufacturing Extension Partnership ~~created~~  
708 established; mission purpose and duties.

709 A. The ~~A. L. Philpott Manufacturing Center, established from such funds as may be~~  
710 ~~appropriated or provided pursuant to Chapters 217 and 668 of the 1992 Acts of Assembly, as~~  
711 ~~amended, is hereby continued and redesignated the A. L. A.L.~~ Philpott Manufacturing Extension  
712 Partnership, ~~referred to in this chapter as the~~ (Extension Partnership. ~~The mission of the~~  
713 Extension Partnership is), doing business as Genedge Alliance, is established to help create and  
714 maintain industrial and manufacturing jobs. The Extension Partnership shall:

715 1. Develop, demonstrate, test, and assist in the implementation of advanced  
716 manufacturing technologies;

717 2. Promote industrial expansion by providing manufacturing technology consulting  
718 services to manufacturers in Virginia;

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

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

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

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

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

732 **Drafting note: A reference to the Extension Partnership's corporate name, Genedge**  
733 **Alliance, is proposed in subsection A for the sake of clarity. Technical changes are made.**

734 ~~§ 23-231.9 23.1-3102. Membership of governing board; terms; compensation; officers;~~  
735 ~~bylaws~~ Board of trustees.

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

743 ~~B. Initial appointments in 1992 shall be as follows: the three community college~~  
744 ~~presidents shall be appointed for two-year, three-year, and four-year terms, respectively; the two~~  
745 ~~presidents of the public four-year institutions shall be appointed for two-year and four-year~~  
746 ~~terms, respectively; the president of a private four-year institution shall be appointed for a three-~~  
747 ~~year term; two citizen members shall be appointed for two-year terms, and two citizen members~~  
748 ~~shall be appointed for three-year and four-year terms, respectively. Of the five citizen members~~  
749 ~~to be appointed in 1994, two shall be appointed for two-year terms, two shall be appointed for~~  
750 ~~three-year terms, and one shall be appointed for a four-year term. Of the six citizen members to~~  
751 ~~be appointed in 1997, two shall be appointed for two-year terms, two shall be appointed for~~  
752 ~~three-year terms, and two shall be appointed for four-year terms. Thereafter, all appointments~~  
753 Appointments shall be for terms of four years, ~~except that appointments to fill vacancies. Ex~~



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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

754 officio members of the board shall serve terms coincident with their terms of office.  
755 Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired  
756 terms. ~~With the exceptions of the director of the Center for Innovative Technology, the~~  
757 ~~Secretary of Commerce and Trade, and the Secretary of Technology, no person shall be eligible~~  
758 ~~to~~ Vacancies shall be filled in the same manner as the original appointments. All members may  
759 be reappointed. No member shall serve ~~for~~ more than two ~~successive consecutive~~ four-year  
760 terms; however, ~~upon the expiration of a term of less than four years, or after the expiration of~~  
761 ~~the remainder of a term to which appointed to fill a vacancy, two additional terms may be~~  
762 ~~served by such member if appointed thereto~~ a member appointed to serve an unexpired term  
763 shall be eligible to serve two consecutive four-year terms immediately succeeding such  
764 unexpired term.

765 C. The board shall elect a chairman and a vice-chairman from among its ~~members and~~  
766 membership. The board shall ~~also~~ elect a secretary and a treasurer, who ~~may or may need~~ not be  
767 members of the board. The board may ~~also~~ elect other subordinate officers, who ~~may or may~~  
768 need not be members of the board. ~~All members shall be reimbursed for their actual expenses~~  
769 ~~incurred in the performance of their duties in the work of the Extension Partnership.~~

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

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

775 **Drafting note: The last sentence of subsection C is stricken here and the concept is**  
776 **instead incorporated into proposed § 23.1-3103. A substantive change is made in proposed**  
777 **subsection D of this section to establish a quorum for the meetings of the board at eight**  
778 **members, which is lower than a majority. The Code is currently silent on the quorum**  
779 **required for meetings of this organization. Technical changes are made.**

780 [§ 23.1-3103. Expenses of board members.](#)

781 [All members shall be reimbursed for all reasonable and necessary expenses incurred in](#)  
782 [the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for expenses](#)  
783 [of the members shall be provided by the Extension Partnership.](#)

784 **Drafting note: Provisions relating to expenses of members set out in existing**  
785 **subsection C of § 23-231.9 are updated and incorporated instead into this proposed**  
786 **section.**

787 [§ ~~23-231.10~~ 23.1-3104. Executive director; ~~powers and duties~~; staff.](#)

788 A. The board shall appoint an executive director who shall (i) supervise and manage the  
789 Extension Partnership, (ii) ~~discharge~~ [perform](#) such functions as may be directed by the board,  
790 and (iii) prepare and submit, upon [the](#) direction and approval ~~by of~~ the board, all requests for  
791 appropriations. The executive director ~~shall be authorized to~~ [may](#) employ such staff as necessary  
792 to enable the Extension Partnership to perform its duties as set forth in this ~~chapter~~ [article](#). The  
793 board is authorized to determine staff duties and ~~to~~ fix salaries and compensation from such  
794 funds as may be appropriated or received. In addition, the board is authorized to make  
795 arrangements with institutions of higher education to extend course credit to graduate students  
796 employed by the Extension Partnership.

797 B. Additional staff support for the functions of the Extension Partnership may be  
798 provided by the Center for Innovative Technology, the University of Virginia Center for Public  
799 Service, ~~community colleges and four-year public~~ institutions of higher education, small  
800 business development centers, and private businesses.

801 **Drafting note: Technical changes.**

802 [§ ~~23-231.11~~ 23.1-3105. ~~Additional powers and duties~~ Powers of the board.](#)

803 [To assist](#) ~~In order to carry out the purposes of~~ the Extension Partnership ~~in its mission,~~  
804 the board ~~is authorized on behalf of the Extension Partnership to~~ [may](#):

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

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

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

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

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

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

823 6. Develop and provide programs or projects, ~~at its discretion~~, alone or in cooperation  
824 with any person<sub>;</sub> state or federal agency<sub>;</sub> state, local, or regional economic development  
825 entity<sub>;</sub> private firm<sub>;</sub> or other organization for economic development through improvements in  
826 industrial competitiveness in Virginia the Commonwealth; and

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

829 **Drafting note: Technical changes.**

830 § ~~23-231.12~~ 23.1-3106. Cooperation of other agencies; legal services.

831 | A. All agencies of the Commonwealth shall cooperate with the Extension Partnership  
832 | and, upon request, assist the Extension Partnership in the performance of its duties and  
833 | responsibilities.

834 | B. The Attorney General shall provide legal services for the Extension Partnership  
835 | pursuant to Chapter 5 (§ 2.2-500 et seq.) of Title 2.2.

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

837 | ~~CHAPTER 16.4.~~

838 | ~~INSTITUTE FOR ADVANCED LEARNING AND RESEARCH.~~

839 | Article 3.

840 | Institute for Advanced Learning and Research.

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

843 | § ~~23-231.19~~ 23.1-3107. Institute for Advanced Learning and Research ~~created~~  
844 | established; ~~responsibilities~~ duties.

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

851 | B. The Institute shall:

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

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

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

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

862 4. Expand access to higher education in Southside Virginia by providing for adult and  
863 continuing education, workforce training and development, and degree-granting programs,  
864 including undergraduate, graduate, and professional programs, through partnerships with the  
865 Commonwealth's ~~private and~~ public and private institutions of higher education, the City of  
866 Danville, the County of Pittsylvania, and the public schools, and the public and private sectors  
867 in the region.;

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

870 6. Assist in regional economic and community development efforts by housing and  
871 encouraging research and product-related activities and encouraging high technology economic  
872 development in the region.;

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

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

877 **Drafting note: Technical changes. The reference in subsection A to the three**  
878 **founding institutions of higher education are relocated to proposed § 23.1-3110.**

879 § ~~23-231.20~~ 23.1-3108. Board of trustees; ~~membership; appointments; terms;~~  
880 ~~compensation and expenses; officers.~~

881 A. The Institute shall be governed by a 15-member ~~Board of Trustees consisting board~~  
882 ~~of trustees (the board) that shall consist~~ of ~~the presidents or their designees of Averett~~  
883 ~~University, Danville Community College, and Virginia Polytechnic Institute and State~~  
884 ~~University; the chairman or his designee of the Board of the Future of the Piedmont Foundation;~~  
885 ~~11 nonlegislative citizen members and four ex officio members. Nonlegislative citizen members~~  
886 ~~shall be appointed as follows:~~ one resident of the City of Danville, to be appointed by the  
887 Danville City Council; one resident of Pittsylvania County, to be appointed by the Pittsylvania  
888 County Board of Supervisors; and nine ~~citizens~~ nonlegislative citizen members representing  
889 business and industry who (i) reside in Southside Virginia, (ii) own a business headquartered or  
890 otherwise operating in Southside Virginia, or (iii) serve as a member of either the board of  
891 directors or senior management of a business headquartered or otherwise operating in Southside  
892 Virginia, of whom three shall be appointed by the Governor, three shall be appointed by the  
893 Senate Committee on Rules, and three shall be appointed by the Speaker of the House of  
894 Delegates. The presidents of Averett University, Danville Community College, and Virginia  
895 Polytechnic Institute and State University or their designees and the chairman of the Board of  
896 the Future of the Piedmont Foundation or his designee shall serve ex officio with voting  
897 privileges. ~~All Nonlegislative citizen members appointed of the board~~ shall be nonelected  
898 citizens of the Commonwealth.

899 B. ~~The presidents or their designees of the named institutions of higher education and the~~  
900 ~~chairman or his designee of the Board of the Future of the Piedmont Foundation~~ Ex officio  
901 members of the board shall serve terms coincident with their terms of office. ~~Of the initial~~  
902 ~~citizen appointments to be made in 2004, one appointee each by the Governor, the Speaker of~~  
903 ~~the House of Delegates, and the Senate Committee on Rules shall serve for one-year terms and~~  
904 ~~one appointee each by the Governor, the Speaker of the House of Delegates, and the Senate~~  
905 ~~shall serve for two-year terms. After the initial staggering of terms, all citizen appointments~~

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

906 Appointments shall be for terms of three years, ~~except that appointments to fill vacancies.~~  
907 Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired  
908 terms. Vacancies shall be ~~for the unexpired terms filled in the same manner as the original~~  
909 appointments.

910 No nonlegislative citizen member ~~of the Board~~ shall ~~be eligible to~~ serve more than two  
911 successive consecutive three-year terms; however, ~~after expiration of a term of less than three~~  
912 years, or after the remainder of a three-year term to which a member was appointed to fill a  
913 vacancy, a member may serve two additional three-year terms, if so appointed a member  
914 appointed to serve an unexpired term shall be eligible to serve two consecutive three-year terms  
915 immediately succeeding such unexpired term.

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

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

922 **Drafting note: Technical changes are made, including removing provisions**  
923 **concerning initial staggering of terms as obsolete.**

924 § ~~23-231.21~~ 23.1-3109. Powers ~~and duties~~ of ~~Board;~~ ~~contracts for educational services~~  
925 the board.

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

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

934 ~~§ 23-231.23. Gifts, grants, and donations; cooperation with other agencies.~~

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

938 D. The ~~Board~~ board may ~~also~~ request and accept the cooperation of agencies of (i) the  
939 Commonwealth or (ii) the ~~local governments located~~ governing bodies in Southside Virginia in  
940 the performance of its duties.

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

944 ~~§ 23-231.22 23.1-3110. Executive director; responsibilities; additional staff support.~~

945 The ~~Board~~ board may appoint an executive director ~~for~~ of the Institute, who may be an  
946 employee of ~~one of the founding institutions of higher education~~ Averett University, Danville  
947 Community College, or Virginia Polytechnic Institute and State University. The executive  
948 director shall supervise and manage the Institute and shall prepare and submit, upon the  
949 direction and approval ~~by~~ of the ~~Board~~ board, all budgets and requests for appropriations.  
950 ~~During the initial development and implementation phase of the Institute, additional staff~~  
951 ~~support for the functions of the Institute may be provided upon agreement by the founding~~  
952 ~~institutions and local governments.~~

953 **Drafting note: The reference to the founding institutions of higher education as**  
954 **defined in existing subsection A of § 23-231.19 is amended here to list the three**



9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

955 **institutions. A provision concerning the initial development of the Institute is stricken as**  
956 **obsolete. Technical changes are made.**

957 ~~CHAPTER 16.6.~~

958 ~~THE NEW COLLEGE INSTITUTE.~~

959 Article 4.

960 New College Institute.

961 **Drafting note: Existing Chapter 16.6 (§ 23-231.30 et seq.) is reorganized as**  
962 **proposed Article 4 of Chapter 31.**

963 ~~§ 23-231.30 23.1-3111. The New College Institute created established; responsibilities~~  
964 duties.

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

970 B. New College shall:

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

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

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

979 4. Expand educational opportunities in the region by providing access to degree-granting  
980 programs, including undergraduate, graduate, and professional programs, through partnerships

981 with ~~private and~~ public and private institutions of higher education, the public schools, and the  
982 public and private sectors;

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

987 6. Serve as a resource and referral center by maintaining and disseminating information  
988 on existing educational programs, research, and university outreach and technology resources.

989 **Drafting note: Technical changes.**

990 § ~~23-231.31~~ 23.1-3112. Board of ~~Directors; membership; appointments; terms;~~  
991 ~~compensation; officers~~ directors.

992 A. New College shall be governed by a ~~Board of Directors~~ board of directors (the board)  
993 consisting of 12 members that shall consist of five legislative members and seven nonlegislative  
994 members. Members ~~of the Board~~ shall be appointed as follows: three members of the House of  
995 Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the  
996 rules of proportional representation contained in the Rules of the House of Delegates; two  
997 members of the Senate, to be appointed by the Senate Committee on Rules; and seven  
998 nonlegislative members to be appointed by the Governor, subject to ~~the approval of~~  
999 confirmation by the General Assembly; ~~three members to be appointed by the Speaker of the~~  
1000 ~~House of Delegates in accordance with the rules of proportional representation in the Rules of~~  
1001 ~~the House; and two members to be appointed by the Senate Committee on Rules. Of the 12~~  
1002 ~~members, no more than two may be nonresidents~~ At least 10 members shall be residents of the  
1003 Commonwealth.

1004 Legislative members shall serve terms coincident with their terms of office. ~~Beginning~~  
1005 ~~with the 2006-2007 fiscal year or for the first fiscal year of the Commonwealth in which funds~~

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1006 ~~are appropriated for the purposes of this chapter, whichever is later, of the Governor's initial~~  
1007 ~~appointments to the Board, two shall be appointed for terms of four years, two for terms of three~~  
1008 ~~years, two for terms of two years, and one for a term of one year. Notwithstanding any other~~  
1009 ~~provision of this chapter, each of the Governor's initial appointees may be appointed to one~~  
1010 ~~additional successive four-year term. After the initial staggering of terms, all nonlegislative~~  
1011 ~~citizen appointments~~

1012 B. Nonlegislative members shall be appointed for terms of four years, ~~except that~~  
1013 ~~appointments to fill vacancies shall be for the unexpired terms. Appointments to fill vacancies,~~  
1014 other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in  
1015 the same manner as the original appointments. All members may be reappointed.

1016 No nonlegislative ~~citizen~~ member ~~of the Board~~ shall be eligible to serve more than two  
1017 ~~successive consecutive~~ four-year terms, but after the expiration of the remainder of a term to  
1018 ~~which appointed to fill a vacancy, two additional four-year terms may be served by such~~  
1019 ~~member if appointed thereto; however, a member appointed to serve an unexpired term shall be~~  
1020 eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

1021 ~~B. C.~~ The Board board shall elect a chairman and vice-chairman from among its  
1022 ~~members membership~~ and may establish bylaws as necessary. A majority of the members shall  
1023 constitute a quorum. The meetings of the board shall be held at the call of the chairman or  
1024 whenever the majority of the members so request.

1025 ~~C. D.~~ Nonlegislative citizen members shall not be entitled to compensation for their  
1026 services. Legislative members of the ~~Board board~~ shall be compensated as provided in § 30-  
1027 19.12, ~~and all.~~ All members of the Board shall be reimbursed for all reasonable and necessary  
1028 expenses incurred in the performance of their duties in the work of New College as provided in  
1029 §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the  
1030 members shall be provided by New College.

1031           **Drafting note: Technical changes, including adding the standard language for a**  
1032 **quorum and how meetings are called. Provisions in subsection A relating to initial**  
1033 **appointments to the board are stricken as obsolete.**

1034           § ~~23-231.32~~ 23.1-3113. Powers and duties of ~~Board; contracts for educational services~~  
1035 ~~the board.~~

1036           A. The ~~Board of Directors~~ board shall have, in addition to its other powers, all the  
1037 corporate powers given to corporations by the provisions of Title 13.1, except in those cases  
1038 where, by the express terms of its provisions, the law is confined to corporations created under  
1039 that title. The ~~Board~~ board shall ~~also~~ have the power to accept, execute, and administer any trust  
1040 in which it may have an interest under the terms of the instrument creating the trust.

1041           B. The ~~Board~~ board shall oversee the educational programs of New College and ~~also~~  
1042 ~~have the authority to~~ may enter into and administer agreements with institutions of higher  
1043 education for ~~them~~ such institutions to provide continuing education, instructional programs,  
1044 and degree programs at New College.

1045           § ~~23-231.34. Sale, etc., of real estate.~~

1046           C. The ~~Board~~ board, with the approval of the Governor ~~first obtained, is hereby~~  
1047 ~~authorized to,~~ may lease, sell, and convey any and all real estate to which New College has  
1048 acquired title by gift, devise, or purchase ~~since the commencement of New College under any~~  
1049 ~~previous names, or which may hereafter be conveyed or devised to it.~~ The proceeds derived  
1050 from any such lease, sale, or conveyance shall be held by New College upon the identical trusts,  
1051 and subject to the same uses, limitations, and conditions, if any, that are expressed in the  
1052 original deed or will under which its title has derived; ~~or if there be.~~ If no such trusts, uses,  
1053 limitations, or conditions are expressed in such original deed or will, then such funds shall be  
1054 applied by the ~~Board~~ board to such purposes as it may deem best for New College.

1055           § ~~23-231.36. Gifts, grants, and donations; cooperation with other agencies.~~

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1056 D. The ~~Board board~~ may, on behalf of New College, apply for, accept, and expend gifts,  
1057 grants, or donations from public or private sources to enable it to carry out the purposes of this  
1058 ~~chapter article~~.

1059 E. The ~~Board board~~ may ~~also~~ request and accept the cooperation of agencies of the  
1060 Commonwealth or the local ~~governments located~~ governing bodies in Southside Virginia, or the  
1061 agencies of the Commonwealth or such local governing bodies in the performance of its duties.

1062 ~~§ 23-231.33. Curriculum.~~

1063 F. The ~~Board board~~ shall direct the development and focus of New College's curriculum-  
1064 ~~The curriculum shall to~~ include appropriate degree and nondegree programs offered by other  
1065 educational institutions. ~~New College shall enroll students by the fall semester of 2007 or as~~  
1066 ~~soon as practicable.~~

1067 **Drafting note:** Existing §§ 23-231.32, 23-231.33, 23-231.34, and 23-231.36 are  
1068 combined, relating to powers and duties of the board. A provision in existing § 23-231.33  
1069 relating to a 2007 deadline for the first enrollment of students is recommended for repeal  
1070 as obsolete. Technical changes are made.

1071 ~~§ 23-231.35~~ 23.1-3114. Executive ~~Director; responsibilities~~ director.

1072 The ~~Board board~~ shall appoint an ~~Executive Director~~ executive director of New College  
1073 who shall supervise and manage New College. The ~~Executive Director shall be authorized~~  
1074 executive director may, with the oversight of the ~~Board board~~, ~~to~~ employ such staff and faculty  
1075 as are necessary to enable New College to perform its duties as set forth in this ~~chapter article~~  
1076 and the bylaws established by the ~~Board board~~.

1077 **Drafting note:** Technical changes.

