

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

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

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

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

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

21 CHAPTER 13.

22 GOVERNING BOARDS.

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

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

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

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

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

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

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

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

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

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

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

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

52 2. Generally direct the affairs of the institution;

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

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

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

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

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

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

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

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

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

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

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

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

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

85 15. Confer degrees.

86 CHAPTER ~~5.3~~ 14.

87 CHRISTOPHER NEWPORT UNIVERSITY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

162 B. Seven members shall constitute a quorum.

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

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

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

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

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

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

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

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

185 ~~§ 23-49.30. Degrees.~~

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

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

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

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

194 **Drafting note: Technical changes.**

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

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

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

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

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

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

216 **Drafting note: Technical changes.**

217 CHAPTER ~~9.1~~ 15.

218 GEORGE MASON UNIVERSITY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

341 **Drafting note: Technical changes.**

342 ~~CHAPTER 12.1 16.~~

343 JAMES MADISON UNIVERSITY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

420 ~~§ 23-164.8. Degrees.~~

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

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

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

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

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

430 **Drafting note: Technical changes.**

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

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

445 **Drafting note: Technical changes.**

446 CHAPTER ~~15~~ 17.

447 LONGWOOD UNIVERSITY.

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

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

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

462 § ~~23-183~~. Name.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

546 **Drafting note: Technical changes.**

547 CHAPTER ~~9.2~~ 18.

548 UNIVERSITY OF MARY WASHINGTON.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

679 ~~§ 23-91.42. Degrees.~~

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

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

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

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

688 **Drafting note: Technical changes.**

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

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

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

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

702 CHAPTER ~~13.1~~ 19.

703 NORFOLK STATE UNIVERSITY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

760 § 23.1-xxx. Executive committee.

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

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

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

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

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

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

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

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

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

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

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

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

792 ~~§ 23-174.8, 23-174.9.~~

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

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

795 **OLD DOMINION UNIVERSITY.**

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

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

802 ARTICLE 1.

803 GENERAL PROVISIONS.

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

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

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

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

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

819

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

946 **Drafting note: Technical changes.**

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

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

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

960 ~~§ 23-49.22.~~

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

962 ~~Article 2.~~

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

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

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

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

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

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

977 ~~§ 23-49.22:2. Administration.~~

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

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

985 ~~§ 23-49.22:3. Curriculum.~~

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

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

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

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

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

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

1001 CHAPTER ~~11.1~~ 21.

1002 RADFORD UNIVERSITY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1081

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

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

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

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

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

1093 **Drafting note: Technical changes.**

1094 **CHAPTER 9 22.**

1095 UNIVERSITY OF VIRGINIA.

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

1102 Article 1.

1103 General Provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1177 B. Five members shall constitute a quorum.

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

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

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

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

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

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

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

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

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

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

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

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

1216 **Drafting note: No change.**

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

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

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

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

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

1227 **Drafting note: Technical changes.**

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

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

1234 **Drafting note: Technical changes.**

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

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

1241 **Drafting note: Technical changes.**

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

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

1252 **Drafting note: Technical changes.**

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

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

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

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

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

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

1280 ~~§ 23-79. Visitors' expenses.~~

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

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

1284 ~~§ 23-80.~~

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

1286 ~~Article 9.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1331 ~~Article 10.~~

1332 ~~Branch Campus in Qatar.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1425 Article 2.

1426 ~~Board of Visitors~~ Medical Center.

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

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

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

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

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

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

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

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

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

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

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

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

1482 6. The Treasury Board ~~has approved~~ shall approve the terms and structure of such debt;

1483 7. The purpose, terms, and structure of such debt ~~are~~ shall be promptly communicated to
1484 the Governor and the Chairmen of the House Appropriations and Senate Finance Committees;
1485 and.

1486 8. All such indebtedness ~~is~~ shall be reflected on the financial statements of the Medical
1487 Center.

1488 Subject to meeting the conditions set forth ~~above~~ in this subsection, such debt may be in
1489 such form and have such terms as the board ~~of visitors~~ may provide and shall be in all respects
1490 debt of the University for the purposes of §§ ~~23-23~~ 23.1-xxx, ~~23-25~~ 23.1-xxx, and ~~23-26~~ 23.1-
1491 xxx.

1492 **Drafting note: Existing policy statements in subsection A are stricken following the**
1493 **Code Commission recommendation on removing policy statements from the Code.**
1494 **Technical changes are made.**

1495 § ~~23-77.4~~ 23.1-xxx. ~~Medical center management~~ Capital projects.