1078 ~~CHAPTER 16.3.~~

1079 ~~ROANOKE HIGHER EDUCATION AUTHORITY.~~

1080 Article 5.

1081 Roanoke Higher Education Authority.

1082           **Drafting note: Existing Chapter 16.3 (§ 23-231.13 et seq.) is reorganized as**  
1083 **proposed Article 5 of Chapter 31.**

1084           § ~~23-231.13~~ 23.1-3115. Roanoke Higher Education Authority ~~created~~ established.

1085           ~~With such funds as are appropriated or made available for this purpose, there is hereby~~  
1086 ~~created and constituted a political subdivision of the Commonwealth to be known as the~~ The  
1087 Roanoke Higher Education Authority, hereinafter referred to as the "Authority." (the Authority)  
1088 is established as a political subdivision of the Commonwealth.

1089           **Drafting note: Technical changes.**

1090           § ~~23-231.14~~ 23.1-3116. ~~Responsibilities~~ Duties of the Authority.

1091           The Authority shall:

1092           1. Expand access to higher education in the Roanoke Valley by providing for adult and  
1093 continuing education and degree-granting programs, including undergraduate, graduate, and  
1094 professional programs, through partnerships with the Commonwealth's public and private  
1095 institutions of higher education;

1096           2. Serve as a resource and referral center on existing educational programs and resources  
1097 by maintaining and disseminating information;

1098           3. Develop, in coordination with the ~~State Council of Higher Education for Virginia,~~  
1099 specific goals for higher education access and availability in the Roanoke Valley; and

1100           4. Accept, administer, and account for any state grant to a nonstate entity ~~which that~~ that may  
1101 be provided in the name of the Roanoke Higher Education Center (the Center) ~~or in the name of~~  
1102 the ~~Roanoke Higher Education~~ Authority.

1103           **Drafting note: Technical changes.**

1104           § ~~23-231.15~~ 23.1-3117. Board of ~~Trustees; appointments; terms; compensation; officers~~  
1105 trustees.

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1106 A. The Authority shall be governed by a ~~Board of Trustees~~ board of trustees (the board)  
1107 consisting of 22 members as follows: two members of the House of Delegates, to be appointed  
1108 by the Speaker of the House of Delegates in accordance with the principles of proportional  
1109 representation contained in the Rules of the House of Delegates; one member of the Senate, to  
1110 be appointed by the Senate Committee on Rules; the Director of the ~~State Council of Higher~~  
1111 ~~Education for Virginia~~ or his designee; the Chancellor of the Virginia Community College  
1112 System or his designee; ~~and the presidents or their designees~~ of Averett ~~College~~ University,  
1113 Bluefield College, Hollins University, James Madison University, Mary Baldwin College, Old  
1114 Dominion University, Radford University, Roanoke College, the University of Virginia,  
1115 Virginia Polytechnic Institute and State University, and Virginia Western Community College  
1116 or their designees; the Director of Total Action for Progress (TAP) This Valley Works; ~~two~~  
1117 ~~members of the House of Delegates to be appointed by the Speaker of the House of Delegates;~~  
1118 ~~one member of the Senate to be appointed by the Senate Committee on Rules;~~ and five  
1119 nonlegislative citizen members representing business and industry in the Roanoke Valley to be  
1120 appointed by the Governor. Nonlegislative citizen members of the ~~Board~~ board shall be citizens  
1121 of the Commonwealth and residents of the Roanoke region.

1122 B. The legislative members, the Director of the ~~State Council of Higher Education for~~  
1123 ~~Virginia,~~ the Chancellor of the Virginia Community College System, the Director of TAP This  
1124 Valley Works, and the presidents ~~or their designees~~ of the named institutions of higher  
1125 education or their designees shall serve terms coincident with their terms of office. ~~After the~~  
1126 ~~initial staggering of terms, all nonlegislative~~ Nonlegislative citizen members shall be appointed  
1127 for terms of four years, ~~except that appointments to fill vacancies.~~ Appointments to fill  
1128 vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall  
1129 be filled in the same manner as the original appointments.

1130 No nonlegislative citizen member ~~of the Board~~ shall be eligible to serve more than two  
1131 ~~suecessive~~ consecutive four-year terms; however, ~~after the expiration of the remainder of a term~~

1132 ~~to which appointed to fill a vacancy, two additional four year terms may be served by such~~  
1133 ~~member, if appointed thereto~~ a member appointed to serve an unexpired term shall be eligible to  
1134 serve two consecutive four-year terms immediately succeeding such unexpired term.

1135 C. Nonlegislative citizen members shall not be entitled to compensation for their  
1136 services. Legislative members of the ~~Board~~ board shall receive such compensation as provided  
1137 in § 30-19.12, ~~and all. All members of the Board~~ shall be reimbursed for all reasonable and  
1138 necessary expenses incurred in the performance of their duties in the work of the Authority as  
1139 provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of  
1140 the members shall be provided by the Authority.

1141 D. The ~~Board~~ board shall elect a chairman and a vice-chairman from among its ~~members~~  
1142 membership and may establish bylaws as necessary.

1143 **Drafting note: Technical changes.**

1144 § ~~23-231.16~~ 23.1-3118. Powers ~~and duties~~ of ~~Board of Trustees~~ the board.

1145 A. The ~~Board of Trustees~~ board shall have, in addition to such other powers, all the  
1146 corporate powers given to corporations by the provisions of Title 13.1, except in those cases  
1147 where, by the express terms of its provisions, this law is confined to corporations created under  
1148 that title.

1149 B. ~~The Board shall have the power to~~ board may issue bonds upon the advice of bond  
1150 counsel and a financial institution with expertise in bonds and investments. Bonds issued under  
1151 the provisions of this section shall not be deemed to constitute a debt or a pledge of the faith and  
1152 credit of the Commonwealth or ~~of any~~ of its political ~~subdivision thereof~~ subdivisions other than  
1153 the Authority.

1154 C. The ~~Board~~ board may accept, execute, and administer any trust in which it may have  
1155 an interest under the terms of any instrument creating the trust.



9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1156 B. D. The ~~Board shall have the authority to~~ board may lease property or ~~to~~ hold any  
1157 property for which it may acquire the title and ~~to~~ dispose of such property in a manner ~~which~~  
1158 that will benefit the Authority.

1159 E. The ~~Board board~~ may ~~also~~ enter into agreements with public and private institutions  
1160 of higher education in the Commonwealth to provide adult education, continuing education,  
1161 ~~undergraduate level~~ undergraduate-level education, and ~~graduate level~~ graduate-level  
1162 instructional programs. The ~~Board board~~ may enter into agreements with local school boards  
1163 and other entities to provide such programs as it deems necessary and appropriate to carry out  
1164 the purposes of the Authority.

1165 C. F. The ~~Board board~~ may establish, with such funds as are appropriated for this  
1166 purpose or made available to it, the ~~Roanoke Higher Education~~ Center.

1167 D. G. Notwithstanding any provision of law to the contrary, any real estate and tangible  
1168 personal property held or acquired by the ~~Board board~~ shall be exempt from any prohibition of  
1169 the use of noncash assistance as matching funds.

1170 § 23-231.18. Gifts, grants, and donations.

1171 H. The ~~Board board~~ may, on behalf of the Authority or the Center, apply for, accept, and  
1172 direct the expenditure of gifts, grants, or donations from public or private sources to enable it to  
1173 carry out the purposes of this ~~chapter article~~. Any locality may make gifts and donations of real  
1174 property, ~~real or personal,~~ personal property, or money; to the Authority.

1175 **Drafting note: Existing §§ 23-231.16 and 23-231.18 are combined. relating to board**  
1176 **powers. Technical changes are made.**

1177 § 23-231.17 23.1-3119. Executive director; staff.

1178 A. From funds available for this purpose, the ~~Board board~~ may appoint an executive  
1179 director for the ~~Roanoke Higher Education~~ Center who shall supervise and manage the Center  
1180 and ~~shall~~ prepare and submit, upon the direction and approval ~~by of~~ the ~~Board board~~, all  
1181 requests for appropriations. The ~~Executive Director~~ executive director of the Center ~~shall be~~

1182 ~~authorized to~~ may employ such staff as necessary to enable the Center to perform its duties as  
1183 set forth in the bylaws of the ~~Board of Trustees~~ board and this ~~chapter~~ article. The ~~Board~~ board  
1184 may determine the duties of the staff and fix salaries and compensation from such funds as may  
1185 be appropriated or received.

1186 B. Additional staff support for the functions of the Center may be provided upon  
1187 agreement by the participating institutions.

1188 **Drafting note: Technical changes.**

1189 ~~CHAPTER 16.5.~~

1190 ~~SOUTHERN VIRGINIA HIGHER EDUCATION CENTER.~~

1191 Article 6.

1192 Southern Virginia Higher Education Center.

1193 **Drafting note: Existing Chapter 16.5 (§ 23-231.24 et seq.) is reorganized as**  
1194 **proposed Article 6 of Chapter 31.**

1195 § ~~23-231.24~~ 23.1-3120. Southern Virginia Higher Education Center ~~created~~ established;  
1196 duties.

1197 ~~From such funds as may be appropriated, the~~ The Southern Virginia Higher Education  
1198 Center, ~~previously established as an off-campus center of Longwood University, (the Center)~~ is  
1199 ~~hereby continued~~ established as an educational institution in the Commonwealth ~~and shall be~~  
1200 ~~referred to in this chapter as the "Center."~~ The Center shall:

1201 1. Encourage the expansion of higher education, including adult and continuing  
1202 education, and associate, undergraduate, and graduate degree programs, in the region, and foster  
1203 partnerships between the public and private sectors to enhance higher education in the Southside  
1204 region;

1205 2. Coordinate the development and delivery of continuing education programs offered  
1206 by ~~those~~ the educational institutions serving the region;

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
 17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
 and 5.3 of 32.1 and § 22.1-20.2.

1207 3. Facilitate the delivery of teacher training programs leading to licensure and graduate  
 1208 degrees;

1209 4. Serve as a resource and referral center by maintaining and disseminating information  
 1210 on existing educational programs and resources; and

1211 5. Develop, in coordination with the ~~State Council of Higher Education for Virginia,~~  
 1212 specific goals for higher education in Southside Virginia.

1213 **Drafting note: Technical changes.**

1214 § ~~23-231.25~~ 23.1-3121. ~~Membership of governing board; terms; compensation; officers~~  
 1215 Board of trustees.

1216 A. The Center shall be governed by a ~~15-member Board of Trustees,~~ board of trustees  
 1217 (the board) consisting of 15 members as follows: two members of the House of Delegates to be  
 1218 appointed by the Speaker of the House of Delegates in accordance with the principles of  
 1219 proportional representation contained in the Rules of the House of Delegates; one member of  
 1220 the Senate to be appointed by the Senate Committee on Rules; the Director of the ~~State Council~~  
 1221 ~~of Higher Education for Virginia~~ or his designee; the Chancellor of the Virginia Community  
 1222 College System or his designee; the presidents ~~or chancellors, as appropriate, or their designees~~  
 1223 of Longwood University, Danville Community College, and Southside Virginia Community  
 1224 College or their designees; the division superintendent of Halifax County ~~public schools~~ Public  
 1225 Schools; ~~two members of the House of Delegates to be appointed by the Speaker of the House~~  
 1226 ~~of Delegates; one member of the Senate to be appointed by the Senate Committee on Rules;~~ and  
 1227 six nonlegislative citizen members to be appointed by the Governor, including ~~the chairman and~~  
 1228 two ~~other~~ members of the Halifax Education Foundation, and ~~three~~ four representatives of  
 1229 business and industry. The Speaker of the House of Delegates may appoint an alternate for ~~the~~  
 1230 Delegate one delegate appointed to the ~~Center board~~. The alternate shall serve a term coincident  
 1231 with the term of the ~~Delegate delegate~~ and shall have the power to act in his absence. The  
 1232 Senate Committee on Rules may appoint an alternate for the ~~Senator~~ senator appointed to the

1233 Center board. The alternate shall serve a term coincident with the term of the ~~Senator~~ senator  
1234 and ~~shall have the power to~~ may act in his absence.

1235 Nonlegislative citizen members of the ~~Board~~ board shall be chosen from among  
1236 residents of the Southside region of the Commonwealth and shall be citizens of the  
1237 Commonwealth.

1238 B. Legislative members and the representatives of the Council, the Virginia Community  
1239 College System, and the named institutions of higher education shall serve terms coincident  
1240 with their terms of office. ~~After the initial staggering of terms, all nonlegislative~~ Nonlegislative  
1241 citizen ~~appointments~~ members shall be appointed for terms of four years, ~~except that~~  
1242 ~~appointments to fill vacancies.~~ Appointments to fill vacancies, other than by expiration of a  
1243 term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the  
1244 original appointments.

1245 No nonlegislative citizen member ~~of the Board~~ shall be eligible to serve more than two  
1246 ~~successive consecutive~~ four-year terms, but after the expiration of the remainder of a term to  
1247 ~~which appointed to fill a vacancy, two additional four-year terms may be served by such~~  
1248 ~~member if appointed thereto; however, a member appointed to serve an unexpired term shall be~~  
1249 eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

1250 C. Nonlegislative citizen members shall not be entitled to compensation for their  
1251 services. Legislative members of the ~~Board~~ board shall be compensated as provided in § 30-  
1252 19.12, ~~and all.~~ All members of the ~~Board~~ board shall be reimbursed for all reasonable and  
1253 necessary expenses incurred in the performance of their duties in the work of the Center as  
1254 provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses  
1255 of the members shall be provided by the Center.

1256 D. The ~~Board~~ board shall elect a chairman and a vice-chairman from among its ~~members~~  
1257 membership.

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1258           **Drafting note: A substantive change is made to reduce the number of members of**  
1259 **the Halifax Education Foundation on the board from three to two and increase the**  
1260 **representatives of business and industry on the board from three to four. Section 2.2-3701**  
1261 **of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) defines "meeting" to**  
1262 **include an informal assemblage of as many as three members. If the three current**  
1263 **members of the board of the Center were to discuss board business while assembled at a**  
1264 **Halifax Education Foundation meeting, such discussion could violate the open meeting**  
1265 **provisions of § 2.2-3707. Technical changes are made.**

1266           § ~~23-231.26~~ 23.1-3122. Powers of ~~Board; contracts for educational services~~ the board.

1267           A. The ~~Board of Trustees~~ board shall have, in addition to its other powers, all the  
1268 corporate powers given to corporations by the provisions of Title 13.1, except in those cases  
1269 where, by the express terms of its provisions, it is confined to corporations created under that  
1270 title.

1271           B. The ~~Board shall also have the power to~~ board may accept, execute, and administer  
1272 any trust in which it may have an interest under the terms of the instrument creating the trust.

1273           B. C. The ~~Board shall have the authority to~~ board may establish and administer  
1274 agreements with public and private institutions of higher education for the provision of  
1275 associate, undergraduate, and graduate degree instructional programs at the Center.

1276           § ~~23-231.28~~. ~~Application for and acceptance of gifts and grants.~~

1277           D. The ~~Board is authorized~~ board, on behalf of the Center ~~to,~~ may apply for, accept, and  
1278 expend gifts, grants, or donations from public or private sources to enable it to carry out its  
1279 objectives purposes.

1280           **Drafting note: Existing §§ 23-231.26 and 23-231.28 are combined, relating to board**  
1281 **powers. Technical changes are made.**

1282           § ~~23-231.27~~ 23.1-3123. Executive director; ~~powers and duties~~; staff.

1283 A. The ~~Board~~ board shall appoint an executive director for the Center who shall  
1284 supervise and manage the Center and shall prepare and submit, upon the direction and approval  
1285 by of the ~~Board~~ board, all requests for appropriations. The ~~Executive Director of the Center~~  
1286 ~~shall be authorized to~~ executive director may employ such staff as necessary to enable the  
1287 Center to perform its duties as set forth in this ~~chapter article~~. The ~~Board~~ board is authorized to  
1288 determine the duties of such staff and to fix salaries and compensation from such funds as may  
1289 be appropriated or received.

1290 B. Additional staff support for the functions of the Center may be provided upon  
1291 agreement by Longwood University, Danville Community College, and Southside Virginia  
1292 Community College.

1293 **Drafting note: Technical changes.**

1294 § ~~23-231.29~~ 23.1-3124. Cooperation of other agencies.

1295 All agencies of the Commonwealth shall cooperate with the Center, and, upon request,  
1296 assist the Center in the performance of its duties and responsibilities.

1297 **Drafting note: Technical change.**

1298 ~~CHAPTER 16.1.~~

1299 ~~SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER.~~

1300 Article 7.

1301 Southwest Virginia Higher Education Center.

1302 **Drafting note: Existing Chapter 16.1 (§ 23-231.2 et seq.) is reorganized as proposed**  
1303 **Article 7 of Chapter 31.**

1304 § ~~23-231.2~~ 23.1-3125. Southwest Virginia Higher Education Center ~~created~~ established;  
1305 duties.

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1306 ~~From such funds as may be appropriated, the~~ The Southwest Virginia Higher Education  
1307 Center (the Center) is ~~hereby~~ established as an educational institution in the Commonwealth ~~and~~  
1308 ~~shall be referred to in this chapter as the "Center".~~ The Center shall:

1309 1. Encourage the expansion of higher education, ~~including degrees,~~ adult and continuing  
1310 education, ~~associate degrees to be offered by Virginia Highlands Community College,~~  
1311 ~~undergraduate degrees to be offered by the University of Virginia's College at Wise, and~~  
1312 ~~graduate degree programs, in the Southwest region of the Commonwealth and foster~~  
1313 ~~partnerships between the public and private sectors to enhance higher education in the region;~~

1314 ~~2. Coordinate the development and delivery of continuing education programs offered~~  
1315 ~~by those educational institutions serving the region~~ workforce training, and professional  
1316 development through partnerships with public and private institutions of higher education;

1317 ~~3.~~ 2. Facilitate the delivery of teacher training programs leading to licensure and  
1318 undergraduate and graduate degrees;

1319 ~~4.~~ 3. Serve as a resource and referral center by maintaining and disseminating  
1320 information on existing educational programs and resources; and

1321 ~~5.~~ 4. Develop, in coordination with the ~~State Council of Higher Education for Virginia,~~  
1322 specific goals for higher education in Southwest Virginia.

1323 **Drafting note: Technical changes are made. Substantive changes are made to**  
1324 **broaden the duties of the Center and align them with its current mission and practices.**

1325 ~~§ 23-231.3 23.1-3126. Membership of governing board; terms; compensation; officers~~  
1326 Board of trustees.

1327 A. The Center shall be governed by a ~~23-member Board of Trustees,~~ board of trustees  
1328 (the board), consisting of 23 members as follows: four members of the House of Delegates to be  
1329 appointed by the Speaker of the House of Delegates in accordance with the principles of  
1330 proportional representation contained in the Rules of the House of Delegates; two members of  
1331 the Senate to be appointed by the Senate Committee on Rules; the Director of the ~~State~~ Council

1332 ~~of Higher Education for Virginia~~ or his designee; the Chancellor of the Virginia Community  
1333 College System or his designee; the presidents or chancellors, as appropriate, ~~or their designees~~  
1334 of Virginia Polytechnic Institute and State University, Radford University, the University of  
1335 Virginia, the University of Virginia's College at Wise, Old Dominion University, Emory and  
1336 Henry College, Virginia ~~Intermont College~~ Commonwealth University, and Virginia Highlands  
1337 Community College ~~or their designees; four members of the House of Delegates to be appointed~~  
1338 ~~by the Speaker of the House of Delegates; two members of the Senate to be appointed by the~~  
1339 ~~Senate Committee on Rules;~~ and seven nonlegislative citizen members to be appointed by the  
1340 Governor, ~~representing who represent~~ Southwest Virginia public education and area business  
1341 and industry, including one ~~school~~ division superintendent, one public school teacher, two  
1342 business and industry leaders, ~~and three persons;~~ one ~~each representing representative of~~  
1343 technology industry, one representative of the tourism industry, and one representative of the  
1344 health care ~~industries, respectively~~ industry.

1345 Nonlegislative citizen members of the ~~Board~~ board shall be chosen from among  
1346 residents of the Southwest region of the Commonwealth and shall be citizens of the  
1347 Commonwealth.