1496 ~~A. The General Assembly recognizes and finds that the economic viability of the~~
1497 ~~University of Virginia Medical Center, hereafter referred to as the Medical Center, together with~~
1498 ~~the requirement for its specialized management and operation, and the need of the Medical~~
1499 ~~Center to participate in cooperative arrangements reflective of changes in health care delivery,~~
1500 ~~as set forth in § 23-77.3, are dependent upon the ability of the management of the Medical~~
1501 ~~Center to make and implement promptly decisions necessary to conduct the affairs of the~~
1502 ~~Medical Center in an efficient, competitive manner. The General Assembly also recognizes and~~
1503 ~~finds that it is critical to, and in the best interests of, the Commonwealth that the University~~
1504 ~~continue to fulfill its mission of providing quality medical and health sciences education and~~
1505 ~~related research and, through the presence of its Medical Center, continue to provide for the~~
1506 ~~care, treatment, health-related services, and education activities associated with Virginia~~
1507 ~~patients, including indigent and medically indigent patients. Because the General Assembly~~
1508 ~~finds that the ability of the University to fulfill this mission is highly dependent upon revenues~~
1509 ~~derived from providing health care through its Medical Center, and because the General~~
1510 ~~Assembly also finds that the ability of the Medical Center to continue to be a reliable source of~~
1511 ~~such revenues is heavily dependent upon its ability to compete with other providers of health~~
1512 ~~care that are not subject to the requirements of law applicable to agencies of the~~
1513 ~~Commonwealth, the University is hereby authorized to implement the following modifications~~
1514 ~~to the management and operation of the affairs of the Medical Center in order to enhance its~~
1515 ~~economic viability:~~

1516 ~~B. Capital projects; leases of property; procurement of goods, services and construction.~~

1517 ~~1. Capital projects.~~

1518 ~~a-A.~~ For any Medical Center capital project entirely funded by a nongeneral fund
1519 appropriation made by the General Assembly, all post-appropriation review, approval,
1520 administrative, and policy and procedure functions performed by the Department of General
1521 Services, the Division of Engineering and Buildings, the Department of Planning and Budget,
1522 and any other agency that supports the functions performed by these departments ~~are hereby~~
1523 shall be delegated to the University, subject to the following stipulations and conditions: (i) the
1524 ~~Board of Visitors board~~ shall develop and implement an appropriate system of policies,
1525 procedures, reviews, and approvals for Medical Center capital projects to which this ~~subdivision~~
1526 subsection applies; (ii) the system so adopted shall provide for the review and approval of any
1527 Medical Center capital project to which this ~~subdivision subsection~~ applies ~~in order~~ to ensure
1528 that, except as provided in clause (iii), the cost of any such capital project does not exceed the
1529 sum appropriated ~~therefor for the project~~ and ~~that~~ the project otherwise complies with all
1530 requirements of the Code of Virginia regarding capital projects, excluding only the post-
1531 appropriation review, approval, administrative, and policy and procedure functions performed
1532 by the Department of General Services, the Division of Engineering and Buildings, the
1533 Department of Planning and Budget, and any other agency that supports the functions
1534 performed by these departments; (iii) the ~~Board of Visitors board~~ may, during any fiscal year,
1535 approve a transfer of up to ~~a total of~~ 15 percent of the total nongeneral fund appropriation for
1536 the Medical Center ~~in order~~ to supplement funds appropriated for a capital project ~~or capital~~
1537 projects of the Medical Center, provided that the ~~Board of Visitors board~~ finds that the transfer
1538 is necessary to effectuate the original intention of the General Assembly in making the
1539 appropriation for the capital project ~~or projects~~ in question; (iv) the University shall report to the
1540 Department of General Services on the status of any such capital project prior to
1541 commencement of construction of, and at the time of acceptance of, any such capital project;
1542 and (v) the University shall ensure that Building Officials and Code Administrators (BOCA)
1543 Code and fire safety inspections of any such project are conducted and ~~that~~ such projects are
1544 inspected by the State Fire Marshal or his designee prior to certification for building occupancy

1545 by the University's assistant state building official to whom such inspection responsibility has
1546 been delegated pursuant to § 36-98.1. Nothing in this section shall be deemed to relieve the
1547 University of any reporting requirement pursuant to § 2.2-1513. Notwithstanding the ~~foregoing~~
1548 provisions of this subsection, the terms and structure of any financing of any capital project to
1549 which this ~~subdivision subsection~~ applies shall be approved pursuant to § 2.2-2416.