1348 B. Legislative members and the representatives of the ~~State~~ Council, the Virginia  
1349 Community College System, and the named institutions of higher education shall serve terms  
1350 coincident with their terms of office. ~~After the initial staggering of terms, all nonlegislative~~  
1351 Nonlegislative citizen ~~appointments members~~ shall be appointed for terms of four years, ~~except~~  
1352 ~~that appointments to fill vacancies. Appointments to fill vacancies, other than by expiration of a~~  
1353 term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the  
1354 original appointments.

1355 No nonlegislative citizen member ~~of the Board~~ shall be eligible to serve more than two  
1356 succcessive consecutive four-year terms, ~~but after the expiration of the remainder of a term to~~



9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1357 ~~which appointed to fill a vacancy, two additional four-year terms may be served by such~~  
1358 ~~member if appointed thereto; however, a member appointed to serve an unexpired term shall be~~  
1359 ~~eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.~~

1360 C. Nonlegislative citizen members shall not be entitled to compensation for their  
1361 services. Legislative members of the ~~Board board~~ shall be compensated as provided in § 30-  
1362 19.12, ~~and all.~~ All members of the ~~Board board~~ shall be reimbursed for all reasonable and  
1363 necessary expenses incurred in the performance of their duties in the work of the Center as  
1364 provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses  
1365 of the members shall be provided by the Center.

1366 D. The ~~Board board~~ shall elect a chairman and a vice-chairman from among its ~~members~~  
1367 membership.

1368 **Drafting note: The president of Virginia Intermont College is removed as an ex**  
1369 **officio member of the board. Virginia Intermont College closed permanently in 2014. A**  
1370 **substantive change is made to add the president of Virginia Commonwealth University as**  
1371 **an ex officio member of the board. Technical changes are made.**

1372 § ~~23-231.4~~ 23.1-3127. Powers of ~~Board; contracts for educational services~~ the board.

1373 A. The ~~Board of Trustees board~~ shall have, in addition to its other powers, all the  
1374 corporate powers given to corporations by the provisions of Title 13.1, except in those cases  
1375 where, by the express terms of its provisions, it is confined to corporations created under that  
1376 title. The ~~Board shall also have the power to~~ board may accept, execute, and administer any trust  
1377 in which it may have an interest under the terms of the instrument creating the trust.

1378 B. The ~~Board shall have the authority to~~ board may establish and administer agreements  
1379 with (i) public and private institutions of higher education in the Commonwealth to provide  
1380 graduate-level undergraduate-level and graduate-level instructional programs at the Center and  
1381 ~~with Emory and Henry College for the provision of graduate degree instructional programs in~~  
1382 ~~education at the Center. The Board shall be empowered to establish and administer agreements~~

1383 ~~with the University of Virginia's College at Wise and Emory and Henry College for the~~  
1384 ~~provision of upper level undergraduate instructional programs at the Center and with (ii)~~  
1385 ~~Virginia Highlands Community College for the provision of~~ and other public and private  
1386 institutions of higher education to provide freshman-level and sophomore-level courses and  
1387 associate-degree instructional programs at the Center degrees.

1388 ~~§ 23-231.6. Application for and acceptance of gifts and grants.~~

1389 C. ~~The Board is authorized~~ board may, on behalf of the Center ~~to,~~ apply for, accept, and  
1390 expend gifts, grants, or donations from public or private sources to enable it to carry out its  
1391 objectives.

1392 **Drafting note: Existing §§ 23-231.4 and 23-231.6 are combined, relating to board**  
1393 **powers. Substantive changes are made to give the board the authority to establish and**  
1394 **administer agreements with (i) public and private institutions of higher education in the**  
1395 **Commonwealth to provide undergraduate-level and graduate-level instructional programs**  
1396 **at the Center and (ii) Virginia Highlands Community College and other public and private**  
1397 **institutions of higher education to provide freshman-level and sophomore-level courses**  
1398 **and associate degrees. Under existing law, the Center is only permitted to establish and**  
1399 **administer agreements with (a) public institutions of higher education in the**  
1400 **Commonwealth to provide graduate-level instructional programs at the Center and (b)**  
1401 **Virginia Highlands Community College to provide associate degree instructional**  
1402 **programs at the Center. This substantive change is intended to align the Center's powers**  
1403 **with its current mission and practices. Technical changes are made.**

1404 ~~§ 23-231.5~~ 23.1-3128. Executive director; ~~powers and duties;~~ staff.

1405 A. The ~~Board~~ board shall appoint an executive director for the Center who shall  
1406 supervise and manage the Center and shall prepare and submit, upon the direction and approval  
1407 by of the ~~Board~~ board, all requests for appropriations. The ~~Executive Director of the Center~~

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 17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
 and 5.3 of 32.1 and § 22.1-20.2.

1408 ~~executive director shall be authorized to~~ may employ such staff as necessary to enable the  
 1409 Center to perform its duties as set forth in this ~~chapter article~~. The ~~Board board~~ is authorized to  
 1410 determine the duties of such staff and ~~to~~ fix salaries and compensation from such funds as may  
 1411 be appropriated or received.

1412 B. Additional staff support for the functions of the Center may be provided upon  
 1413 agreement by ~~Virginia Polytechnic Institute and State University, the University of Virginia, the~~  
 1414 ~~University of Virginia's College at Wise, and Virginia Highlands Community College~~ any  
 1415 public institution of higher education that offers courses or instructional programs at the Center.

1416 **Drafting note: A substantive change is made to specify that additional staff support**  
 1417 **for the functions of the Center may be provided upon agreement by any public institution**  
 1418 **of higher education that offers courses or instructional programs at the Center. Under**  
 1419 **current law, such agreements are only permitted between the Center and Virginia**  
 1420 **Polytechnic Institute and State University, the University of Virginia, the University of**  
 1421 **Virginia's College at Wise, and Virginia Highlands Community College. Technical**  
 1422 **changes are made.**

1423 § ~~23-231.7~~ 23.1-3129. Cooperation of other agencies.

1424 All agencies of the Commonwealth shall cooperate with the Center, and, upon request,  
 1425 assist the Center in the performance of its duties and responsibilities.

1426 **Drafting note: Technical change.**

1427 ~~CHAPTER 12.~~

1428 ~~VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND.~~

1429 ~~§§ 23-156 through 23-164.~~

1430 **Drafting note: Repealed by Acts 1977, c. 668.**

1431 ~~CHAPTER 14.~~

1432 ~~VIRGINIA STATE SCHOOL.~~

1433 ~~§§ 23-175 through 23-181.~~

1434 **Drafting note: Repealed by Acts 1966, c. 551.**

1435 ~~CHAPTER 14.1.~~

1436 ~~VIRGINIA SCHOOL AT HAMPTON.~~

1437 ~~§§ 23-181.1 through 23-181.10.~~

1438 **Drafting note: Repealed by Acts 1977, c. 668.**

1439 ~~CHAPTER 19.~~

1440 ~~THE VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND.~~

1441 ~~§§ 23-254 through 23-260.1.~~

1442 **Drafting note: Repealed by Acts 1984, c. 413.**

1443 ~~§§ 23-262, 23-263.~~

1444 **Drafting note: Repealed by Acts 1991, c. 590.**

1445 ~~§ 23-264.~~

1446 **Drafting note: Repealed by Acts 1984, c. 734.**

1447 ~~CHAPTER 27.~~

1448 ~~VIRGINIA UNIVERSITIES CLEAN ENERGY DEVELOPMENT AND ECONOMIC~~

1449 ~~STIMULUS FOUNDATION.~~

1450 **Drafting note: Repeal of obsolete existing Chapter 27 (§ 23-300 et seq.) and its**  
1451 **contents is recommended.**

1452 ~~§ 23-300. Virginia Universities Clean Energy Development and Economic Stimulus~~  
1453 ~~Foundation created; purpose; structure.~~

1454 ~~A. There is hereby created the Virginia Universities Clean Energy Development and~~  
1455 ~~Economic Stimulus Foundation (Foundation) established as a body corporate and political~~  
1456 ~~subdivision of the Commonwealth which, with the cooperation and assistance of the~~  
1457 ~~universities, shall identify, obtain, disburse, and administer funding for the following purposes:~~

1458 ~~(i) research and development of alternative fuels, clean energy production, and related~~

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1459 ~~technologies; (ii) support of economic development projects in economically disadvantaged~~  
1460 ~~areas; and (iii) provision of assistance in the commercialization of alternative fuels and clean~~  
1461 ~~energy technologies developed with funds administered by the Foundation.~~

1462 ~~B. The Foundation shall have, and is vested with, all of the politic and corporate powers~~  
1463 ~~as are set forth in this chapter. The Foundation shall have only those powers and duties as~~  
1464 ~~enumerated in this chapter.~~

1465 ~~C. The Foundation shall operate as a not-for-profit corporate entity and all funding made~~  
1466 ~~available to the Foundation shall be used solely for the purposes set forth in this chapter and~~  
1467 ~~shall be provided from such sources as specified in this chapter. No public funds shall be used~~  
1468 ~~for the work of the Foundation, which shall not be construed as an agency of the~~  
1469 ~~Commonwealth.~~

1470 ~~D. The Foundation shall be exempt from the provisions of the Virginia Public~~  
1471 ~~Procurement Act (§ 2.2-4300 et seq.).~~

1472 ~~E. The exercise of the powers granted by this chapter shall be in all respects for the~~  
1473 ~~benefit of the citizens of the Commonwealth and for the promotion of their welfare,~~  
1474 ~~convenience, and prosperity.~~

1475 ~~F. The Foundation shall be performing an essential governmental function in the~~  
1476 ~~exercise of the powers conferred upon it by this chapter, and the property of the Foundation and~~  
1477 ~~its income and operations shall be exempt from taxation or assessments upon any property~~  
1478 ~~acquired or used by the Foundation under the provisions of this chapter.~~

1479 **Drafting note: Repeal of obsolete existing § 23-300 is recommended.**

1480 ~~§ 23-301. Membership of the Board; terms; vacancies; officers; meetings, etc.~~

1481 ~~A. The Foundation shall be governed by a Board of Directors composed of eight~~  
1482 ~~members as follows: the president of the University of Virginia or his designee; the president of~~  
1483 ~~Virginia Polytechnic Institute and State University or his designee; the president of one of the~~  
1484 ~~other institutions included in the Virginia Coastal Energy Research Consortium, pursuant to §~~

1485 ~~67-600 of the Code of Virginia, or his designee; one nonlegislative citizen member who shall~~  
1486 ~~represent public service companies providing energy to consumers, to be appointed by the~~  
1487 ~~Governor; three nonlegislative citizen members to be appointed by the Speaker of the House of~~  
1488 ~~Delegates; and one nonlegislative citizen member to be appointed by the Senate Committee on~~  
1489 ~~Rules.~~

1490 ~~Nonlegislative citizen members appointed by the Speaker of the House of Delegates and~~  
1491 ~~the Senate Committee on Rules shall have specialized background and expertise on one or more~~  
1492 ~~of the following subjects: environmental or conservation issues; financing and~~  
1493 ~~commercialization of newly developed technologies or products; energy production issues; or~~  
1494 ~~scientific research methodologies and protocols.~~

1495 ~~B. There shall be no limitation on the terms of Board members and they shall serve at~~  
1496 ~~the pleasure of the appointing authority, except for the president of the other institutions~~  
1497 ~~included in the Virginia Coastal Energy Research Consortium, which shall rotate among the~~  
1498 ~~member institutions on an annual basis.~~

1499 ~~C. The Board shall appoint from its membership a chairman and a vice chairman, both~~  
1500 ~~of whom shall serve in such capacities at the pleasure of the Board. The chairman, or in his~~  
1501 ~~absence, the vice chairman, shall preside at all meetings of the Board. The meetings of the~~  
1502 ~~Board shall be held on the call of the chairman or whenever the majority of the members so~~  
1503 ~~request. The Board shall meet not less than twice annually. A majority of members of the Board~~  
1504 ~~-serving at any one time shall constitute a quorum for the transaction of business.~~  
1505 ~~Notwithstanding any other provision of law, the Board may meet, conduct business, and vote by~~  
1506 ~~means of electronic communication.~~

1507 **Drafting note: Repeal of obsolete existing § 23-301 is recommended.**

1508 ~~§ 23-302. Powers and duties of the Board.~~

1509 ~~A. The Board shall have the power to:~~

- 1510 ~~1. Adopt, use, and alter at will an official seal;~~
- 1511 ~~2. Make bylaws for the management and regulation of its affairs;~~
- 1512 ~~3. Sue and be sued;~~
- 1513 ~~4. Maintain an office at such place or places within the Commonwealth as it may~~
- 1514 ~~designate;~~
- 1515 ~~5. Accept, hold, and administer moneys, grants, securities, or other property transferred,~~
- 1516 ~~given, or bequeathed to the Foundation, absolutely or in trust, for the purposes for which the~~
- 1517 ~~Foundation is created;~~
- 1518 ~~6. Determine how moneys provided to the Foundation are to be distributed and to~~
- 1519 ~~authorize grants, loans, or other distributions of such moneys for the purposes set forth in this~~
- 1520 ~~chapter;~~
- 1521 ~~7. Make and execute contracts and all other instruments and agreements necessary or~~
- 1522 ~~convenient for the exercise of its powers and functions;~~
- 1523 ~~8. Invest its funds as provided in this chapter or permitted by applicable law;~~
- 1524 ~~9. Expend from such funds as are available to it a reasonable amount for personnel,~~
- 1525 ~~operations, and administration of the Foundation; and~~
- 1526 ~~10. Do any lawful act necessary or appropriate to carry out the powers herein granted or~~
- 1527 ~~reasonably implied, including use of whatever lawful means may be necessary and appropriate~~
- 1528 ~~to recover any payments wrongfully made from the funds available to the Foundation.~~
- 1529 ~~B. The Board shall employ on a full-time, part-time, or contract basis such personnel as~~
- 1530 ~~may be necessary to ensure that the purposes of this chapter are achieved, including, but not~~
- 1531 ~~limited to, a chief executive officer, legal counsel, and chief research policy officer.~~
- 1532 ~~C. The Board and such staff as may be employed shall have the following duties:~~
- 1533 ~~1. Establish procedures by which persons seeking funds from the Foundation may make~~
- 1534 ~~application for an award of such fund;~~
- 1535 ~~2. Actively seek out and encourage appropriate projects; and~~

1536 ~~3. Actively seek out and expend all reasonable efforts to obtain funds from all available~~  
1537 ~~sources.~~

1538 ~~D. Any proposed projects funded by the Foundation shall be consistent with the~~  
1539 ~~purposes set forth in this chapter.~~

1540 ~~E. The Board shall report its activities annually by December 1 to the Governor, the~~  
1541 ~~Speaker of the House, and the Senate Committee on Rules.~~

1542 **Drafting note: Repeal of obsolete existing § 23-302 is recommended.**

1543 ~~§ 23-303. Evaluation of proposals; due diligence; participation by universities.~~

1544 ~~A. All requests seeking funds from the Foundation shall be thoroughly evaluated~~  
1545 ~~utilizing the criteria set forth in subsection B of this section. The Board and such staff as may be~~  
1546 ~~employed shall participate in the evaluation and may utilize such additional assistance as they~~  
1547 ~~determine necessary. The universities shall provide expertise for the evaluation process as~~  
1548 ~~requested by the Board.~~

1549 ~~B. Each funding request shall be evaluated according to the extent to which it meets a~~  
1550 ~~substantial portion of the following criteria as appropriate to the project or technology proposed:~~

1551 ~~1. Whether, and to what extent, the proposed project will identify, develop, and facilitate~~  
1552 ~~production and marketing of alternative fuels, clean energy sources, reduced dependence on~~  
1553 ~~foreign energy supplies, more affordable energy, discovery and development of raw materials~~  
1554 ~~necessary for energy production, or other similar improvements in energy creation, production,~~  
1555 ~~distribution, and affordability;~~

1556 ~~2. Whether, and to what extent, the proposed project will aid in economic revitalization~~  
1557 ~~of economically disadvantaged areas;~~

1558 ~~3. The scientific and technological value and viability of the proposed project;~~

1559 ~~4. The likelihood that the proposed project will fully realize its stated objectives;~~



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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1560 ~~5. The cost of the proposed project in relation to its reasonably foreseeable economic~~

1561 ~~impact;~~

1562 ~~6. Whether, and to what extent, the proposed project will likely result in a commercially~~

1563 ~~viable outcome;~~

1564 ~~7. The effort and time necessary to commercialize outcomes of the proposed project;~~

1565 ~~8. Whether, and to what extent, the requesting entity has utilized other available funding~~

1566 ~~sources; and~~

1567 ~~9. Such other criteria as the Board may determine.~~

1568 ~~C. The Board shall determine whether a funding request sufficiently meets the criteria~~

1569 ~~established and the purposes of this chapter, and if so, the appropriate amount of funding to be~~

1570 ~~provided. Funding shall be awarded only to those proposed projects that best meet the~~

1571 ~~established criteria and purposes of this chapter.~~

1572 ~~D. Any member of the Board who has a personal interest in any transaction before the~~

1573 ~~Board shall be disqualified from participating in that transaction, and shall forthwith make~~

1574 ~~disclosure of the existence of his interest, including the full name and address of the business~~

1575 ~~involved, and his disclosure shall also be reflected in the public records of the Board for five~~

1576 ~~years in the office of the administrative head of the Board or, if the Board has a clerk, in the~~

1577 ~~clerk's office.~~

1578 **Drafting note: Repeal of obsolete existing § 23-303 is recommended.**

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1586 CHAPTER 32.

1587 MUSEUMS AND OTHER CULTURAL ENTITIES.

1588 **Drafting note: Museums and other cultural entities, existing Chapters 18, 18.1, 23,**  
1589 **24, and 25 of Title 23, are reorganized as proposed Articles 2 through 6 in Chapter 32.**  
1590 **Also logically relocated as proposed Article 7 in Chapter 32 are provisions relating to two**  
1591 **other cultural entities, the Virginia Commission for the Arts (existing Article 4 (§ 2.2-2508**  
1592 **et seq.) of Chapter 25 of Title 2.2) and the Virginia Arts Foundation (existing Article 1 (§**  
1593 **2.2-2700 et seq.) of Chapter 27 of Title 2.2).**

1594 Article 1.

1595 General Provisions.

1596 **Drafting note: Existing provisions relating to educational entities in general are**  
1597 **consolidated in proposed Article 1.**

1598 § 23.1-3200. Governing boards of educational institutions; removal of members.

1599 A. Notwithstanding any other provision of law, the Governor may remove from office  
1600 for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board  
1601 of any educational institution established pursuant to this chapter and fill the vacancy resulting  
1602 from the removal. Each appointment to fill a vacancy shall be subject to confirmation by the  
1603 General Assembly.

1604 B. The Governor shall set forth in a written public statement his reasons for removing  
1605 any member pursuant to subsection A at the time the removal occurs. The Governor shall be the  
1606 sole judge of the sufficiency of the cause for removal as set forth in subsection A.

1607 **Drafting note: The provisions of existing subsections A and C of § 2.2-108 that**  
1608 **apply to other educational institutions in general are logically reorganized as proposed §§**  
1609 **23.1-3100 and 23.1-3200. Technical changes are made.**

1610 CHAPTER 25.

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 17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
 and 5.3 of 32.1 and § 22.1-20.2.

1611 ~~FRONTIER CULTURE MUSEUM OF VIRGINIA.~~

1612 Article 2.

1613 Frontier Culture Museum of Virginia.

1614 **Drafting note: Existing Chapter 25 (§ 23-296 et seq.) is reorganized as proposed**

1615 **Article 2 of Chapter 32.**

1616 § ~~23-296~~ 23.1-3201. Frontier Culture Museum of Virginia ~~created; purpose established.~~

1617 ~~There is hereby created the~~ The Frontier Culture Museum of Virginia (the Museum) is

1618 established as a state agency and educational institution. The purpose of the ~~museum~~ Museum is

1619 to construct, operate, and maintain, in the Augusta ~~County/Staunton/Waynesboro~~ County,

1620 Staunton, and Waynesboro area of the Commonwealth, an outdoor museum ~~in order~~ to

1621 commemorate on an international scale the ~~contribution which~~ contributions of the pioneers and

1622 colonial frontiersmen and frontierswomen of the eighteenth and nineteenth centuries ~~made~~ to

1623 the creation and development of the United States. The Museum is ~~an educational institution~~

1624 ~~with responsibility to administer certain~~ responsible for administering such historical and

1625 interpretive programs as may be established by the board of trustees of the Museum.