1550 ~~b.~~ B. No capital project to which ~~this subdivision subsection A~~ applies shall be
1551 materially increased in size or materially changed in scope beyond the plans and justifications
1552 that were the basis for the project's appropriation unless: (i) the Governor determines that such
1553 increase in size or change in scope is necessary due to an emergency or (ii) the General
1554 Assembly approves the increase or change in a subsequent appropriation for the project. After
1555 construction of any such capital project has commenced, no such increase or change ~~may shall~~
1556 be made during construction unless the conditions in clause (i) or (ii) have been satisfied.

1557 ~~2.~~ § 23.1-xxx. Leases of property.

1558 ~~a.~~ A. The University shall be exempt from the provisions of § 2.2-1149 and from any
1559 rules, regulations, and guidelines of the Division of Engineering and Buildings ~~in relation to~~
1560 regarding leases of real property that it enters into on behalf of the Medical Center and, pursuant
1561 to policies and procedures adopted by the ~~Board of Visitors board~~, may enter into such leases
1562 subject to the following conditions: (i) the lease ~~must shall~~ be an operating lease and not a
1563 capital lease as defined in guidelines established by the Secretary of Finance and ~~Generally~~
1564 Accepted Accounting Principles (GAAP) generally accepted accounting principles; (ii) the
1565 University's decision to enter into such a lease shall be based upon cost, demonstrated need, and
1566 compliance with guidelines adopted by the ~~Board of Visitors which board that~~ direct that (a)
1567 competition be sought to the maximum practical degree, ~~that (b)~~ all costs of occupancy be
1568 considered, and ~~that (c)~~ the use of the space to be leased ~~actually is be~~ necessary and ~~is~~
1569 efficiently planned; (iii) the form of the lease ~~is shall be~~ approved by the Special Assistant
1570 Attorney General representing the University; (iv) the lease shall otherwise ~~meets meet~~ all
1571 requirements of law; (v) the leased property ~~is shall be~~ certified for occupancy by the building

1572 official of the political subdivision in which the leased property is located; and (vi) upon
1573 entering such leases and upon any subsequent amendment of such leases, the University shall
1574 provide copies of all lease documents and any attachments ~~thereto~~ to the Department of General
1575 Services.

1576 ~~b.~~ B. Notwithstanding the provisions of §§ 2.2-1155 and ~~23-4.1~~ 23.1-xxx, but subject to
1577 policies and procedures adopted by the ~~Board of Visitors~~ board, the University may lease, for a
1578 purpose consistent with the mission of the Medical Center and for a term not to exceed 50 years,
1579 property in the possession or control of the Medical Center.

1580 ~~e.~~ C. Notwithstanding the ~~foregoing provisions of this section~~, the terms and structure of
1581 any financing arrangements secured by capital leases or other similar lease financing
1582 agreements shall be approved pursuant to § 2.2-2416.

1583 ~~3. § 23.1-xxx. Procurement of goods, services and construction.~~

1584 A. Contracts awarded by the University ~~in compliance with this section~~, on behalf of the
1585 Medical Center, for the procurement of goods; services, including professional services;
1586 construction; and information technology and telecommunications, pursuant to this article shall
1587 be exempt from (i) the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except as provided
1588 below in this section; (ii) the requirements of the Division of Purchases and Supply of the
1589 Department of General Services as set forth in Article 3 (§ 2.2-1109 et seq.) of Chapter 11 of
1590 Title 2.2; (iii) the requirements of the Division of Engineering and Buildings as set forth in
1591 Article 4 (§ 2.2-1129 et seq.) of Chapter 11 of Title 2.2; and (iv) the authority of the Chief
1592 Information Officer and the Virginia Information Technologies Agency as set forth in Chapter
1593 20.1 (§ 2.2-2005 et seq.) of Title 2.2 regarding the review and approval of contracts for (a) the
1594 construction of Medical Center capital projects and (b) information technology and
1595 telecommunications projects; ~~however,~~

1596 B. The University shall not implement the provisions of this ~~subdivision may not be~~
1597 ~~implemented by the University section~~ until ~~such time as~~ the ~~Board of Visitors has adopted~~
1598 board adopts guidelines generally applicable to the procurement of goods, services,

1599 construction, and information technology and telecommunications projects by the Medical
1600 Center or by the University on behalf of the Medical Center. Such guidelines shall be based
1601 upon competitive principles and ~~shall~~ in each instance seek competition to the maximum
1602 practical degree. The guidelines shall (i) implement a system of competitive negotiation for
1603 professional services; shall (ii) prohibit discrimination because of race, religion, color, sex, or
1604 national origin of the bidder or offeror in the solicitation or award of contracts on the basis of
1605 his race, religion, color, sex, or national origin; and (iii) incorporate the prompt payment
1606 principles of §§ 2.2-4350 and 2.2-4354 and may (a) take into account in all cases the dollar
1607 amount of the intended procurement, the term of the anticipated contract, and the likely extent
1608 of competition; ~~may (b) implement a prequalification procedure for contractors or products;~~
1609 may (c) include provisions for cooperative procurement arrangements with private health or
1610 educational institutions, or with public agencies or institutions of the several states, territories of
1611 the United States, or the District of Columbia; shall incorporate the prompt payment principles
1612 of §§ 2.2-4350 and 2.2-4354; and may implement provisions of law.

1613 ~~The following sections of the Virginia Public Procurement Act shall continue to apply to~~
1614 ~~procurements by the Medical Center or by the University on behalf of the Medical Center: §§ C.~~
1615 ~~Sections 2.2-4311, 2.2-4315, and 2.2-4342 (which section shall not be construed to require~~
1616 ~~compliance with the prequalification application procedures of subsection B of § 2.2-4317), and~~
1617 ~~2.2-4330, and §§ 2.2-4333 through 2.2-4341; and 2.2-4367 through 2.2-4377 shall continue to~~
1618 ~~apply to procurements by the Medical Center and the University on behalf of the Medical~~
1619 ~~Center.~~

1620 ~~€.~~ § 23.1-xxx. Cash balances.

1621 Subject to such conditions as may be prescribed in the budget bill ~~under pursuant to~~ §
1622 2.2-1509 ~~as enacted into law by the General Assembly~~, the State Comptroller shall credit, on a
1623 monthly basis, to the nongeneral fund operating cash balances of the ~~University of Virginia~~
1624 Medical Center the imputed interest earned by the investment of such nongeneral fund operating

1625 | cash balances, including ~~but not limited to~~ those balances derived from patient care revenues, on
1626 | deposit with the State Treasurer.

1627 | **Drafting note: Existing § 23-77.4 is split into four sections that more clearly**
1628 | **separate distinct subject matter on capital projects, leases of property, procurement, and**
1629 | **cash balances. Existing subsection A is stricken following the Code Commission**
1630 | **recommendation on removing policy statements from the Code. Technical changes are**
1631 | **made.**

1632 | Article 3.

1633 | Donations.

1634 | **Drafting note: Existing Article 3 (§ 23-81 et seq.) of Chapter 9 is retained as**
1635 | **proposed Article 3 of Chapter 22.**

1636 | § ~~23-81~~ 23.1-xxx. Gifts, bequests, and devises.

1637 | Any person may (i) deposit in the state treasury, ~~or;~~ (ii) bequeath money, stocks, or
1638 | public bonds of any kind to be so deposited, or (iii) grant, devise, or bequeath property, real or
1639 | personal, to be sold and the proceeds to be so deposited, in sums not less than \$100, ~~which that~~
1640 | shall be invested in securities that are legal investments under the laws of the Commonwealth
1641 | for public funds for the benefit of the University, and in such case the interest or dividends
1642 | accruing on such investments shall be paid to the ~~rector and visitors of the University, to be by~~
1643 | ~~them appropriated to the general purposes thereof,~~ board and appropriated by the board for
1644 | general purposes unless some particular appropriation ~~shall have~~ has been designated by the
1645 | donor or testator, ~~as hereinafter provided.~~ The State Treasurer shall notify the board of any such
1646 | deposit in the state treasury.

1647 | **Drafting note: Technical changes.**

1648 | § ~~23-82~~ 23.1-xxx. ~~When donations~~ Donations for special purposes and objects, ~~how~~
1649 | applied, etc.