1626 **Drafting note: Technical changes.**

1627 § ~~23-297~~ 23.1-3202. Board of ~~Trustees; membership; terms; officers and committees;~~

1628 ~~compensation trustees.~~

1629 A. The ~~Frontier Culture~~ Museum ~~of Virginia~~ shall be administered by a ~~Board of~~

1630 Trustees board of trustees (the board) consisting of no more than 25 members. The members

1631 shall be appointed as follows: five members of the House of Delegates ~~shall be appointed~~ by the

1632 Speaker of the House of Delegates; in accordance with the rules of proportional representation

1633 contained in the Rules of the House of Delegates, three members of the Senate ~~shall be~~

1634 ~~appointed~~ by the Senate Committee on Rules; ; and nine nonlegislative citizen members ~~shall be~~

1635 ~~appointed~~ by the Governor. The Governor may appoint, upon recommendation of the ~~Board of~~

1636 Trustees board, up to eight additional nonlegislative members ~~for four year terms~~ who may be  
1637 nonresidents of the Commonwealth ~~and who shall serve at no expense to the Commonwealth.~~

1638 B. Legislative members shall serve terms coincident with their terms of office. ~~After the~~  
1639 ~~initial staggering of terms, nonlegislative~~ Nonlegislative citizen members shall be appointed  
1640 ~~shall serve~~ for ~~four year~~ terms of four years. Appointments to fill vacancies, other than by  
1641 expiration of a term, shall be ~~made~~ for the unexpired ~~term~~ terms. Vacancies shall be filled in the  
1642 same manner as the original appointments. All members may be reappointed.

1643 C. The ~~Board of Trustees board~~ shall elect a chairman, vice-chairman, and such other  
1644 officers as it deems necessary. ~~Seven or more of the members of the Board of Trustees shall~~  
1645 ~~constitute an executive committee~~ A majority of the members shall constitute a quorum. The  
1646 meetings of the board shall be held at the call of the chairman or whenever the majority of the  
1647 members so request. The board may appoint an executive committee consisting of at least seven  
1648 members for the transaction of business in the recess of the board.

1649 ~~The Board of Trustees~~ D. Members of the board shall be reimbursed for all reasonable  
1650 and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813  
1651 and 2.2-2825 ~~and shall be compensated at the per diem rate established for members of the~~  
1652 ~~General Assembly for meetings.~~ Nonlegislative members shall receive no compensation for  
1653 their services. Legislative members shall be compensated as provided in § 30-19.12. Funding  
1654 for the costs of compensation and expenses of the members shall be provided by the ~~Frontier~~  
1655 Culture Museum.

1656 **Drafting note: Technical changes are made including adding standard language for**  
1657 **a quorum and how meetings are called. A substantive change is made in proposed**  
1658 **subsections A and D to (i) remove the restriction that members who are not residents of**  
1659 **the Commonwealth shall serve at no expense to the Commonwealth and (ii) specify that all**  
1660 **members are entitled to reimbursement for reasonable and necessary expenses, but only**

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1661 legislative members are entitled to be compensated at a per diem rate. A substantive  
1662 change is made in proposed subsection C to specify that the board may appoint an  
1663 executive committee for the transaction of business in the recess of the board. Similar  
1664 language is found in the enabling statutes of other boards in proposed Title 23.1. The  
1665 existing statute is silent on the appointment and powers of the executive committee.

1666 § ~~23-298~~ 23.1-3203. Powers of ~~Board of Trustees; donation~~ the board.

1667 A. The ~~Board of Trustees~~ board shall:

1668 1. Establish, operate, and maintain the ~~Frontier Culture~~ Museum ~~of Virginia~~ to  
1669 commemorate the contributions ~~which of~~ the pioneers and colonial frontiersmen and  
1670 frontierswomen ~~made~~ to the creation of this nation;

1671 2. Employ an executive director and such assistants as may be required and confer such  
1672 duties and responsibilities as determined necessary;

1673 3. Adopt a flag, seal, and other emblems for use in connection with the Museum;

1674 4. Establish a nonprofit corporation to develop and maintain public awareness of the  
1675 Frontier Culture Museum of Virginia;

1676 5. Receive and expend gifts, grants, and donations of any kind from whatever sources  
1677 determined, including donations accepted by the American Frontier Culture Foundation on  
1678 behalf of the Museum;

1679 6. Adopt regulations and set fees concerning the use and visitation of properties under its  
1680 control;

1681 7. ~~Acquire, with~~ With the consent of the Governor, acquire by purchase, lease, gift,  
1682 devise, or condemnation proceedings lands, property, and structures deemed necessary to the  
1683 purpose of the Museum ~~by purchase, lease, gift, devise or condemnation proceedings~~. The title  
1684 to such acquired land and property ~~acquired~~ shall be in the name of the Commonwealth. In the  
1685 exercise of the power of eminent domain granted under this section, the Museum may proceed  
1686 in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1;

1687           8. Convey by lease land and structures to any person, association, firm, or corporation,  
1688 with the consent of the Governor, for such terms and on such conditions as the Museum may  
1689 determine;

1690           9. Enter into contracts to further the purpose of the Museum, ~~which have been approved~~  
1691 ~~by the Attorney General~~; and

1692           10. Elect any past member of the ~~Board of Trustees~~ board to the honorary position of  
1693 trustee emeritus. Trustees emeriti shall serve as honorary members for life, shall not have voting  
1694 privileges, and shall be elected in addition to those positions set forth in § ~~23-297~~ 23.1-3202.

1695           B. In addition to the powers granted by subsection A, the ~~Board~~ board may, ~~from time to~~  
1696 ~~time~~, evaluate the significance ~~or~~ and suitability of the furnishings, household items, and other  
1697 objects ~~heretofore and hereinafter~~ acquired by purchase, gift ~~or donations~~, or donation with or  
1698 for the Museum; for the purpose of accurately presenting the means, tastes, and lifestyles of the  
1699 people living during the era depicted by the Museum ~~depicts and within the limitations of the~~  
1700 ~~furnishings, household items, and other objects that would have been available to and within the~~  
1701 ~~means of such persons~~. The ~~Board~~ board may ~~dispose of exchange or sell~~ those furnishings,  
1702 household items, and other objects ~~determined by the Board that it determines~~ to be of little or  
1703 no significance or suitability for achieving the ~~purposes~~ purpose or mission of the Museum ~~by~~  
1704 ~~exchange or sale, so as~~ long as such disposition is not inconsistent with the terms of the  
1705 acquisition of the relevant property. ~~At the discretion of the Board, sales~~ Sales of these items  
1706 may be conducted by auction houses recognized for their expertise in the sale of such property.

1707           C. Any furnishings, household goods, and other objects previously acquired by donation  
1708 or purchase and the net proceeds of any sale of these items as provided in subsection B shall  
1709 constitute a discrete fund of the ~~Frontier Culture~~ Museum of Virginia and shall be used solely  
1710 for the acquisition of period furnishings, household goods, and other objects consistent with the  
1711 purpose and mission of the Museum.

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1712 Donations to the Museum of any funds, securities, and any other property, real or  
1713 personal, for use in accordance with its purpose and mission; shall constitute endowments or  
1714 unrestricted gifts ~~within the meaning for the purposes~~ of § ~~23-9.2~~ 23.1-101. The ~~Board~~ board  
1715 may change the form of investment of any such funds, securities, or other property, real or  
1716 personal, if the change in such form is not inconsistent with the terms of the instrument under  
1717 which such property was acquired; and may sell, grant, or convey any such property; however,  
1718 any transfers of real property ~~may~~ shall be made only with the consent of the Governor.

1719 **Drafting note: A substantive change is made in proposed subdivision A 8: the**  
1720 **requirement for the Attorney General to approve contracts that the board enters is**  
1721 **removed. The Attorney General does not exercise approval of such contracts. Technical**  
1722 **changes are made.**

1723 ~~CHAPTER 24.~~

1724 ~~BOARDS OF REGENTS; GUNSTON HALL.~~

1725 ~~Article 3.~~

1726 ~~Gunston Hall.~~

1727 **Drafting note: Existing Chapter 24 (§ 23-295 et seq.) is reorganized as proposed**  
1728 **Article 3 of Chapter 32.**

1729 § ~~23-295~~ 23.1-3204. Board of Regents of Gunston Hall; and Board of Visitors for  
1730 Gunston Hall established.

1731 ~~There is hereby created the~~ The Board of Regents of Gunston Hall ~~and the Board of~~  
1732 ~~Visitors for Gunston Hall~~ (Board of Regents) is established as an educational institution to  
1733 manage, maintain, and operate Gunston Hall and accept and administer gifts of real and  
1734 personal property made for the benefit of Gunston Hall. The Board of Visitors for Gunston Hall  
1735 is established. Membership of both collegial bodies shall be pursuant to the terms and conditions  
1736 of the deed of gift of Gunston Hall from Louis Hertle to the Commonwealth ~~of Virginia~~. The  
1737 duties ~~for~~ of the two boards are prescribed in Chapter 138 of the ~~1932~~ Acts of Assembly of 1932

1738 and Chapter 175 of the ~~1948~~ Acts of Assembly of 1948. ~~As such, the Board of Regents is~~  
1739 ~~declared an educational institution with all the rights, powers, privileges, and immunities under~~  
1740 ~~law. The Board of Regents shall manage, maintain and operate Gunston Hall and accept and~~  
1741 ~~administer gifts of real and personal property made for the benefit of Gunston Hall.~~

1742 **Drafting note: Technical changes.**

1743 § ~~23-295.1~~ 23.1-3205. ~~Certain powers~~ Powers of the Board of Regents.

1744 A. The Board of Regents may ~~from time to time~~ undertake to determine the significance  
1745 or suitability of the furnishings, household items, and other objects ~~heretofore and hereafter~~  
1746 acquired by purchase, gift, or ~~donations with or~~ donation for Gunston Hall, for the purpose of  
1747 accurately presenting Gunston Hall according to the means and taste of George Mason ~~and~~  
1748 ~~within the limitations of the furnishings, household items, and other objects that would have~~  
1749 ~~been available to him and within his means~~. Those furnishings, household items, and other  
1750 objects determined by the Board of Regents to be of little or no significance or unsuitable for  
1751 achieving this purpose may be ~~disposed of~~ exchanged or sold by the Board ~~by exchange or sale~~  
1752 of Regents if not inconsistent with the terms of the acquisition ~~thereof of the items~~. ~~At the~~  
1753 ~~discretion of the Board, such~~ Such sales may be conducted by auction houses recognized for ~~the~~  
1754 their expertise in the sale of such items.

1755 B. Any such furnishings, household goods, and other objects ~~previously~~ acquired by  
1756 donation or purchase and the net proceeds of any sale of these items as provided in subsection A  
1757 shall constitute a discrete fund of Gunston Hall, restricted to future acquisitions of period  
1758 furnishings, household goods, and other objects consistent with the purposes set forth in  
1759 subsection A; and the conservation of all such holdings of Gunston Hall.

1760 C. Donations to Gunston Hall of any funds, securities, and any other property, real or  
1761 personal, for use in accordance with the mission of Gunston Hall; shall constitute endowments  
1762 or unrestricted gifts ~~within the meaning for the purposes~~ of § ~~23-9.2~~ 23.1-101. The Board of



9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
 17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
 and 5.3 of 32.1 and § 22.1-20.2.

1763 Regents may (i) change the form of investment of any such funds, securities, or other property,  
 1764 real or personal, provided that the same are form is not inconsistent with the terms of the  
 1765 instrument under which the same were property was acquired, and ~~to~~ (ii) sell, grant, or convey  
 1766 any such property, except that any transfers of real property ~~may~~ shall be made only with the  
 1767 consent of the Governor.

1768 **Drafting note: Technical changes.**

1769 CHAPTER 23.

1770 JAMESTOWN-YORKTOWN FOUNDATION.

1771 Article 4.

1772 Jamestown-Yorktown Foundation.

1773 **Drafting note: Existing Chapter 23 (§ 23-287 et seq.) is reorganized as proposed**  
 1774 **Article 4 of Chapter 32.**

1775 § ~~23-287~~ 23.1-3206. Jamestown-Yorktown Foundation ~~continued; Board of Trustees,~~  
 1776 ~~officers and executive committee established;~~ board of trustees.

1777 A. The Jamestown-Yorktown Foundation, ~~hereinafter referred to as the Foundation, is~~  
 1778 ~~hereby continued and shall be deemed to be~~ (the Foundation) is established as an ~~institution of~~  
 1779 ~~higher education within the meaning of §§ 23-3.1 and 23-9.2~~ educational institution to  
 1780 administer certain historical museums and such related programs as may be established by the  
 1781 board of trustees.

1782 B. The Foundation shall be administered by ~~the Board~~ a board of ~~Trustees consisting of~~  
 1783 ~~the following ex officio~~ trustees: (the board). The Governor, the Lieutenant Governor, the  
 1784 Attorney General, the Speaker of the House of Delegates, the President Pro Tempore of the  
 1785 Senate, the Chairman of the House Appropriations Committee, either the Chairman or the  
 1786 Chairman Emeritus of the Senate Finance Committee, to be determined by the Senate  
 1787 Committee on Rules, ~~and~~ the Secretary of Education, and the president of the Jamestown-  
 1788 Yorktown Foundation, Inc., shall serve ex officio. ~~In addition, there~~ There shall be 12

1789 nonlegislative citizen members appointed by the Governor from the Commonwealth at large for  
1790 four-year terms ~~who shall be~~, subject to confirmation by ~~a majority of the members of each~~  
1791 ~~house of~~ the General Assembly; eight members of the House of Delegates appointed by the  
1792 Speaker of the House of Delegates ~~from the membership thereof for terms concurrent with the~~  
1793 ~~terms for which they have been elected to office~~ in accordance with the rules of proportional  
1794 representation contained in the Rules of the House of Delegates; four members of the Senate  
1795 appointed by the Senate Committee on Rules ~~from the membership of the Senate for terms~~  
1796 ~~concurrent with the term for which they have been elected to office~~; five members annually  
1797 elected by the ~~Board of Trustees~~ board, some of whom may be nonresidents of the  
1798 Commonwealth; and any ~~and all chairmen emeriti~~ chairman emeritus elected by the ~~Board of~~  
1799 ~~Trustees~~ board pursuant to § ~~23-288~~ 23.1-3207. ~~The president of the Jamestown-Yorktown~~  
1800 ~~Foundation, Inc. shall also serve as a member of the Board of Trustees. Nonresident members of~~  
1801 ~~the Board of Trustees shall serve at no expense to the Commonwealth.~~

1802 Legislative and ex officio members shall serve terms coincident with their terms of  
1803 office. Appointments to fill vacancies, other than by expiration of a term, shall be for the  
1804 unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

1805 C. The ~~Board of Trustees~~ board shall elect a chairman, vice-chairman, and such other  
1806 officers as ~~are deemed~~ it deems necessary. The chairman shall appoint at least seven ~~or more~~  
1807 members ~~of the Board~~ to constitute an executive committee, ~~the membership of~~ which shall  
1808 include the chairman and vice-chairman. A majority of the members shall constitute a quorum.  
1809 The meetings of the board shall be held at the call of the chairman or whenever the majority of  
1810 the members so request.

1811 ~~Resident members of the Board of Trustees~~ D. Nonresident members of the board shall  
1812 serve at no expense to the Commonwealth. Members who are residents of the Commonwealth  
1813 shall be reimbursed for all reasonable and necessary expenses incurred in the performance of

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1814 their duties as provided in §§ 2.2-2813 and 2.2-2825 and shall receive compensation at the per  
1815 diem rate established for members of the General Assembly as provided in § 30-19.12. The  
1816 funding for the costs of compensation and expenses of the members shall be provided by the  
1817 Foundation.

1818 ~~B. The Foundation is an educational institution and has the further responsibility to~~  
1819 ~~administer certain historical museums and such related programs as may be established as~~  
1820 ~~defined from time to time.~~

1821 **Drafting note: Technical changes.**

1822 § ~~23-288~~ 23.1-3207. Powers and duties.

1823 The ~~Foundation~~ board shall have the power and duty to:

1824 1. Do all things necessary and proper to (i) foster through its living-history museums,  
1825 Jamestown Settlement and Yorktown Victory Center, an awareness and understanding of the  
1826 early history, settlement, and development of the United States through the convergence of  
1827 American Indian, European, and African cultures and the enduring legacies bequeathed to the  
1828 nation; ~~to~~ (ii) commemorate Jamestown as the first permanent English-speaking settlement in  
1829 the United States and its contributions to the building of our Commonwealth and nation; ~~to~~ (iii)  
1830 commemorate the winning of American independence on the battlefield at Yorktown; and ~~to~~  
1831 (iv) enhance our understanding of the making of the United States Constitution and Bill of  
1832 Rights, including Virginia's role in shaping the fundamental principles of the American  
1833 constitutional system;

1834 2. Administer, develop, and maintain at Jamestown and Yorktown permanent  
1835 commemorative shrines and historical museums;

1836 3. Adopt names, flags, seals, and other emblems for use in connection with such shrines  
1837 and copyright the same in the name of the Commonwealth;

1838 4. Enter into contracts to further the purposes of the Foundation, ~~which have been~~  
1839 approved by the Attorney General;

1840           5. Establish nonprofit corporations as instrumentalities to assist in administering the  
1841 affairs of the Foundation.

1842           6. With the consent of the Governor, acquire by purchase, lease, gift, devise, or  
1843 condemnation proceedings lands, property, and structures deemed necessary for the purposes of  
1844 the Foundation ~~by purchase, lease, gift, devise or condemnation proceedings~~. The title to ~~the~~  
1845 such acquired land and property ~~acquired~~ shall be in the name of the Commonwealth. In the  
1846 exercise of the power of eminent domain granted under this section, the Foundation may  
1847 proceed in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1;

1848           7. With the consent of the Governor, convey by lease land to any person, association,  
1849 firm, or corporation for such ~~term~~ terms and on such conditions as the Foundation may  
1850 determine;

1851           8. Receive and expend gifts, grants, and donations from whatever source derived for the  
1852 purposes of the Foundation;

1853           9. Employ an executive director and such deputies and assistants as may be required;

1854           10. Elect any past chairman of the ~~Board of Trustees~~ board to the honorary position of  
1855 ~~Chairman Emeritus~~ chairman emeritus. Chairmen emeriti shall serve as honorary members for  
1856 life. Chairmen emeriti shall be elected in addition to the at-large positions defined in § ~~23-287~~  
1857 23.1-3206;

1858           11. With the consent of the Governor, enter into agreements or contracts with private  
1859 entities for the promotion of tourism through marketing without participating in competitive  
1860 sealed bidding or competitive negotiation, provided that a demonstrable cost savings, as  
1861 reviewed by the Secretary of Education, can be realized by the Foundation and such agreements  
1862 or contracts are based on competitive principles;

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1863 12. Determine ~~what~~ which paintings, statuary, works of art, manuscripts, and artifacts  
1864 may shall be acquired by purchase, gift, or loan; and exchange or sell ~~the same~~ such items if not  
1865 inconsistent with the terms of such purchase, gift, loan, or other acquisition; and

1866 13. Change the form of investment of any funds, securities, or other property, real or  
1867 personal, provided the ~~same are~~ form is not inconsistent with the terms of the instrument under  
1868 which the ~~same were~~ property was acquired, and sell, grant, or convey any such property, except  
1869 that any transfers of real property may shall be made only with the consent of the Governor.

1870 **Drafting note: A substantive change is made in proposed subdivision 4: The**  
1871 **requirement for the Attorney General to approve contracts that the board enters is**  
1872 **removed. The Attorney General does not exercise approval of such contracts. Technical**  
1873 **changes are made.**

1874 § ~~23-289~~ 23.1-3208. ~~Authority to adopt regulations as to use and visitation of properties~~  
1875 Regulations.