1650 | If any particular purpose or object connected with the University ~~be is~~ specified by the
1651 | donor at the time of such deposit, (i) by writing filed in the State Treasurer's office (which may

1652 also be recorded in the clerk's office of the Circuit Court of Albemarle County, as a deed for
1653 land is recorded); or (ii) in the will of such testator, the interest, income, and profits of such fund
1654 shall be appropriated to such purpose ~~and or~~ object, and none other; ~~or, if. If~~ the donor or
1655 testator ~~shall~~ so ~~direct~~ directs in such writing or will, the interest accruing on such fund shall be
1656 reinvested by the State Treasurer every six months, in the manner prescribed in § 23-81, and ~~the~~
1657 ~~interest thereon shall be, from time to time, reinvested in like manner~~ for such period as such
1658 writing or will ~~shall prescribe~~ prescribes, not exceeding ~~thirty 30~~ years; ~~and at. At~~ the expiration
1659 of the time so prescribed or ~~thirty 30~~ years, whichever ~~shall happen~~ occurs first, the fund, with
1660 its accumulations, ~~shall be paid over to the rector and visitors of the University, or and~~ the
1661 interest, income, and profits ~~thereafter~~ accruing upon the aggregate fund shall be paid to ~~them~~
1662 the board as ~~the same shall they~~ accrue, ~~according as the one or the other disposition shall be~~
1663 and as directed by such writing or will, and ~~in either case the same shall be~~ appropriated and
1664 employed according to the provisions of such writing or will, and not otherwise; ~~and the rector~~
1665 ~~and visitors of the University. The board~~ shall render to the General Assembly, at each regular
1666 session, an account of the disbursement of any funds so derived.

1667 **Drafting note: Technical changes.**

1668 § ~~23-83~~ 23.1-xxx. ~~Donations irrevocable; disposition thereof, if refused, etc~~ Disposition.

1669 Such donations shall be irrevocable by the donor or his representatives, but if the
1670 ~~authorities of the University, within one year after being notified thereof (which it shall be the~~
1671 ~~duty of the State Treasurer to do immediately upon the making of such deposit with him), shall~~
1672 give board gives notice, in writing, to the State Treasurer, ~~that they decline within one year of~~
1673 being notified of the donation by the Treasurer that it declines to receive the benefit of such
1674 deposit, the ~~same, with whatever deposit and any~~ interest and profits that may have accrued
1675 ~~thereon, shall thereupon~~ be held subject to the order of such donor or his legal representatives;
1676 ~~and if. If~~ at any time the object ~~for of~~ such donation or deposit ~~is intended, fails~~ by the legal
1677 destruction of the University, or by any other means, ~~shall fail~~, so that the purpose of the gift,
1678 bequest, or devise ~~shall be is~~ permanently frustrated, the whole fund, including unexpended

1679 principal and interest, ~~then unexpended as it shall then be~~, shall revert to and be vested in the
1680 donor or his legal representatives.

1681 **Drafting note: Technical changes.**

1682 § ~~23-84~~ 23.1-xxx. Reservation of nomination by donor.

1683 If the donor ~~shall, in such writing, filed as aforesaid, reserve reserves in such writing~~ to
1684 himself or to any other person the power to (i) nominate to any professorship, scholarship, or
1685 other place or appointment in the University, ~~or to~~ (ii) do any other act connected ~~therewith, to~~
1686 such nomination and he or such other person ~~shall fail at any time for six months fails~~ to make
1687 such nomination in writing, ~~or to~~ do such other act within six months, the board ~~of visitors~~ may
1688 proceed to make such appointment or ~~to~~ do such act ~~at their~~ in its discretion.

1689 **Drafting note: Technical changes.**

1690 § ~~23-85~~ 23.1-xxx. Commonwealth to be trustee of donations; liability of State Treasurer.

1691 The Commonwealth ~~is hereby constituted~~ shall be the trustee for the safekeeping and
1692 due application of all funds ~~which that~~ may be deposited in the treasury ~~in pursuance of~~
1693 pursuant to § ~~23-84~~ 23.1-xxx. The State Treasurer and the sureties in his official bond shall be
1694 liable for the money ~~or and~~ other funds deposited ~~as aforesaid~~, and the accounting officers of the
1695 Commonwealth shall keep separate accounts of each such deposit ~~shall be kept by the~~
1696 ~~accounting officers of the Commonwealth~~ in the same manner as ~~are~~ other public funds.

1697 **Drafting note: Technical changes.**

1698 Article 4.

1699 Mary Washington College.

1700 §§ 23-86 through 23-91.

1701 **Drafting note: Repealed by Acts 1972, c. 861.**

1702 Article 5.

1703 Clinch Valley College and Northern Virginia Branch College.

1704 §§ 23-91.1 through 23-91.4.