1876 A. The ~~Board of Trustees, or the executive committee thereof, of the Foundation board~~  
1877 or its executive committee may adopt ~~such~~ regulations ~~from time to time~~; concerning the use  
1878 and visitation of properties under the control of the Jamestown-Yorktown Foundation; to protect  
1879 ~~or~~ and secure such properties and the public enjoyment ~~thereof of such properties~~.

1880 B. Any person; who knowingly violates a regulation of the Foundation may be requested  
1881 by an agent or employee of the Foundation to leave the property and upon the failure of such  
1882 person so to do; shall be guilty of ~~a~~ trespass; as provided in § 18.2-119.

1883 **Drafting note: Technical changes.**

1884 § ~~23-290~~ 23.1-3209. Authority to contract debts and obligations payable from revenues.

1885 The Foundation, acting by and through the corporation authorized by § ~~23-288~~ 23.1-  
1886 3207, may contract debts and obligations to the extent of its anticipated revenues. Such debts  
1887 and obligations shall be paid only from the revenues of the Foundation.

1888 **Drafting note: Technical changes.**

1889 [§ 23-290.1.](#)

1890 **Drafting note: Repealed by Acts 2011, cc. 345 and 356, cl. 2.**

1891 [§§ 23-291, 23-292.](#)

1892 **Drafting note: Expired by the terms of Acts 1998, c. 799, cl. 2, on July 1, 2008.**

1893 [§§ 23-293, 23-294.](#)

1894 **Drafting note: Existing §§ 23-293 and 23-294, currently reserved, are stricken.**

1895 ~~CHAPTER 18.~~

1896 ~~THE SCIENCE MUSEUM OF VIRGINIA.~~

1897 ~~Article 5.~~

1898 ~~Science Museum of Virginia.~~

1899 **Drafting note: Existing Chapter 18 (§ 23-239 et seq.) is reorganized as proposed**

1900 **Article 5 of Chapter 32.**

1901 ~~§ 23-239 23.1-3210. Science Museum created; essential governmental function of~~  
1902 ~~Virginia established.~~

1903 ~~There is hereby created and constituted an educational institution of the Commonwealth~~  
1904 ~~of Virginia to be known as "The Science Museum of Virginia," hereinafter in this chapter~~  
1905 ~~sometimes referred to as the "Museum." The Museum is hereby declared to be (the Museum) is~~  
1906 ~~established as an educational institution of the Commonwealth and~~ a public body and  
1907 instrumentality for the dissemination of education. The exercise by the Museum of the powers  
1908 conferred by this ~~chapter shall be deemed and held to be~~ article is the performance of an  
1909 essential governmental function.

1910 **Drafting note: Language declaring the Museum an institution of higher education**  
1911 **has been relocated from existing § 23-252. Technical changes are made.**

1912 ~~§ 23-241. Reserved.~~

1913 **Drafting note: Existing § 23-241, currently reserved, is stricken.**

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

1914 ~~§ 23-242. Organization.~~

1915 ~~The Museum shall contain a headquarters and six divisions to encompass the following~~

1916 ~~major areas of science:~~

1917 ~~Physical Sciences~~

1918 ~~Botanical Sciences~~

1919 ~~Natural History~~

1920 ~~Industry and Technology~~

1921 ~~Oceanography and Limnology~~

1922 ~~Zoological Gardens.~~

1923 **Drafting note: Existing § 23-242 is stricken as obsolete.**

1924 ~~§ 23-243 23.1-3211. To be governed by board Board of trustees; ~~appointment of~~~~  
1925 ~~members.~~

1926 A. The Museum shall be governed by a board of trustees; ~~(the board)~~ consisting of  
1927 fifteen ~~15~~ members; ~~each of whom who~~ shall be appointed by the Governor. ~~One~~ At least one of  
1928 the members ~~appointed to the board~~ shall be a member of the Virginia Academy of Science. The  
1929 appointments shall be subject to confirmation by the General Assembly ~~if in session and, if not,~~  
1930 then at its next succeeding session. ~~The board of trustees will hereinafter in this chapter be~~  
1931 referred to as the "board."

1932 B. ~~Members shall be appointed for terms of five years. Appointments to fill vacancies,~~  
1933 ~~other than by expiration of a term, shall be for the unexpired terms. No member shall be eligible~~  
1934 ~~to serve more than two consecutive five-year terms; however, a member appointed to serve an~~  
1935 ~~unexpired term shall be eligible to serve two consecutive five-year terms immediately~~  
1936 ~~succeeding such unexpired term.~~

1937 C. ~~No member shall receive a salary for his service on the board.~~

1938 ~~§ 23-245. Officers of board.~~

1939            D. The board shall ~~select~~ elect a chairman and a secretary from its membership, and  
1940 ~~under rules adopted by itself~~ may elect ~~one of its members as~~ a vice-chairman from its  
1941 membership. ~~It shall elect one of its members as secretary.~~

1942            ~~§ 23-248. Meetings of board.~~

1943            E. The board shall meet at such times as it deems appropriate ~~and on call of the chairman~~  
1944 ~~when in his opinion meetings are expedient or necessary.~~

1945            ~~§ 23-249. Quorum of board.~~

1946            F. Seven members of the board shall constitute a quorum for all purposes.

1947            **Drafting note: The provisions of existing §§ 23-243, 23-244, 23-245, 23-248, and 23-**  
1948 **249 are combined to form this proposed section relating to the membership of the board of**  
1949 **trustees. Technical changes are made.**

1950            ~~§ 23-246. Oath of members.~~

1951            ~~Before entering upon the discharge of his duties, each member of the board shall take the~~  
1952 ~~usual oath of office.~~

1953            **Drafting note: Existing § 23-246 is stricken as unnecessary because § 49-1**  
1954 **prescribes the general oath of office for gubernatorial appointees and other officers of the**  
1955 **Commonwealth.**

1956            ~~§ 23-247. Bonds of members.~~

1957            ~~Each member of the board shall give bond, with corporate surety, in such penalty as is~~  
1958 ~~fixed by the Governor, conditioned upon the faithful discharge of his duties. The premium on~~  
1959 ~~the bonds shall be paid from funds available to the Museum.~~

1960            **Drafting note: Existing § 23-247 is stricken as obsolete. The Museum does not**  
1961 **currently require its members to give such bond.**

1962            ~~§ 23-244. Terms of members; vacancies.~~



9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
 17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
 and 5.3 of 32.1 and § 22.1-20.2.

1963 ~~The members of the board shall be appointed for terms of five years each beginning~~  
 1964 ~~from the expiration of the respective terms of their predecessors, except that an appointment to~~  
 1965 ~~fill a vacancy shall be for the unexpired term and that the initial appointments to increase the~~  
 1966 ~~board to fifteen members shall be for such terms of less than five years as may be necessary to~~  
 1967 ~~stagger the expiration of terms so that the terms of not more than four members expire in any~~  
 1968 ~~one year. Members of the board may be suspended or removed by the Governor at his pleasure.~~  
 1969 ~~For the purpose of succession, the initial appointments of members for terms of less than five~~  
 1970 ~~years shall be deemed appointments to fill vacancies. No person shall be eligible to serve for or~~  
 1971 ~~during more than two successive terms; provided, however, any person appointed to fill a~~  
 1972 ~~vacancy may be eligible for two additional successive terms after the term of the vacancy for~~  
 1973 ~~which he was appointed has expired. The members of the board shall receive no salaries.~~

1974 **Drafting note: The membership provisions of existing § 23-244 are stricken here**  
 1975 **and incorporated as proposed subsections B and C of § 23.1-3211 where appropriate. The**  
 1976 **provision concerning initial appointments is stricken as obsolete. The provision concerning**  
 1977 **the Governor's authority to remove a member is relocated to proposed § 23.1-3200.**

1978 ~~§ 23-240~~ 23.1-3212. Purposes Duties of the board.

1979 ~~The purposes of The Science Museum of Virginia are: to deepen~~ board shall seek to:

1980 1. Deepen our understanding of man and his environment; ~~to promote~~

1981 2. Promote a knowledge of the scientific method and thus encourage objectivity in the  
 1982 everyday affairs of man; ~~to engage~~

1983 3. Engage in instruction and research in the sciences in order to educate citizens of all  
 1984 ages in the concepts and principles of science and how these concepts and principles form the  
 1985 foundation upon which rests our technological society and its economy; ~~to use~~

1986 4. Use, subject to approval of the accredited educational affiliates concerned, Museum  
 1987 personnel in educational programs; ~~to motivate~~

1988 5. Motivate and stimulate young people to seek careers in science; ~~to encourage~~

- 1989 6. Encourage an understanding of the history of scientific endeavor; ~~to provide~~
- 1990 7. Provide special facilities and collections for the study of Virginia's natural resources;
- 1991 and ~~to foster~~
- 1992 8. Foster a love of nature and concern for its preservation. ~~These purposes are hereby~~
- 1993 ~~declared to be a matter of legislative determination.~~
- 1994 **Drafting note: Purposes are rewritten as duties in furtherance of the Code**
- 1995 **Commission policy to not set out purposes in the Code Technical changes are made.**
- 1996 § ~~23-250~~ 23.1-3213. Powers ~~and duties~~ of the board.
- 1997 The board ~~is hereby authorized and empowered~~ may:
- 1998 1. ~~To select~~ Select sites for the Museum and ~~the its~~ divisions ~~thereof~~ and ~~to~~ provide for
- 1999 the erection, care, and preservation of all property belonging to the Museum;
- 2000 2. ~~To appoint~~ Appoint the ~~Director~~ director of the Museum, (the director) and prescribe
- 2001 his duties and salary;
- 2002 3. ~~To prescribe rules and regulations~~ Establish policies for the operation of the Museum,
- 2003 including, ~~but not limited to,~~ the kinds and types of instruction and exhibits, and the ~~making~~
- 2004 development of plans for expansion ~~from time to time~~ of the Museum;
- 2005 4. ~~To employ~~ Employ planning consultants and architects ~~in relation to establishment for~~
- 2006 any expansion of the Museum ~~and any expansions thereof~~;
- 2007 5. ~~To acquire~~ Acquire by purchase, gift, loan, or otherwise land necessary for
- 2008 ~~establishment and~~ exhibits, displays, and expansion of the Museum, ~~and exhibits and displays~~;
- 2009 6. ~~To enter~~ Enter into contracts for construction of physical facilities;
- 2010 7. ~~To adopt~~ Adopt a seal; ~~and~~
- 2011 8. ~~To charge~~ Charge for admission to the Museum, ~~if deemed appropriate; and~~
- 2012 § ~~23-252~~. Acceptance of gifts; expenditures; application of §§ 23-3.1 and 23-9.2.

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2013 ~~A. The board is authorized, on 9. On~~ behalf of the Commonwealth and in furtherance of  
2014 the purposes of the Museum, ~~to~~ receive and administer gifts, bequests, and devises of property  
2015 of any kind whatsoever; and grants from agencies of the United States government; and ~~to~~  
2016 expend, or authorize the expenditure of, funds derived from such sources and funds appropriated  
2017 by the General Assembly to the Museum.

2018 ~~B. The Museum shall be deemed to be an institution of higher education within the~~  
2019 ~~meaning of §§ 23-3.1 and 23-9.2.~~

2020 ~~C. Gifts heretofore made to the Museum by political subdivisions of the Commonwealth~~  
2021 ~~are hereby validated.~~

2022 **Drafting note: Existing §§ 23-250 and 23-252 are combined. Existing subsection A**  
2023 **of § 23-252 is incorporated as proposed subdivision 9 of this section; existing subsection B**  
2024 **of § 23-252 is incorporated into proposed § 23.1-101; and existing subsection C is stricken**  
2025 **as obsolete. Technical changes are made.**

2026 ~~§ 23-251~~ 23.1-3214. Agents and employees.

2027 The ~~Director~~ director may engage or authorize the engagement of such agents and  
2028 employees as may be needed in the operation and maintenance of the Museum, subject to the  
2029 approval of the board.

2030 **Drafting note: Technical changes.**

2031 ~~§ 23-253~~ 23.1-3215. Annual report.

2032 The ~~Board of Trustees~~ board shall submit an annual report to the Governor and General  
2033 Assembly on or before November 1 of each year. Such report shall contain, at a minimum, the  
2034 annual financial statements of the Museum for the fiscal year ending the preceding June 30.

2035 **Drafting note: Technical changes.**

2036 ~~CHAPTER 18.1.~~

2037 ~~VIRGINIA MUSEUM OF FINE ARTS.~~

2038 Article 6.

2039 [Virginia Museum of Fine Arts.](#)

2040 **Drafting note: Existing Chapter 18.1 (§ 23-253.1 et seq.) is reorganized as proposed**

2041 **Article 6 of Chapter 32.**

2042 [§ 23.1-3216. Virginia Museum of Fine Arts established.](#)

2043 [The Virginia Museum of Fine Arts is established as an educational institution in the](#)

2044 [Commonwealth and a public body and instrumentality for the dissemination of education.](#)

2045 **Drafting note: Portions of clause (x) of the first paragraph of existing § 23-253.4 are**

2046 **stricken and incorporated instead into this proposed section relating to the establishment**

2047 **and nature of the Museum.**

2048 ~~§ 23-253.1~~ [23.1-3217. Membership of board of trustees; quorum Board of trustees.](#)

2049 [A.](#) The management and control of the Virginia Museum of Fine Arts, ~~hereinafter in this~~

2050 ~~chapter called the "Museum," together with the~~ [\(the Museum\) and its](#) building, contents,

2051 furnishings, grounds, and other properties ~~thereof~~ shall be vested in a board of trustees [\(the](#)

2052 [board\)](#) composed of ~~the following persons:~~ (i) ~~ex officio members:~~ the Governor, the Speaker of

2053 the House of Delegates, and the mayor of the City of Richmond, [who shall serve ex officio,](#) and

2054 (ii) ~~regular members: the trustees who are in office on June 27, 1958, and their successors from~~

2055 ~~time to time, consisting of not less than at least 25 persons and but~~ not more than 35 ~~persons~~

2056 [nonlegislative citizen members.](#) ~~The term of office of all regular~~ [Nonlegislative citizen](#) members

2057 ~~who are in office on June 27, 1958, shall continue until June 30, 1963, and shall expire at that~~

2058 ~~time. All successors from time to time, whether for a full term or for the remainder of an~~

2059 ~~unexpired term,~~ shall be appointed ~~and commissioned~~ by the Governor after consideration of a

2060 list of ~~nominated trustees~~ [nominees](#) from the Museum submitted at least 60 days before the

2061 expiration of the member's term for which the nominations are being made. ~~The trustees~~

2062 ~~appointed to hold office beginning on July 1, 1963, shall be divided as nearly as may be, into~~

9/9/15 meeting: Chaps. 4, 14, 15, 16, 8/31/2015 10:58 AM  
17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2063 ~~five equal groups, their terms of office to expire, respectively, one, two, three, four and five~~  
2064 ~~years thereafter. All trustees subsequently appointed~~

2065 B. Nonlegislative citizen members shall ~~hold office~~ be appointed for ~~a term~~ terms of five  
2066 years ~~unless appointed for the remainder of an unexpired term~~. No ~~person~~ nonlegislative citizen  
2067 member shall be eligible to serve ~~consecutively for~~ more than two ~~successive complete~~  
2068 consecutive five-year terms; however, a member appointed to serve an unexpired term shall be  
2069 eligible to serve two consecutive five-year terms immediately succeeding such unexpired term.

2070 C. Nine ~~trustees~~ members shall constitute a quorum at any meeting and a majority vote  
2071 of those members present shall control in all matters.

2072 ~~§ 23-253.2. Bylaws; president of Museum.~~

2073 ~~Such trustees~~ D. The board shall adopt bylaws governing ~~their~~ its organization and  
2074 procedure and may ~~from time to time~~ alter and amend the ~~same~~ bylaws.

2075 E. The ~~trustees~~ board shall elect one of ~~their~~ its members president of the Museum.

2076 ~~§ 23-253.3. Executive committee.~~

2077 ~~Such trustees~~ F. The board may ~~also~~ provide for an executive committee, composed of  
2078 ~~not less than~~ at least three ~~trustees, which~~ committee members that may exercise the powers  
2079 vested in it and perform the duties imposed upon ~~the trustees by this chapter to the extent~~  
2080 ~~designated and permitted~~ it by the board.

2081 **Drafting note: The provisions of existing §§ 23-253.1, 23-253.2, and 23-253.3 are**  
2082 **combined. Technical changes are made.**

2083 ~~§ 23-253.4 23.1-3218. Authority of trustees generally~~ Powers of the board.

2084 ~~Such trustees are vested with full authority to~~ A. The board may: (i) manage

2085 1. Manage, control, maintain, and operate the Museum, including ~~the~~ its contents,  
2086 furnishings, grounds funds, property, and endowments ~~thereof; (ii) charge~~

2087 2. Charge for admission to the Museum ~~if deemed proper; (iii) employ~~

2088 3. Employ a director, who shall be the chief executive officer of the Museum, and such  
2089 persons as may be necessary to manage, control, maintain, and operate the same Museum; ~~(iv)~~  
2090 ~~suspend or~~

2091 4. Consistent with subdivision 15 of § 2.2-2905, suspend and remove ~~at pleasure any~~  
2092 ~~person so employed employees~~; ~~(v) determine what paintings, statuary and~~

2093 5. Determine which works of art ~~may shall~~ be kept, housed, or exhibited in the Museum;  
2094 ~~(vi) acquire~~

2095 6. Acquire by purchase, gift, loan, or otherwise ~~paintings, statuary and~~ works of art and  
2096 ~~to~~ exchange or sell ~~the same such works~~ if not inconsistent with the terms of the purchase, gift,  
2097 loan, or other acquisition ~~thereof~~; ~~(vii) enter~~

2098 7. Enter into agreements with organizations interested in art; ~~(viii) adopt~~

2099 8. Adopt a seal; ~~(ix) stimulate~~

2100 9. Stimulate and assist in the formation of new organizations; ~~(x) do~~

2101 10. Do such other things as ~~they deem it deems~~ proper to promote art education ~~in the~~  
2102 ~~realm of art~~ throughout the Commonwealth ~~through the Museum, which is hereby constituted~~  
2103 ~~and declared an educational institution, an institution of learning, and a public body and~~  
2104 ~~instrumentality for the dissemination of education~~; and ~~(xi) receive~~

2105 11. Receive and administer on behalf of the Commonwealth gifts, bequests, and devises  
2106 of real and personal property for the endowment of the Museum or ~~for~~ any special purpose  
2107 designated by the donor.;

2108 ~~The trustees are hereby authorized to change~~ 12. Change the form of investment of any  
2109 funds, securities, or other property, real or personal, provided that ~~the same are form is~~ not  
2110 inconsistent with the terms of the instrument under which the ~~same property~~ was acquired. The  
2111 trustees may sell, grant, and convey any such property; but, in the case of real property, only by  
2112 ~~and~~ with the written consent of the Governor.;

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2113 ~~The trustees may from time to time confer~~ 13. Confer the honorary degree of patron of  
2114 arts on any person who has, ~~in their opinion,~~ made an outstanding contribution ~~in the realm of to~~  
2115 art, ~~but not provided that no~~ more than two such degrees shall be conferred in any calendar year;  
2116 and

2117 14. Adopt regulations to establish classes of membership in the Museum.

2118 B. Nothing in this section shall be construed to prohibit the assessment and levying of a  
2119 service charge pursuant to the provisions of Chapter 34 (§ 58.1-3400 et seq.) of Title 58.1.

2120 C. The exercise ~~by the Museum~~ of the powers conferred on the board by this ~~chapter~~  
2121 ~~shall be deemed and held to be~~ article is the performance of an essential governmental function.