1705 **Drafting note: Repealed by Acts 1966, c. 68.**

- 1706 ~~Article 6.~~
- 1707 ~~Patrick Henry College of the University of Virginia.~~
- 1708 ~~§§ 23-91.5 through 23-91.8.~~
- 1709 **Drafting note: Repealed by Acts 1983, c. 63.**
- 1710 ~~Article 7.~~
- 1711 ~~Eastern Shore Branch of School of General Studies.~~
- 1712 ~~§§ 23-91.9 through 23-91.12.~~
- 1713 **Drafting note: Repealed by Acts 1983, c. 63.**
- 1714 ~~§ 23-91.13. [Reserved.]~~
- 1715 **Drafting note: Reserved.**
- 1716 ~~Article 8.~~
- 1717 ~~George Mason College.~~
- 1718 ~~§§ 23-91.14 through 23-91.17.~~
- 1719 **Drafting note: Repealed by Acts 1972, c. 550.**
- 1720 ~~§§ 23-91.18, 23-91.19. [Reserved.]~~
- 1721 **Drafting note: Reserved.**
- 1722 ~~CHAPTER 6.~~
- 1723 ~~MEDICAL COLLEGE OF VIRGINIA.~~
- 1724 ~~§§ 23-50 through 23-50.13.~~
- 1725 **Drafting note: Repealed by Acts 1968, c. 93.**
- 1726 ~~CHAPTER 6.1 23.~~
- 1727 VIRGINIA COMMONWEALTH UNIVERSITY.
- 1728 **Drafting note: Existing Chapter 6.1 of Title 23 is logically reorganized as proposed**
- 1729 **Chapters 13 and 23 of Title 23.1. Existing provisions that apply generally to governing**
- 1730 **boards of public institutions of higher education are consolidated in Chapter 13. Existing**
- 1731 **provisions relating to the incorporation, powers and duties, and membership and meetings**
- 1732 **of the governing board that are unique to the University are retained in Chapter 23.**

1733 § ~~23-50.4~~ 23.1-xxx. ~~Corporation established~~ Corporate name; name of the University.
1734 ~~There is hereby established a corporation consisting of the~~ A. The board of visitors of
1735 ~~the~~ Virginia Commonwealth University (the board) shall be a corporation under the name and
1736 style of "Virginia Commonwealth University," and shall have, in addition to its other powers, all
1737 the corporate powers given to corporations by the provisions of Title 13.1 except those powers
1738 that are confined to corporations created pursuant to Title 13.1. The board shall at all times be
1739 under the control of the General Assembly.

1740 B. The institution shall be known as Virginia Commonwealth University (the
1741 University).

1742 **Drafting note: Technical changes are made to conform the language in this section**
1743 **to that of each other four-year public institution of higher education.**

1744 § ~~23-50.5~~. ~~Transfer of property, rights, duties, etc., of Medical College of Virginia and~~
1745 ~~Richmond Professional Institute.~~

1746 ~~All real estate and personal property existing and standing in the name of the corporate~~
1747 ~~bodies designated "Medical College of Virginia" and "Richmond Professional Institute" as of~~
1748 ~~July 1, 1968, shall be transferred automatically to and, by virtue of this chapter, shall be known~~
1749 ~~and taken as standing in the name and to be under the control of the corporate body designated~~
1750 ~~"Virginia Commonwealth University." Such real estate and personal property shall be the~~
1751 ~~property of the Commonwealth. All rights, duties, contracts and agreements of the Medical~~
1752 ~~College of Virginia and Richmond Professional Institute as of July 1, 1968, are hereby vested in~~
1753 ~~such corporate body designated "Virginia Commonwealth University," which shall thenceforth~~
1754 ~~be responsible and liable for all the liabilities and obligations of each of the predecessor~~
1755 ~~institutions.~~

1756 **Drafting note: The provisions of existing § 23-50.5 are stricken as obsolete.**

1757 § ~~23-50.6~~ 23.1-xxx. ~~Appointment, terms, etc., of board of visitors; boards of predecessor~~
1758 ~~institutions to serve as advisory boards~~ Membership.