2122 **Drafting note: A portion of clause (x) of existing § 23-253.4 is stricken here and**  
2123 **incorporated instead into proposed § 23.1-3216. Existing § 23-253.5 is incorporated as**  
2124 **proposed subdivision A 14. A reference to the employment of a director of the Museum is**  
2125 **included in proposed subdivision A 3 for the sake of clarity. A substantive change is made**  
2126 **in proposed subdivision A 4 to make clear that while the suspension and removal of most**  
2127 **employees of the Museum are subject to the provisions of the Virginia Personnel Act (§**  
2128 **2.2-2900 et seq.), certain employees identified as requiring specialized and professional**  
2129 **training are exempt from the provisions of such act. Technical changes are made.**

2130 ~~§ 23-253.5. Classes of membership; testamentary disposition.~~

2131 ~~Such trustees are vested with full authority to establish classes of membership in the~~  
2132 ~~Museum under such regulations as to them may seem proper. All members making a~~  
2133 ~~contribution of \$1,000 or more prior to June 27, 1958, may dispose of their membership by last~~  
2134 ~~will and testament.~~

2135 **Drafting note: The provisions of the first sentence of existing § 23-253.5 are**  
2136 **stricken here and incorporated as proposed subdivision A 14 of § 23.1-3218. The second**  
2137 **sentence of existing § 23-253.5 is stricken as obsolete.**

2138 ~~§ 23-253.6~~ 23.1-3219. Authority of Art and Architectural Review Board.

2139 The Art and Architectural Review Board shall ~~have no power or authority to not~~ control,  
2140 manage, or supervise in any way the ~~trustees board~~ in the exercise of ~~the its~~ powers and ~~the~~  
2141 ~~performance of the~~ duties ~~provided for in this chapter,~~ except that in the matter of additions,  
2142 repairs, and alterations ~~of to~~ the exterior of the Museum ~~itself building~~ the Art and Architectural  
2143 Review Board shall continue to exercise the powers now conferred on it by law, ~~which powers~~  
2144 ~~are specifically reserved to the Board.~~

2145 **Drafting note: A substantive change is made to specify that the Art and**  
2146 **Architectural Review Board is authorized to exercise powers conferred to it by law in**  
2147 **relation to additions, repairs, and alterations to the exterior of the Museum. Existing law**  
2148 **does not distinguish between the interior and the exterior of the building. Technical**  
2149 **changes are made.**

2150 § ~~23-253.7~~ 23.1-3220. Expenditures for current expenses; ~~annual report.~~

2151 All ~~money moneys~~ received by the ~~Museum board~~ for current expenses in ~~conducting~~  
2152 operating the Museum shall be paid into the state treasury ~~of Virginia,~~ where it shall be set aside  
2153 as a special fund for the operation of the Museum, ~~for which purpose such money is hereby~~  
2154 ~~appropriated,~~ to be paid by the State Treasurer on warrants of the Comptroller issued upon  
2155 vouchers signed by the president of the Museum or his duly authorized agent. ~~The Museum~~  
2156 ~~shall be deemed to be an institution of higher education within the meaning of §§ 23-3.1 and 23-~~  
2157 ~~9.2.~~

2158 § 23.1-3221. Annual report.

2159 The ~~Board of Trustees board~~ shall submit an annual report to the Governor and General  
2160 Assembly on or before November 1 of each year, ~~such report to contain~~ containing, at a  
2161 minimum, the annual financial statements of the Museum for the fiscal year ending the  
2162 preceding June 30.



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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2163 **Drafting note: The provision in the first paragraph of existing § 23-253.7 declaring**  
2164 **the Museum an institution of higher education is stricken and incorporated instead into**  
2165 **proposed § 23.1-101. The provision in the second paragraph of existing § 23-253.7, relating**  
2166 **to the annual report of the board, is reorganized as a distinct section. Technical changes**  
2167 **are made.**

2168 Article ~~4~~ 7.

2169 Virginia Commission for the Arts and Virginia Arts Foundation.

2170 **Drafting note: Existing Article 4 (§ 2.2-2508 et seq.) of Chapter 25 and existing**  
2171 **Article 1 (§ 2.2-2700 et seq.) of Chapter 27 of Title 2.2 are logically combined and**  
2172 **relocated as proposed Article 7 of Chapter 32.**

2173 § ~~2.2-2508~~ 23.1-3222. Virginia Commission for the Arts established; ~~official agency to~~  
2174 ~~receive and disburse funds from National Foundation on the Arts purpose~~; membership; ~~terms~~;  
2175 compensation.

2176 A. The Virginia Commission for the Arts (the "Commission") is established as ~~an~~  
2177 advisory a supervisory commission within the meaning of § 2.2-2100; in the executive branch of  
2178 state government.

2179 B. The Commission is designated the official agency of the Commonwealth to receive  
2180 and disburse any funds made available to the Commonwealth by the National ~~Foundation on~~  
2181 Endowment for the Arts.

2182 C. The Commission shall consist of ~~thirteen~~ 13 members appointed by the Governor  
2183 subject to confirmation by the General Assembly. No employee of the Commonwealth or  
2184 member of the General Assembly shall be eligible for appointment as a member of the  
2185 Commission. At least one ~~member~~; but no more than two members; shall be appointed from  
2186 each ~~Congressional~~ congressional district in the Commonwealth.

2187 D. ~~Except for initial appointments, each member~~ Members shall ~~serve a five years term~~;  
2188 ~~provided that no member of the Commission who serves a full five year term shall be eligible~~

2189 ~~for appointment during the five year period following the expiration of his term~~ be appointed  
2190 for one term of five years; however, a member appointed to serve an unexpired term shall be  
2191 eligible to serve a full five-year term immediately succeeding the unexpired term. Appointments  
2192 to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.~~All~~  
2193 ~~vacancies~~ Vacancies shall be filled ~~for the balance of the unexpired term~~ in the same manner as  
2194 the original appointments. No member who serves a full five-year term shall be eligible for  
2195 reappointment during the five-year period following the expiration of his term.

2196 E. The Commission shall ~~designate one of its members as~~ elect a chairman from among  
2197 its membership.

2198 F. A majority of the members of the Commission shall constitute a quorum.

2199 F. G. The members of the Commission shall ~~not~~ receive ~~any~~ no compensation for their  
2200 services; but shall be reimbursed for the reasonable and necessary expenses incurred in the  
2201 discharge performance of their duties as provided in § 2.2-2825.

2202 **Drafting note: "Advisory" is changed to "supervisory" in subsection A in light of**  
2203 **the definition of such terms in § 2.2-2100 and the functions of the Commission. Technical**  
2204 **changes are made.**

2205 § ~~2.2-2509~~ 23.1-3223. Duties of the Commission.

2206 A. The Commission shall perform ~~among others~~ the following duties:

2207 1. Stimulate and encourage throughout the Commonwealth growth in artistic quality and  
2208 excellence, public interest and participation in the arts, and access to high quality and affordable  
2209 art for all Virginians;

2210 2. Make recommendations concerning appropriate methods to encourage economic  
2211 viability, an intellectually stimulating environment for artists, and participation in and  
2212 appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the  
2213 Commonwealth;

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2214 3. Promote the development and implementation of a planned, sequential, and  
2215 comprehensive program of arts education, taught by licensed teachers endorsed in arts  
2216 education, in the public elementary and secondary schools of the Commonwealth;

2217 4. Provide supplemental learning opportunities to the public school arts education  
2218 curriculum;

2219 5. Encourage the development of a network of professional arts organizations, the media,  
2220 and arts promoters, ~~including, but not limited to, the literary, visual, and performing arts~~ for the  
2221 production of classical and new works of art, and diversity in artistic expressions in media  
2222 including the literary, visual, and performing arts;

2223 6. Provide funding for and technical assistance to artists, recognized nonprofit arts  
2224 organizations, and arts organizations and activities ~~which that~~ celebrate and preserve the various  
2225 cultures represented among the citizens of the Commonwealth;

2226 7. Encourage and support the creation of new works of art, arts organizations whose  
2227 primary objective is to increase public access to the arts, particularly in underserved areas, and  
2228 performing arts tours to increase the availability of this form of artistic expression throughout  
2229 the Commonwealth;

2230 8. Establish a program of financial assistance to provide scholarships, grants, and other  
2231 awards to artists who demonstrate exceptional ability and talent;

2232 9. Establish an advisory panel composed of artists, art administrators, and citizens to  
2233 advise the Commission concerning fiscal matters;

2234 10. Encourage arts organizations to dedicate to ~~endowment~~ their endowments at least  
2235 one dollar of the price of each adult admission to performances or exhibitions or at least one  
2236 percent of moneys collected in fund campaigns;

2237 11. Encourage arts organizations to develop and implement endowment enlargement  
2238 plans ~~which that~~ yield enough income to underwrite one-third of the organizations' annual  
2239 operating costs;

2240 | 12. Apply to and enter into contracts and agreements with the United States or any  
2241 | appropriate agency or officer of the United States for participation in or receipt of aid from any  
2242 | federal program respecting the arts, ~~and, in respect thereto, enter into contracts and agreements~~  
2243 | ~~with the United States or any appropriate agency thereof;~~

2244 | 13. Provide incentives to local ~~governments governing bodies~~ to encourage public  
2245 | support and funding of the arts;

2246 | 14. Accept gifts, contributions, and bequests of money or any other thing to be used for  
2247 | carrying out the purposes of this article;

2248 | 15. Develop specific procedures for the administration and implementation of a program,  
2249 | so long as any such program is for the benefit of a nonprofit organization, qualifying as a § ~~501~~  
2250 | ~~(e) (3)~~ 501(c)(3) organization under the Internal Revenue Code, whereby interest earned on  
2251 | endowment funds donated to stimulate and encourage public interest and enjoyment of music  
2252 | and the performing arts may be matched by state funds appropriated for this program, and  
2253 | prepare written guidelines to govern such program; and

2254 | 16. Administer any funds available to the Commission and disburse such funds in  
2255 | accordance with the purposes of this article. In allocating funds to be disbursed to arts  
2256 | organizations, the Commission shall give preferential consideration to arts organizations  
2257 | actively implementing an endowment enlargement plan; either individually or as members of a  
2258 | regional consortium of arts organizations.

2259 | B. Nothing in this article shall be construed to affect the statutory purposes of the  
2260 | Virginia Museum of Fine Arts.

2261 | **Drafting note: Technical changes.**

2262 | § ~~2.2-2510 23.1-3224.~~ ~~Agency supervision; employment of personnel; budget~~  
2263 | ~~preparation~~ Director of the Commission.

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2264 The Governor may appoint a ~~Director~~ director of the Commission, who shall serve at ~~his~~  
2265 the pleasure of the Governor. The ~~Director~~ director may employ the personnel required to assist  
2266 the Commission in the exercise and performance of its powers and duties. The ~~Director~~ director  
2267 shall supervise and manage such personnel and shall prepare, approve, and submit all requests  
2268 for appropriations, and be responsible for all expenditures pursuant to appropriations.

2269 **Drafting note: Technical changes.**

2270 Article 1.

2271 Virginia Arts Foundation.

2272 **Drafting note: Existing Article 1 (§ 2.2-2700 et seq.) of Chapter 27 of Title 2.2 is**  
2273 **combined with existing Article 4 (§ 2.2-2508 et seq.) of Chapter 25 of Title 2.2 as proposed**  
2274 **Article 7 of Chapter 32.**

2275 § ~~2.2-2700~~ 23.1-3225. Virginia Arts Foundation established; board of trustees;  
2276 compensation; staff.

2277 A. The Virginia Arts Foundation (the "Foundation"); is established to serve as ~~an~~  
2278 advisory a supervisory foundation, within the meaning of § 2.2-2100, in the executive branch of  
2279 state government and ~~shall be deemed is~~ a body politic and corporate to be organized and to  
2280 have such powers ~~and duties~~ as provided in ~~this article~~ § 23.1-3226.

2281 B. The Foundation shall be governed by a board of trustees (the board), consisting of the  
2282 members of the Virginia Commission for the Arts.

2283 C. Any person designated by the board ~~of trustees~~ to handle the funds of the Foundation  
2284 shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the  
2285 faithful discharge of his duties. Any premium on the bond shall be paid from funds available to  
2286 the Foundation.

2287 D. The board ~~of trustees~~, acting as members of the Virginia Commission for the Arts,  
2288 shall be entitled to reimbursement for all actual and necessary expenses, as provided by § ~~2.2-~~  
2289 2509 23.1-3222.

2290 E. The ~~Director~~ director of the ~~Virginia~~ Commission ~~for the Arts~~ shall serve as the  
2291 chairman, and the staff of such Commission shall serve as staff for the Foundation.

2292 **Drafting note: "Advisory" is changed to "supervisory" in subsection A in light of**  
2293 **the definition of such terms in § 2.2-2100 and the functions of the Commission. Technical**  
2294 **changes are made.**

2295 § ~~2.2-2704~~ 23.1-3226. Powers of the Foundation.

2296 The Foundation may:

2297 1. Make expenditures from the Fund's interest and income to assist (i) the Virginia  
2298 Commission for the Arts in promoting the arts in the Commonwealth in accordance with § ~~2.2-~~  
2299 ~~2704~~ 23.1-3228 and ~~to assist (ii)~~ not-for-profit arts and cultural institutions and organizations  
2300 within the Commonwealth to assess, enhance, and plan for enhancement of their fiscal stability,  
2301 financial management and control capabilities, and capacity to raise funds for the furtherance of  
2302 their respective missions from nongovernmental sources;

2303 2. Accept, hold, and administer gifts and bequests of money, securities, or other  
2304 property, absolutely or in trust, for the purposes ~~for which of~~ the Foundation ~~is created~~;

2305 3. Enter into contracts and execute all instruments necessary and appropriate to carry out  
2306 the Foundation's purposes;

2307 4. Explore and make recommendations concerning other possible dedicated revenue  
2308 sources for the Fund; and

2309 5. Perform any lawful acts necessary or appropriate to carry out the purposes of the  
2310 Foundation.

2311 **Drafting note: Technical changes.**

2312 § ~~2.2-2702~~ 23.1-3227. Virginia Arts Foundation Fund.

2313 A. There is hereby created in the state treasury a special nonreverting fund to be known  
2314 as the Virginia Arts Foundation Fund, a special nonreverting trust fund, referred to in this article

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2315 as "the Fund." The Fund shall be established on the books of the Comptroller, ~~to be~~  
2316 ~~administered by the Foundation.~~

2317 B. The Fund shall include such funds as may be appropriated by the General Assembly;  
2318 revenues transferred to the Fund from the special license plates for Virginians for the Arts  
2319 program pursuant to § 46.2-749.2:2; voluntary contributions collected through the income tax  
2320 checkoff for the arts pursuant to subdivision B 8 of § 58.1-344.3; and designated gifts,  
2321 contributions, and bequests of money, securities, or ~~other~~ property of ~~whatsoever~~ any other  
2322 character.

2323 C. All money, securities, or other property designated for the Fund ~~and any interest or~~  
2324 ~~income therefrom shall be paid into the state treasury and credited to the Fund. Interest earned~~  
2325 on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in  
2326 the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general  
2327 fund but shall remain in the Fund ~~and shall not revert to the general fund. Expenditures and~~  
2328 disbursements from the Fund shall be made by the State Treasurer on warrants issued by the  
2329 Comptroller upon written request signed by persons authorized by the Foundation. The Fund's  
2330 principal shall not be subject to expenditure by the Foundation.

2331 **Drafting note: Technical changes.**

2332 § 2.2-2703. Expired.

2333 **Drafting note: This section was derived from former § 9-84.09:4, as amended by**  
2334 **Acts 1997, c. 878, and amended by Acts 2000, c. 27, and expired by its own terms on June**  
2335 **30, 2001.**

2336 § 2.2-2704 23.1-3228. Gifts and bequests; exemption from taxation.

2337 Gifts and bequests of money, securities, or other property to the Fund, and the interest or  
2338 income ~~therefrom from such gifts and bequests, shall be deemed~~ are gifts to the Commonwealth,  
2339 and the Fund shall be exempt from all state and local taxes. Unless otherwise restricted by the  
2340 terms of the gift or bequest, the Foundation may sell, exchange, or otherwise dispose of such

2341 gifts and bequests. The proceeds from such transactions shall be deposited to the credit of the  
2342 Fund. The Foundation shall not actively solicit private donations for the Fund; however, this  
2343 limitation shall not prevent the Foundation from actively encouraging financial support for the  
2344 Foundation through the special license plate and income tax checkoff programs.  
2345 Notwithstanding any other provision of this section, the Foundation may accept and solicit  
2346 public and private contributions for the limited purpose of assisting Virginia not-for-profit arts  
2347 and cultural institutions and organizations, to enhance the fiscal stability, financial management,  
2348 and fundraising abilities of such organizations.

2349 **Drafting note: Technical changes.**

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2366 TITLE 22.1. EDUCATION.

2367 CHAPTER 2.

2368 BOARD OF EDUCATION.

2369 § ~~23-9.1~~ 22.1-20.2. Granting easements across lands of certain schools ~~and institutions~~.

2370 The ~~State Board of Education~~ is authorized, subject to the prior written approval of the  
2371 Governor ~~in writing first obtained~~, to convey upon such terms and conditions and for such  
2372 consideration as it deems proper easements upon, over, across, or under the property of any  
2373 school or educational institution ~~of for~~ which it serves as the governing ~~body board~~, to any  
2374 political subdivision of ~~this the~~ Commonwealth ~~or to any~~, public utility ~~or~~, public service  
2375 company, ~~or to any~~ cable television company for the purpose of erecting or maintaining power,  
2376 telephone, cable television, water, sewer, or gas lines and mains; ~~provided~~; that any such deed  
2377 or other conveyance ~~executed hereunder~~ shall be in a form approved by the Attorney General;  
2378 and ~~provided, further~~, that any funds ~~derived~~ received by the Board in consideration ~~of the for~~  
2379 granting ~~of~~ any such easement shall be paid into the general fund of the state treasury.

2380 ~~Any such grant heretofore made by the Board subject to the approval of the General~~  
2381 ~~Assembly, is hereby ratified and confirmed.~~

2382 **Drafting note: Existing § 23-9.1 relating to a power of the Board of Education is**  
2383 **logically relocated to existing Chapter 2 (§ 22.1-8 et seq.) of Title 22.1, which provides for**  
2384 **the powers and duties of the Board of Education. The last sentence of existing § 23-9.1 is**  
2385 **stricken as obsolete. Technical changes are made, including changing "State Board of**  
2386 **Education" to "Board" to reflect the title-wide definition of Board in Title 22.1.**

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2392 TITLE 22.1. EDUCATION.

2393 CHAPTER ~~7~~ 18.1.

2394 THE MILLER SCHOOL OF ALBEMARLE.

2395 **Drafting note: Existing Chapter 7 (§ 23-51 et seq.) relating to the Miller Shool of**  
2396 **Albemarle, a college preparatory school in Albemarle County, is logically reorganized as**  
2397 **proposed Chapter 18.1 of Title 22.1 (Education). Obsolete provisions are stricken and**  
2398 **technical changes are made.**

2399 § ~~23-51~~ 22.1-345.2. ~~Miller Manual Labor School continued as~~ The Miller School of  
2400 Albemarle established.

2401 ~~The Miller Manual Labor School of Albemarle, created pursuant to Chapter 61 of the~~  
2402 ~~Acts of Assembly of 1874, is continued as~~ The Miller School of Albemarle, is established as  
2403 educational institution of the Commonwealth ~~of Virginia, as and~~ a corporation with all of the  
2404 rights and powers of nonprofit, nonstock corporations chartered under Chapter 10 (§ 13.1-801 et  
2405 seq.) of Title 13.1 for the purpose of providing quality education to certain ~~worthy~~ qualified  
2406 students.

2407 **Drafting note: Obsolete provisions are stricken and technical changes are made.**

2408 § ~~23-52~~ 22.1-345.3. Certain statutes continued in force.

2409 The second through seventh clauses of section one, and the second section of the act  
2410 entitled "an act to give effect to a compromise of the litigation in respect to the construction and  
2411 effect of the will of Samuel Miller, deceased, and to establish the manual labor school provided  
2412 for in the twenty-fifth clause of the said will," approved February 24, 1874, as amended by  
2413 Chapter 258 of the Acts of 1946, approved March 25, 1946, by Chapter 553 of the Acts of 1950,  
2414 approved April 7, 1950, and by Chapter 462 of the Acts of 1966, effective April 4, 1966; the act  
2415 approved February 19, 1884, amending and reenacting the fourth clause of the second section of  
2416 the act approved April 2, 1877 relating to the Miller Manual Labor School of Albemarle; and

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2417 the act to authorize the board of the Miller Manual Labor School to convert coupon bonds into  
2418 registered bonds, approved August 23, 1884, shall severally continue in force.

2419 **Drafting note: No change.**

2420 § ~~23-53~~ 22.1-345.4. ~~Jurisdiction and powers of~~ Circuit Court for Albemarle County;  
2421 compensation for control and management of The Miller School of Albemarle.

2422 All of the jurisdiction and The Circuit Court for Albemarle County shall be compensated  
2423 for the exercise of the powers by law in connection with the control and management of The  
2424 Miller School of Albemarle that are vested in ~~and exercised by the Circuit Court for Albemarle~~  
2425 ~~County, and the judge thereof in vacation, over the Miller Manual Labor School of Albemarle,~~  
2426 ~~or in connection with the government, control and management thereof, are continued, and the~~  
2427 ~~compensation for such duties and services shall be paid to~~ such judge court by law.

2428 **Drafting note: Technical changes.**

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2443 TITLE 22.1. EDUCATION.

2444 CHAPTER ~~26~~ 19.1.

2445 ~~ESTABLISHMENT OF~~ COLLEGE PARTNERSHIP LABORATORY SCHOOLS.

2446 Drafting note: Existing Chapter 26 (§ 23-299 et seq.), relating to programs for  
2447 students in preschool through grade 12, is logically reorganized as proposed Chapter 19.1  
2448 of Title 22.1 (Education). Technical changes are made, including changing "Board of  
2449 Education" to "Board" to reflect the title-wide definition of Board in Title 22.1.

2450 § ~~23-299~~ 22.1-349.1. ~~Objectives; definitions~~ Definitions; objectives.

2451 A. ~~In order to (i) stimulate the development of innovative programs for preschool~~  
2452 ~~through grade 12 students; (ii) provide opportunities for innovative instruction and assessment;~~  
2453 ~~(iii) provide teachers with a vehicle for establishing schools with alternative innovative~~  
2454 ~~instruction and school scheduling, management, and structure; (iv) encourage the use of~~  
2455 ~~performance based educational programs; (v) establish high standards for both teachers and~~  
2456 ~~administrators; (vi) encourage greater collaboration between education providers from preschool~~  
2457 ~~to the postsecondary level; and (vii) develop models for replication in other public schools;~~  
2458 ~~college partnership laboratory schools may be established in Virginia as provided in this~~  
2459 ~~chapter.~~

2460 B. ~~As used in this chapter, unless the context requires otherwise:~~

2461 "At-risk pupil" means a student having a physical, emotional, intellectual,  
2462 socioeconomic, or cultural risk factor, as defined in Board ~~of Education~~ criteria, ~~which that~~  
2463 research indicates may negatively influence educational success.

2464 "College partnership laboratory school" means a public, nonsectarian, nonreligious  
2465 school established by a public or private institution of higher education that operates a teacher  
2466 education program approved by the Board ~~of Education~~.

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2467 "Governing board" means the board of a college partnership laboratory school that is  
2468 ~~party to the contract with the Board of Education, with the responsibility of~~ responsible for  
2469 creating, managing, and operating the college partnership laboratory school; and whose  
2470 members have been selected by the institution of higher education ~~establishing that establishes~~  
2471 the college partnership laboratory school. The governing board shall be under the control of the  
2472 institution of higher education ~~establishing that establishes~~ the college partnership laboratory  
2473 school.

2474 B. College partnership laboratory schools may be established in the Commonwealth as  
2475 provided in this chapter to (i) stimulate the development of innovative programs for preschool  
2476 through grade 12 students; (ii) provide opportunities for innovative instruction and assessment;  
2477 (iii) provide teachers with a vehicle for establishing schools with alternative innovative  
2478 instruction and school scheduling, management, and structure; (iv) encourage the use of  
2479 performance-based educational programs; (v) establish high standards for both teachers and  
2480 administrators; (vi) encourage greater collaboration between education providers from preschool  
2481 to the postsecondary level; and (vii) develop models for replication in other public schools.

2482 **Drafting note: Technical changes are made, including moving chapter definitions to**  
2483 **the beginning of the section pursuant to Code style preference.**

2484 § ~~23-299.1~~ 22.1-349.2. College Partnership Laboratory School Fund ~~established~~.

2485 There is hereby created in the state treasury a special nonreverting fund to be known as  
2486 the College Partnership Laboratory School Fund, ~~hereafter~~ referred to in this section as "the  
2487 Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated in  
2488 accordance with the appropriation act and any gifts, grants, bequests, or donations from public  
2489 or private sources shall be paid into the state treasury and credited to the Fund. Interest earned  
2490 on moneys in the Fund shall remain in the Fund and be credited to the Fund. Any moneys  
2491 remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert  
2492 to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the

2493 purposes of establishing or supporting college partnership laboratory schools in the  
2494 Commonwealth that stimulate the development of alternative education programs for preschool  
2495 through grade 12 students by providing opportunities for innovative instruction and greater  
2496 cooperation and coordination between institutions of higher education and preschool through  
2497 grade 12 education systems. Expenditures and disbursements from the Fund shall be made by  
2498 the State Treasurer on warrants issued by the Comptroller upon written request signed by the  
2499 Superintendent of Public Instruction. The Board of Education shall establish criteria for making  
2500 distributions from the Fund to a college partnership laboratory school requesting moneys from  
2501 the Fund and may issue guidelines governing the Fund as it deems necessary and appropriate.

2502 **Drafting note: Technical changes.**

2503 | § ~~23-299.2~~ 22.1-349.3. Establishment and operation of college partnership laboratory  
2504 schools; requirements.

2505 A. A college partnership laboratory school shall be subject to all federal and state laws  
2506 and regulations and constitutional provisions prohibiting discrimination on the basis of  
2507 disability, race, creed, color, gender, national origin, religion, ancestry, or need for special  
2508 education services.

2509 | B. Enrollment in college partnership laboratory schools shall be open through a lottery  
2510 process on a space-available basis to any ~~child student~~ who is deemed to reside within the  
2511 Commonwealth ~~through a lottery process on a space-available basis~~. A waiting list shall be  
2512 established if adequate space is not available to accommodate all students whose parents have  
2513 requested to be entered in the lottery process. Such waiting list shall also be prioritized through  
2514 a lottery process, and parents shall be informed of their student's position on the list. For college  
2515 partnership laboratory schools that form a collaborative partnership, ~~in accordance with~~  
2516 ~~subsection F~~, with one or more public school divisions in accordance with subsection G,

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2517 enrollment in the college partnership laboratory school shall be administered by one of the  
2518 partnering divisions.

2519 ~~B. C.~~ A college partnership laboratory school shall be administered and managed by a  
2520 governing board. Pursuant to a contract and as specified in § ~~23-299.3~~ 22.1-349.4, a college  
2521 partnership laboratory school shall be subject to the requirements of the Standards of Quality,  
2522 including the Standards of Learning and the Standards of Accreditation, and such regulations as  
2523 are determined by the Board ~~of Education~~.

2524 ~~C. D.~~ Pursuant to a college partnership laboratory school agreement, a college  
2525 partnership laboratory school shall be responsible for its own operations, including ~~but not~~  
2526 ~~limited to~~, such budget preparation, contracts for services, and personnel matters as are specified  
2527 in the agreement. A college partnership laboratory school may also negotiate and contract with a  
2528 school board, the governing body of an institution of higher education, or any third party for the  
2529 use of a school building ~~and or~~ grounds, the operation and maintenance ~~thereof of such building~~  
2530 or grounds, and the provision of any service, activity, or undertaking that the college partnership  
2531 laboratory school is required to perform in order to carry out the educational program described  
2532 in its contract. Any services for which a college partnership laboratory school contracts with a  
2533 school board or institution of higher education shall not exceed the ~~school division's or~~  
2534 ~~institution's costs~~ cost to the school division or institution to provide such services.

2535 ~~D. A-E.~~ No college partnership laboratory school shall ~~not~~ charge tuition for courses  
2536 required for high school graduation. However, (i) tuition may be charged for courses for which  
2537 the student receives college credit and ~~for~~ enrichment courses that are not required to earn a  
2538 ~~Board of Education approved~~ Board-approved high school diploma; and (ii) for college  
2539 partnership laboratory schools that form a collaborative partnership, ~~in accordance with~~  
2540 ~~subsection F,~~ with one or more public school divisions in accordance with subsection G, the  
2541 school board of the partnering school division that administers student enrollment in accordance

2542 with subsection A may charge tuition in accordance with § 22.1-5 for students who do not reside  
2543 within the partnering school division.

2544 E.F. An approved college partnership laboratory school shall be designated as a local  
2545 education agency; but shall not constitute a school division.

2546 F.G. College partnership laboratory schools are encouraged to develop collaborative  
2547 partnerships with public school divisions for the purpose of building seamless education  
2548 opportunities for all Virginia preschool through postsecondary students, from preschool to  
2549 postsecondary education in the Commonwealth. An educational program provided to students  
2550 enrolled in a public school division pursuant to a collaborative partnership between the college  
2551 partnership laboratory school and the public school division shall be considered to be the  
2552 educational program of the public school division for purposes of the Standards of  
2553 Accreditation.

2554 **Drafting note: Technical changes.**

2555 § ~~23-299.3~~ 22.1-349.4. Contracts for college partnership laboratory schools; release from  
2556 certain policies and regulations.

2557 The contract between the college partnership laboratory school and the Board ~~of~~  
2558 Education shall reflect all agreements regarding the release of the college partnership laboratory  
2559 school from state regulations, consistent with the requirements of subsection B.C of § ~~23-299.2~~  
2560 22.1-349.3. If the college partnership laboratory school application proposes a program to  
2561 increase the educational opportunities for at-risk students, the Board ~~of Education~~ may approve  
2562 an Individual School Accreditation Plan for the evaluation of the performance of the school.

2563 Any material revision of the terms of the contract may be made only with the approval  
2564 of the Board ~~of Education~~ and the governing board of the college partnership laboratory school.

2565 **Drafting note: Technical changes.**

2566 § ~~23-299.4~~ 22.1-349.5. College partnership laboratory school application.



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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2567           A. Any public or private institution of higher education operating within the  
2568 Commonwealth and having a teacher education program approved by the Board ~~of Education~~  
2569 may submit an application for formation of a college partnership laboratory school.

2570           B. Each college partnership laboratory school application shall provide or describe  
2571 thoroughly all of the following essential elements of the proposed school plan:

2572           1. An executive summary;

2573           2. The mission and vision of the proposed college partnership laboratory school,  
2574 including identification of the targeted student population;

2575           3. The proposed location of the school;

2576           4. The grades to be served each year for the full term of the contract;

2577           5. Minimum, planned, and maximum enrollment per grade per year for the term of the  
2578 contract;

2579           6. Background information on the proposed founding governing board members and, if  
2580 identified, the proposed school leadership and management team;

2581           7. The school's proposed calendar and sample daily schedule;

2582           8. A description of the academic program aligned with state standards;

2583           9. A description of the school's educational program, including the type of learning  
2584 environment ~~(, such as classroom-based or independent study);~~ class size and structure;  
2585 curriculum overview; and teaching methods;

2586           10. The school's plan for using internal and external assessments to measure and report  
2587 student progress in accordance with the Standards of Learning;

2588           11. The school's plans for identifying and successfully serving students with disabilities,  
2589 students who are English language learners, students who are academically behind, and gifted  
2590 students, including ~~but not limited to~~ compliance with applicable laws and regulations;

2591           12. A description of co-curricular and extracurricular programs and how they will be  
2592 funded and delivered;

2593 13. Plans and timelines for student recruitment and enrollment, including lottery  
2594 procedures if sufficient space is unavailable;

2595 14. The school's student disciplinary policies, including ~~those~~ disciplinary policies for  
2596 special education students;

2597 15. An organization chart that clearly presents the school's organizational structure,  
2598 including lines of authority and reporting between the governing board, staff, any related bodies  
2599 (such as advisory bodies or parent and teacher councils), the Board of Education, and any  
2600 external organizations that will play a role in managing the school;

2601 16. A clear description of the roles and responsibilities for the governing board, the  
2602 school's leadership and management team, and any other entities shown in the organization  
2603 chart;

2604 17. A staffing chart for the school's first year and a staffing plan for the term of the  
2605 contract;

2606 18. Plans for recruiting and developing school leadership and staff;

2607 19. The school's leadership and teacher employment policies, including performance  
2608 evaluation plans;

2609 20. A plan for the placement of college partnership laboratory school pupils, teachers,  
2610 and employees upon termination or revocation of the contract;

2611 21. Explanation of any partnerships or contractual relationships central to the school's  
2612 operations or mission;

2613 22. The school's plans for providing transportation, food service, and all other significant  
2614 operational or ancillary services;

2615 23. Opportunities and expectations for parent involvement;

2616 24. A detailed school start-up plan, identifying that identifies tasks, timelines, and  
2617 responsible individuals;

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and 5.3 of 32.1 and § 22.1-20.2.

- 2618 25. ~~Description~~ A description of the school's financial plan and policies, including  
2619 financial controls and audit requirements;
- 2620 26. A description of the insurance coverage that the school will obtain;
- 2621 27. Start-up and five-year budgets with clearly stated assumptions;
- 2622 28. Start-up and first-year cash-flow projections with clearly stated assumptions;
- 2623 29. Evidence of anticipated fundraising contributions, if claimed in the application;
- 2624 30. A sound facilities plan, including backup or contingency plans if appropriate; and
- 2625 31. Assurances that the college partnership laboratory school (i) is nonreligious in its  
2626 programs, admission policies, employment practices, and all other operations and (ii) does not  
2627 charge tuition, except as described in subsection ~~D E~~ of § ~~23-299.2~~ 22.1-349.3.
- 2628 C. The purposes of the college partnership laboratory school application are to present  
2629 the proposed school's academic and operational vision and plans, demonstrate the applicant's  
2630 capacities to execute the proposed vision and plans, and provide the Board ~~of Education with~~ a  
2631 clear basis for assessing the applicant's plans and capacities. An approved college partnership  
2632 laboratory school application shall not serve as the school's contract. Within 90 days of approval  
2633 of a college partnership laboratory school application, the Board ~~of Education~~ and the governing  
2634 board of the approved school shall execute a contract that clearly sets forth the academic and  
2635 operational performance expectations and measures by which the college partnership laboratory  
2636 school will be judged and the administrative relationship between the Board ~~of Education~~ and  
2637 the college partnership laboratory school, including each party's rights and duties. The  
2638 performance expectations and measures set forth in the contract shall include ~~but need not be~~  
2639 limited to applicable federal and state accountability requirements. The performance provisions  
2640 may be refined or amended by mutual agreement after the college partnership laboratory school  
2641 is operating and has collected baseline achievement data for its enrolled students.

2642           **Drafting note: The phrase "but not limited to" after "including" is stricken in**  
2643 **subdivision B 11 and proposed subsection C per § 1-218, which states: "'Includes' means**  
2644 **includes, but not limited to." Technical changes are made.**

2645           § ~~23-299.5~~ 22.1-349.6. Review of college partnership laboratory school applications.

2646           A. The Board ~~of Education~~ shall establish procedures for receiving, reviewing, and  
2647 ruling upon applications and shall make a copy of any such procedures available to all interested  
2648 parties upon request. If the Board finds that the application is incomplete, the Board shall  
2649 request the necessary additional information from the applicant. The ~~Board of Education's~~  
2650 Board's review procedures shall establish a review committee that may include experts with the  
2651 operation of similar schools located in other states.

2652           B. To provide appropriate opportunity for input from parents, teachers, and other  
2653 interested parties and to obtain information to assist the Board ~~of Education~~ in its evaluation of a  
2654 college partnership laboratory school application, the Board ~~of Education~~ may establish a  
2655 procedure for public notice, comment, or hearings on such applications.

2656           **Drafting note: Technical changes.**

2657           § ~~23-299.6~~ 22.1-349.7. Decision of the Board ~~of Education~~ final.

2658           The decision of the Board ~~of Education~~ to grant or deny a college partnership laboratory  
2659 school application or to revoke or fail to renew an agreement shall be final and not subject to  
2660 appeal.

2661           **Drafting note: Technical changes.**

2662           § ~~23-299.7~~ 22.1-349.8. College partnership laboratory school terms; renewals and  
2663 revocations.

2664           A. A college partnership laboratory school may be approved or renewed for a period not  
2665 to exceed five school years. A college partnership laboratory school renewal application  
2666 submitted to the Board ~~of Education~~ shall contain:

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2667 1. A report on the progress of the school in achieving the goals, objectives, program and  
2668 performance standards for students, and such other conditions and terms as the Board of  
2669 Education may require upon granting initial approval of the college partnership laboratory  
2670 school application; and

2671 2. A financial statement, on forms prescribed by the Board, that discloses the costs of  
2672 administration, instruction, and other spending categories for the school and that has been  
2673 concisely and clearly written to enable the Board ~~of Education~~ and the public to compare such  
2674 costs with those of other schools or comparable organizations.

2675 B. The Board ~~of Education~~ may revoke a contract if the college partnership laboratory  
2676 school does any of the following or otherwise fails to comply with the provisions of this  
2677 chapter:

2678 1. Commits a material and substantial violation of any of the terms, conditions,  
2679 standards, or procedures required under this chapter or the contract;

2680 2. Fails to meet or make sufficient progress toward the performance expectations set  
2681 forth in the contract;

2682 3. Fails to meet generally accepted standards of fiscal management; or

2683 4. Substantially violates any material provision of law from which the college  
2684 partnership laboratory school was not exempted.

2685 C. If the Board ~~of Education~~ revokes or does not renew a college partnership laboratory  
2686 school contract, it shall clearly state, in a resolution, the reasons for the revocation or  
2687 nonrenewal.

2688 **Drafting note: Technical changes.**

2689 § ~~23-299.8~~ 22.1-349.9. Employment of professional, licensed personnel.

2690 A. College partnership laboratory school personnel shall be employees of the institution  
2691 of higher education ~~establishing that establishes~~ the school.

2692 | B. Teachers ~~working who work~~ in a college partnership laboratory school shall hold a  
2693 | license issued by the Board ~~of Education~~ or, in the case of an instructor in the higher education  
2694 | institution's Board-approved teacher education program, be eligible to hold a Virginia teaching  
2695 | license. Teachers working in a college partnership laboratory school shall be subject to the  
2696 | requirements of §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4 applicable to teachers employed by a  
2697 | local school board.

2698 | C. Professional, licensed personnel of a college partnership laboratory school shall be  
2699 | granted the same employment benefits given to professional, licensed personnel in public  
2700 | schools in accordance with the agreement between the college partnership laboratory school and  
2701 | the Board ~~of Education~~.

2702 | **Drafting note: Technical changes.**

2703 | § ~~23-299.9~~ 22.1-349.10. Funding of college partnership laboratory schools.

2704 | A. Each college partnership laboratory school shall receive such funds as may be  
2705 | appropriated by the General Assembly in accordance with the general appropriation act.

2706 | B. The governing board of a college partnership laboratory school is authorized to accept  
2707 | gifts, donations, or grants of any kind and to spend such funds in accordance with the conditions  
2708 | prescribed by the donor. However, no gift, donation, or grant shall be accepted by the governing  
2709 | board of a college partnership laboratory school if the conditions for such funds are contrary to  
2710 | law or the terms of the agreement between the Board ~~of Education~~ and the college partnership  
2711 | laboratory school.

2712 | C. Notwithstanding any other provision of law, the proportionate share of state and  
2713 | federal resources allocated for students with disabilities and school personnel assigned to special  
2714 | education programs shall be directed to college partnership laboratory schools enrolling such  
2715 | students. The proportionate share of moneys allocated under other federal or state categorical

2716 aid programs shall be directed to college partnership laboratory schools serving students eligible  
2717 for such aid.

2718 D. College partnership laboratory schools shall be eligible to apply for and receive any  
2719 federal or state funds otherwise allocated for college partnership laboratory schools in the  
2720 Commonwealth.

2721 E. Any tuition, room and board, and ~~any~~ other educational and related fees collected  
2722 from students enrolled at a college partnership laboratory school shall comply with Board ~~of~~  
2723 [Education](#) regulations and shall be credited to the account of such school.

2724 F. Each college partnership laboratory school shall be eligible to apply for and receive  
2725 available funds from the College Partnership Laboratory School Fund and the ~~establishing~~  
2726 institution of higher education [that establishes the school](#).