1759 ~~(a) A.~~ The board ~~of visitors is to~~ shall consist of ~~sixteen~~ 16 members ~~to be~~ appointed by
 1760 the Governor ~~for four year terms except that vacancies other than by expiration of term shall be~~
 1761 ~~filled as provided in subsection (d) and except that the initial term of the member appointed to~~
 1762 ~~increase the board of visitors to sixteen members shall be three years.~~

1763 ~~(b) [Repealed.]~~

1764 ~~(c) Members shall be eligible for service for two consecutive terms of four years only~~
 1765 ~~(exclusive of that portion of any unexpired term or any term on the board of less than four years~~
 1766 ~~to which he may have been appointed).~~

1767 ~~(d) All vacancies shall be filled by the Governor for the unexpired terms.~~

1768 ~~(e) All appointments are subject to confirmation by the General Assembly if in session~~
 1769 ~~when such appointments are made, and if not in session, at its next succeeding session. Visitors~~
 1770 ~~shall continue to discharge their duties after their terms have expired until their successors have~~
 1771 ~~been appointed and have qualified.~~

1772 ~~(f), (g) [Repealed.]~~

1773 **Drafting note: Existing provisions relating to the terms and removal of members of**
 1774 **the board are stricken and incorporated instead into proposed Chapter 13, and technical**
 1775 **changes are made to conform the language to that of each other four-year public**
 1776 **institution of higher education.**

1777 ~~§ 23-50.9~~ 23.1-xxx. Principal office ~~of corporation~~; meetings, ~~etc., and~~; officers ~~of board~~
 1778 ~~of visitors; executive committee; committees.~~

1779 ~~(a) A.~~ The principal office of the corporation shall be located, and all meetings of the
 1780 board of visitors held, as far as practicable, in the City of Richmond.

1781 ~~B.~~ The board shall ~~fix the date for its annual meeting and such other meetings as it may~~
 1782 ~~deem advisable~~ meet at least once a year and at such other times as it determines. ~~Due notice~~
 1783 Notice of all meetings shall be ~~given provided~~ to each ~~visitor member~~.

1784 C. A majority of the members ~~serv~~ing at any time shall constitute a quorum. ~~Such~~
1785 ~~reasonable expenses as the visitors may incur in the discharge of their duties shall be paid out of~~
1786 ~~the funds of the University.~~

1787 ~~(b) D.~~ The board shall ~~elect from its members~~ appoint from its membership a rector, a
1788 vice-rector, a secretary, and ~~such any~~ other officers as ~~it deems necessary or advisable, and~~
1789 determined by the board. The board shall prescribe their duties, and term of office, and fix their
1790 compensation if any.

1791 E. The board shall ~~also designate~~ appoint an executive committee, and determine the
1792 number of members ~~thereof~~ and the number ~~which that~~ shall constitute a quorum; ~~such. The~~
1793 executive committee shall perform ~~all the~~ duties ~~as are delegated to it~~ prescribed by the board.

1794 F. Reasonable expenses incurred by members shall be paid out of the funds of the
1795 University.

1796 **Drafting note: Technical changes are made to conform provisions relating to**
1797 **meetings, officers, and committees of the board of visitors to those of each other four-year**
1798 **public institution of higher education.**

1799 § 23-50.7. Purpose of ~~corporation board~~; redesignation of Medical College of Virginia.

1800 The ~~corporation board~~ is formed for the purpose of establishing and maintaining a
1801 university consisting of colleges, schools, and divisions offering undergraduate and graduate
1802 programs in the liberal arts and sciences and programs of education for the professions and such
1803 other ~~branches of learning programs of education~~ as may be appropriate, and in connection
1804 ~~therewith, it with this purpose, the University~~ is empowered to maintain and conduct hospitals,
1805 infirmaries, dispensaries, laboratories, research centers, power plants, and such other necessary
1806 and related facilities ~~as in the opinion of the board of visitors are deemed proper~~. The colleges,
1807 schools, and divisions ~~heretofore previously~~ existing as The Medical College of Virginia shall,
1808 ~~as of July 1, 1968,~~ be designated The Medical College of Virginia, Health Sciences Division of
1809 Virginia Commonwealth University.