2727 **Drafting note: Technical changes.**

2728 § ~~23-299.10~~ [22.1-349.11](#). Immunity.

2729 A college partnership laboratory school ~~shall be~~ [is](#) immune from liability to the same  
2730 extent as [is](#) the public institution of higher education that ~~established~~ [establishes](#) the school, and  
2731 the employees and volunteers in a college partnership laboratory school are immune from  
2732 liability to the same extent as [are](#) the employees of the ~~establishing~~ institution of higher  
2733 education [that establishes the school](#).

2734 **Drafting note: Technical changes.**

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2742 TITLE 32.1. HEALTH.

2743 CHAPTER ~~22~~ 5.3.

2744 COMMONWEALTH HEALTH RESEARCH BOARD AND FUND; CHRISTOPHER REEVE  
2745 STEM CELL RESEARCH FUND.

2746 **Drafting note: Existing Chapters 22 (§ 23-277 et seq.) and 22.1 (§ 23-286.1) are**  
2747 **logically reorganized as proposed Chapter 5.3 of Title 32.1 (Health). Obsolete provisions**  
2748 **are stricken and technical changes are made.**

2749 ~~§ 23-277. Definitions.~~

2750 ~~As used in this chapter, unless the context clearly indicates otherwise:~~

2751 ~~"Board" means the Commonwealth Health Research Board.~~

2752 ~~"Council" means the State Council of Higher Education for Virginia.~~

2753 ~~"Fund" means the Commonwealth Health Research Fund.~~

2754 **Drafting note: The definitions of "Board" and "Fund" are incorporated in**  
2755 **proposed § 32.1-162.23 of Chapter 5.3 of Title 32.1. The definition of "Council" is stricken**  
2756 **as obsolete ("Council" is defined for existing Chapter 22 but not used in the chapter).**

2757 ~~§ 23-278~~ 32.1-162.23. Commonwealth Health Research Board ~~created~~ established.

2758 A. ~~There is hereby created, as an independent body, the~~ The Commonwealth Health  
2759 Research Board (the Board) is established as an independent body. The purpose of the Board  
2760 ~~shall be~~ is to provide financial support; from the Commonwealth Health Research Fund (the  
2761 Fund), in the form of grants, donations, or other assistance, for research efforts that have the  
2762 potential of maximizing human health benefits for the citizens of the Commonwealth. Research  
2763 efforts eligible for support by the Board shall include traditional medical and biomedical  
2764 research ~~relating to the causes and cures of diseases as well as research~~ related to health services  
2765 ~~and~~, the delivery of health care, and the causes and cures of diseases.



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2766 B. The Board shall be composed of seven members. ~~The, of whom three shall be~~  
2767 ~~appointed by the~~ Governor ~~shall appoint three members of the Board who shall be confirmed by~~  
2768 ~~the affirmative vote of a majority of those voting in each house of the General Assembly. The~~  
2769 ~~and four shall be appointed by the~~ Joint Rules Committee ~~shall appoint the other four members~~  
2770 ~~of the Board who shall be confirmed by the affirmative vote of a majority of those voting in~~  
2771 ~~each house of.~~ All appointments to the Board are subject to confirmation by the General  
2772 Assembly. ~~The initial members shall be appointed for terms of office as follows: one of the~~  
2773 ~~members appointed by the Governor shall be appointed for a term of one year; one of the~~  
2774 ~~members appointed by the Joint Rules Committee shall be appointed for a term of two years;~~  
2775 ~~one of the members appointed by the Governor and one of the members appointed by the Joint~~  
2776 ~~Rules Committee shall be appointed for terms of three years; one of the members appointed by~~  
2777 ~~the Joint Rules Committee shall be appointed for a term of four years; and one of the members~~  
2778 ~~appointed by the Governor and one of the members appointed by the Joint Rules Committee~~  
2779 ~~shall be appointed for terms of five years.~~ Appointments ~~thereafter~~ shall be for terms of five  
2780 years. Appointments to fill vacancies, other than by expiration of a term, shall be for the  
2781 unexpired terms. Vacancies ~~in the membership of the Board~~ shall be filled ~~by appointment of~~  
2782 ~~the entity initially making the appointment for the unexpired portion of the term in the same~~  
2783 manner as the original appointments.

2784 No member shall ~~be eligible to~~ serve ~~for~~ more than two ~~succcessive~~ consecutive five-year  
2785 terms; however, ~~after the expiration of a term of four years or less or after the expiration of the~~  
2786 ~~remainder of a term to which he was appointed to fill a vacancy, two additional terms may be~~  
2787 ~~served by such member if appointed thereto. Immediately after such appointment, the members~~  
2788 ~~shall enter upon the performance of their duties~~ a member appointed to serve an unexpired term  
2789 shall be eligible to serve two additional consecutive five-year terms immediately succeeding  
2790 such unexpired term.

2791 | C. ~~The members~~ Members of the Board shall have substantial experience or expertise,  
2792 | personal or professional, in at least one of the following areas: medicine, medical or scientific  
2793 | research, public policy, government, business, or education. No member shall be an incumbent  
2794 | elected official, state official ~~or, state~~ employee, or member of the governing board of a state  
2795 | agency or institution. Members of the Board need not be residents of the Commonwealth.

2796 | D. The ~~members~~ Board shall elect annually a chairman and vice-chairman from among  
2797 | its ~~members~~ membership. The chairman, or in his absence, the vice-chairman, shall preside at  
2798 | all meetings of the Board.

2799 | E. A majority of the members of the Board serving at any one time shall constitute a  
2800 | quorum for the transaction of business.

2801 | F. The Board shall meet annually or more frequently at the call of the chairman.

2802 | ~~E. Notwithstanding the provisions of § 2.2-2813, members of the Board shall receive~~  
2803 | ~~compensation for their services at the rate provided in Item 1 of Chapter 924 of the 1997 Acts of~~  
2804 | ~~Assembly used to compensate General Assembly members for the time actually spent in the~~  
2805 | ~~discharge of their duties and shall receive reimbursement for actual expenses incurred in the~~  
2806 | ~~performance of their duties on behalf of the Board.~~

2807 | G. The members of the Board shall receive no compensation for their services but shall  
2808 | be reimbursed for the reasonable and necessary expenses incurred in the performance of their  
2809 | duties as provided in § 2.2-2825. Such ~~compensation and~~ expenses shall be paid from the Fund.

2810 | **Drafting note: The first sentence of subsection E of existing § 23-278 is stricken as**  
2811 | **obsolete. Currently, members of the Board do not receive such compensation for their**  
2812 | **services but are reimbursed for reasonable and necessary expenses. Technical changes are**  
2813 | **made, including removing language concerning the initial staggering of terms.**

2814 | § ~~23-279~~ 32.1-162.24. Duties of the Board.

2815 | The Board shall ~~perform the following duties~~:

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2816 1. Establish specific criteria and procedures governing its decisions to support research  
2817 efforts consistent with its purposes, including, ~~but not limited to~~, (i) encouraging collaborative  
2818 research efforts among two or more institutions or organizations, (ii) giving priority to those  
2819 research efforts ~~where from which~~ Board support can be leveraged to foster contributions from  
2820 federal agencies or other entities, and (iii) supporting both new research efforts and the  
2821 expansion or continuation of existing research efforts;

2822 2. Establish requirements for the submission of research proposals, including, ~~but not~~  
2823 ~~limited to~~, (i) a clear statement of the problem or opportunity to be addressed; (ii) the specific  
2824 objectives; (iii) a description of how the results will maximize human health benefits for the  
2825 citizens of the Commonwealth; (iv) a budget for the research effort, including other anticipated  
2826 sources of financial assistance; and (v) the time frame for ~~the conduct of~~ conducting the  
2827 research;

2828 3. Evaluate the proposals in accordance with the criteria established by the Board and the  
2829 provisions of this chapter; and

2830 4. Evaluate the implementation and results of all research efforts receiving support from  
2831 the Board.

2832 **Drafting note: The phrase "but not limited to" is removed when using the term**  
2833 **"including" based on § 1-218, which states "'Includes' means includes, but not limited to."**  
2834 **Technical changes are made.**

2835 ~~§ 23-284~~ 32.1-162.25. Powers of the Board.

2836 In order to carry out its ~~purpose~~ purposes, the Board ~~shall have the power to~~ may:

2837 1. Make grants ~~or other expenditures or~~ and disbursements from the Fund ~~to provide that~~  
2838 support ~~for~~ research efforts approved by the Board in accordance with the purposes of this  
2839 chapter; ~~however, the~~ and pay expenditures from the Fund that are necessary to carry out the  
2840 purposes of this chapter. The Board shall not be obligated to make annual or other periodic  
2841 disbursements or expenditures;

2842 | 2. Contract for the services of consultants to review research proposals and ~~to~~ assist in  
2843 | the evaluation of the research efforts funded by the Board;

2844 | 3. Contract for other professional services to assist the Board in the performance of its  
2845 | duties and responsibilities;

2846 | 4. Accept, hold, administer, and solicit gifts, grants, bequests, contributions, or other  
2847 | assistance from federal agencies, the Commonwealth, or any other public or private source to  
2848 | carry out the purposes of this chapter;

2849 | 5. Enter into any agreement or contract relating to the acceptance or use of any grant,  
2850 | assistance, or support provided by or to the Board, or otherwise in furtherance of the purposes of  
2851 | this chapter;

2852 | 6. Perform any lawful acts necessary or appropriate to carry out the purposes of the  
2853 | Board; and

2854 | 7. Employ such staff as is necessary to perform the Board's duties. The Board may  
2855 | determine the duties of such staff and fix the salaries and compensation of such staff, which  
2856 | shall be paid from the Fund. Such staff shall be employees of the Department of Accounts and  
2857 | shall be entitled to all benefits available to state employees as provided by law.

2858 | **Drafting note: Technical changes.**

2859 | § ~~23-280~~ 32.1-162.26. Conditions and restrictions on financial assistance.

2860 | A. The Board shall provide financial support only ~~to~~ for research efforts that satisfy the  
2861 | following conditions:

2862 | 1. The research shall be conducted by ~~state~~ public institutions of higher education,  
2863 | agencies of the Commonwealth, or nonprofit organizations exempt from income taxation  
2864 | pursuant to § 501(c)(3) of the Internal Revenue Code and located in the Commonwealth;

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17, 31, 32, 18.1 of 22.1, 19.1 of 22.1,  
and 5.3 of 32.1 and § 22.1-20.2.

2865 2. The institution, agency, or organization shall ~~provide a cash amount for the support~~  
2866 ~~provided by the Board in such~~ match a percentage of the Board's support ~~as~~ in a cash amount  
2867 required by the Board ~~deems appropriate~~;

2868 3. ~~Support~~ No support provided by the Board shall ~~not~~ be used by the recipient to  
2869 finance capital improvements or renovations; for indirect costs incurred by the institution,  
2870 agency, or organization in its administration of the financial support; or for any other purpose  
2871 proscribed by the Board; and

2872 4. Recipients of support provided by the Board shall agree to provide the Board with  
2873 such information regarding the implementation of the research effort; ~~and to~~ allow such  
2874 monitoring and review of the research effort; as may be required by the Board to ensure  
2875 compliance with the terms by under which the support is provided.

2876 B. Any support provided by the Board shall be used by the recipient only for personal  
2877 services, contractual services, material, supplies, and equipment directly related to the approved  
2878 research effort.

2879 **Drafting note: Technical changes.**

2880 § ~~23-283~~ 32.1-162.27. Cooperation with other agencies.

2881 All agencies of the Commonwealth shall cooperate with the Board and, upon request,  
2882 assist the Board in the performance of its duties and responsibilities.

2883 **Drafting note: No change.**

2884 § ~~23-284~~ 32.1-162.28. Commonwealth Health Research Fund established;  
2885 administration.

2886 A. There is hereby created in the ~~State Treasury~~ state treasury a special; nonreverting  
2887 revolving fund to be known as the Commonwealth Health Research Fund (the Fund). The Fund  
2888 shall be established on the books of the ~~State~~ Comptroller.

2889 B. The Fund shall consist of all stock and cash distributed to the Commonwealth as a  
2890 policyholder pursuant to the conversion of Blue Cross and Blue Shield of Virginia, doing

2891 business as Trigon Blue Cross Blue Shield, from a mutual insurance company to a Virginia  
2892 stock corporation known as Trigon Healthcare, Inc., exclusive of cash paid by Blue Cross and  
2893 Blue Shield of Virginia or its successor to the Commonwealth in connection with such  
2894 conversion, which was assumed as general fund revenue in Chapter 912 of the 1996 Acts of  
2895 Assembly. The Fund shall also consist of any moneys appropriated from the general fund,  
2896 grants and donations received by the Board, and other moneys received by the State Treasurer  
2897 and designated for deposit in the Fund. Interest and other income earned on moneys in the Fund  
2898 shall remain in the Fund and be credited to ~~the Fund~~ it. Any moneys remaining in the Fund,  
2899 including interest and other income thereon, at the end of each fiscal year shall not revert to the  
2900 general fund but shall remain in the Fund.

2901 C. Notwithstanding any other provision of law, the moneys and other property  
2902 comprising constituting the Fund shall be invested, reinvested, and managed by the Board of the  
2903 Virginia Retirement System as provided in § 51.1-124.36. The State Treasurer shall not be held  
2904 liable for losses suffered by the Virginia Retirement System on investments made under the  
2905 authority of this section.

2906 D. ~~The Moneys in the~~ Fund shall be expended solely for the purpose of supporting  
2907 research efforts approved by the Board and any other purpose permitted by this chapter.

2908 E. An amount not to exceed six percent of the moving average of the market value of the  
2909 Fund calculated over the previous five years or since inception, whichever is shorter, on a one-  
2910 year delayed basis, net of any administrative fee assessed pursuant to subsection E of § 51.1-  
2911 124.36, may be expended in a calendar year for any purpose permitted by this chapter. The  
2912 Board shall not be required to expend such amount in a calendar year, and any amount up to  
2913 such six percent that is not expended in a calendar year may be expended in any other calendar  
2914 year.

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2915 F. ~~The disbursement of moneys~~ Expenditures and disbursements from the Fund shall be  
2916 made by the State Treasurer on warrants issued by the ~~State~~ Comptroller ~~at the~~ upon written  
2917 request ~~of~~ signed by the chairman of the Board.

2918 **Drafting note: Technical changes are made, including updating special fund**  
2919 **language to reflect current standard language for such funds.**

2920 § ~~23-285~~ 32.1-162.29. ~~Forms~~ Form and audit of accounts and records; ~~audit of same~~.

2921 A. The accounts and records of the Board showing the receipt and disbursement of funds  
2922 from whatever source derived shall be in such form as the Auditor of Public Accounts  
2923 prescribes.

2924 B. The accounts and records of the Board shall be subject to an annual audit by the  
2925 Auditor of Public Accounts or his legal representative.

2926 **Drafting note: Technical changes.**

2927 § ~~23-286~~ 32.1-162.30. ~~Reports to the Governor and General Assembly~~ Annual report.

2928 The Board shall submit ~~a report annually~~ to the Governor and the General Assembly an  
2929 annual executive summary of the interim activity and work of the Board no later than the first  
2930 day of each regular session of the General Assembly. The executive summary shall be submitted  
2931 as a report document as provided in the procedures of the Division of Legislative Automated  
2932 Systems for the processing of legislative documents and reports and shall be posted on the  
2933 General Assembly's website. The ~~report~~ executive summary shall include information regarding  
2934 research efforts supported by the Board and expenditures from the Fund.

2935 **Drafting note: The current standard language for submitting reports to the**  
2936 **Governor and the General Assembly is incorporated into the existing reporting language.**

2937 CHAPTER 22.1.

2938 CHRISTOPHER REEVE STEM CELL RESEARCH FUND.

2939 **Drafting note: The contents of existing Chapter 22.1 (§ 23-286.1) are logically**  
2940 **incorporated into proposed Chapter 5.3 of Title 32.1 (Health) since the Christopher Reeve**

2941 **Stem Cell Research Fund is created to be administered and implemented by the**  
2942 **Commonwealth Health Research Board.**

2943 § ~~23-286.1~~ 32.1-162.31. Christopher Reeve Stem Cell Research Fund.

2944 A. From such funds as may be appropriated by the General Assembly and any gifts,  
2945 grants, or donations from public or private sources, there is hereby created in the state treasury a  
2946 special, nonreverting, revolving, and permanent fund, to be known as the Christopher Reeve  
2947 Stem Cell Research Fund ~~(the Fund)~~. The Christopher Reeve Stem Cell Research Fund shall be  
2948 established ~~in on~~ the books of the ~~State~~ Comptroller and shall be administered and implemented  
2949 by the ~~Commonwealth Health Research~~ Board, ~~the independent body created in Chapter 22 (§~~  
2950 23-277 et seq.) in accordance with the provisions of this section. Interest earned on moneys in  
2951 the Christopher Reeve Stem Cell Research Fund shall remain in the Christopher Reeve Stem  
2952 Cell Research Fund and be credited to it. Any moneys remaining in the Christopher Reeve Stem  
2953 Cell Research Fund, including interest thereon, at the end of each fiscal year, ~~including interest~~  
2954 ~~thereon~~, shall not revert to the general fund but shall remain in the Christopher Reeve Stem Cell  
2955 Research Fund. Expenditures and disbursements from the Christopher Reeve Stem Cell  
2956 Research Fund, which may consist of grants, donations, or other assistance, shall be made by the  
2957 State Treasurer on warrants issued by the Comptroller upon written request ~~bearing the~~  
2958 ~~signature of~~ signed by the chairman or ~~the~~ vice-chairman of the ~~Commonwealth Health~~  
2959 Research Board.

2960 B. Moneys in the Christopher Reeve Stem Cell Research Fund shall be used solely to  
2961 support medical and biomedical stem cell research conducted in ~~Virginia~~ institutions of higher  
2962 education in the Commonwealth that relates to the causes and cures of disease, including, ~~but~~  
2963 ~~not limited to~~, paralysis caused by spinal cord injury, diabetes, cancer, heart disease, and  
2964 neurological disorders, such as amyotrophic lateral sclerosis (Lou Gehrig's disease) and multiple  
2965 sclerosis.



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2966 C. The grants, donations, or other assistance provided ~~hereunder pursuant to this section~~  
2967 shall be awarded in accordance with the ~~Commonwealth Health Research~~ Board's specific  
2968 criteria and procedures, requirements for submission of research proposals, and evaluation  
2969 mechanisms established pursuant to ~~Chapter 22 (§ 23-277 et seq.)~~ this chapter. However, no  
2970 requirement for matching funds shall apply to the grants, donations, or other assistance awarded  
2971 pursuant to the Christopher Reeve Stem Cell Research Fund, and the leveraging of funds shall  
2972 be incidental to the support provided under this section. The grants, donations, or other  
2973 assistance provided hereunder may be awarded to support stem cell research that is not eligible  
2974 for federal research funds through the National Institutes of Health. No moneys from the  
2975 Christopher Reeve Stem Cell Research Fund may be provided to any entity that conducts human  
2976 stem cell research from stem cells obtained from human embryos; or for conducting such  
2977 research; however, research conducted using stem cells other than embryonic stem cells may be  
2978 funded.

2979 **Drafting note: Technical changes are made, including (i) incorporating language**  
2980 **from existing § 23-286.2 that clarifies the role of the Commonwealth Health Research**  
2981 **Board in administering the Christopher Reeve Stem Cell Research Fund and (ii) updating**  
2982 **special fund language to reflect current standard language for such funds.**

2983 ~~§ 23-286.2. Duties of the Commonwealth Health Research Board vis-a-vis the Fund.~~  
2984 ~~In addition to the duties conferred on the Commonwealth Health Research Board~~  
2985 ~~pursuant to Chapter 22 (§ 23-277 et seq.), the Board shall administer and implement the~~  
2986 ~~Christopher Reeve Stem Cell Research Fund in accordance with the provisions of this chapter~~  
2987 ~~and, except where otherwise required, the provisions of its originating chapter.~~

2988 **Drafting note: The provision of existing § 23-286.2 is incorporated in existing**  
2989 **subsection A of § 23-286.1 (proposed § 32.1-162.31) to remove redundancy.**

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