1810 **Drafting note: Technical changes.**

1811 ~~§ 23-50.8. Rights, powers and privileges of corporation generally.~~
 1812 ~~The corporation is vested with all the rights, powers and privileges conferred upon and~~
 1813 ~~subject to all the provisions relating to similar corporations under the laws of this~~
 1814 ~~Commonwealth so far as they are applicable and shall have, in addition to those other powers,~~
 1815 ~~all the corporate powers given to nonstock corporations by the provisions of Chapter 10 (§ 13.1-~~
 1816 ~~801 et seq.) of Title 13.1, except in those cases where by the express terms of the provisions~~
 1817 ~~thereof it is confined to corporations created under Title 13.1. The corporation shall also have~~
 1818 ~~the power to take, hold, receive and enjoy any gift, grant, devise or bequest to Virginia~~
 1819 ~~Commonwealth University or its predecessors, the same to be held for the uses and purposes~~
 1820 ~~designated by the donor, if any, or if not so designated, for the general purposes of the~~
 1821 ~~corporation, whether given directly or indirectly; and to accept, execute and administer any trust~~
 1822 ~~in which it may have an interest under the terms of the instrument creating the trust. The~~
 1823 ~~corporation shall control and expend the funds appropriated to it by the Commonwealth~~
 1824 ~~provided by law.~~

1825 **Drafting note: The provisions of existing § 23-50.8 are stricken here and**
 1826 **incorporated instead into proposed §§ 23.1-13xx and 23.1-13xx of Chapter 13.**

1827 ~~§ 23-50.10. Rights and powers of board generally; appointment, etc., of president,~~
 1828 ~~faculty and staff; rules and regulations.~~

1829 ~~The board of visitors shall be vested with all the rights and powers conferred upon it by~~
 1830 ~~this chapter insofar as the same are not inconsistent with the general laws of the~~
 1831 ~~Commonwealth.~~

1832 ~~The board shall appoint the president, who shall be the chief executive officer of the~~
 1833 ~~University, and all professors, teachers, staff members and agents, and shall fix their salaries~~
 1834 ~~and shall prescribe their duties.~~

1835 ~~The board shall make all rules and regulations it deems advisable concerning the~~
 1836 ~~University and shall generally direct the affairs and business of the University.~~

1837 **Drafting note: The provisions of existing § 23-50.10 are stricken here and**
1838 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1839 ~~§ 23-50.10:01. Investment of endowment funds, endowment income, and gifts; standard~~
1840 ~~of care; liability; exemption from the Virginia Public Procurement Act.~~

1841 ~~A. The board of visitors shall invest and manage the endowment funds, endowment~~
1842 ~~income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the~~
1843 ~~University in accordance with this section and the provisions of the Uniform Prudent~~
1844 ~~Management of Institutional Funds Act (§ 64.2-1100 et seq.).~~

1845 ~~B. No member of the board of visitors shall be personally liable for losses suffered by an~~
1846 ~~endowment fund, endowment income, gifts, all other nongeneral fund reserves and balances, or~~
1847 ~~local funds of or held by the University, arising from investments made pursuant to the~~
1848 ~~provisions of subsection A.~~

1849 ~~C. The investment and management of endowment funds, endowment income, gifts, all~~
1850 ~~other nongeneral fund reserves and balances, or local funds of or held by the University shall~~
1851 ~~not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).~~

1852 ~~D. In addition to the investment practices authorized by the Uniform Prudent~~
1853 ~~Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board of visitors may also~~
1854 ~~invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund~~
1855 ~~reserves and balances, and local funds of or held by the University in derivatives, options, and~~
1856 ~~financial securities.~~

1857 ~~1. In this section, "derivative" means a contract or financial instrument or a combination~~
1858 ~~of contracts and financial instruments, including, without limitation, any contract commonly~~
1859 ~~known as a "swap," which gives the University the right or obligation to deliver or receive~~
1860 ~~delivery of, or make or receive payments based on, changes in the price, value, yield or other~~
1861 ~~characteristic of a tangible or intangible asset or group of assets, or changes in a rate, an index~~
1862 ~~of prices or rates, or other market indicator for an asset or a group of assets.~~

1863 ~~2. In this section, an "option" means an agreement or contract whereby the University~~
 1864 ~~may grant or receive the right to purchase or sell, or pay or receive the value of, any personal~~
 1865 ~~property asset including, without limitation, any agreement or contract that relates to any~~
 1866 ~~security, contract, or agreement.~~

1867 ~~3. In this section, "financial security" means any note, stock, treasury stock, bond,~~
 1868 ~~debenture, evidence of indebtedness, certificate of interest, collateral trust certificate,~~
 1869 ~~preorganization certificate of subscription, transferable share, investment contract, voting trust~~
 1870 ~~certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other~~
 1871 ~~mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit,~~
 1872 ~~or group or index of securities (including any interest therein or based on the value thereof), or~~
 1873 ~~any put, call, straddle, option, or privilege entered into on a national securities exchange relating~~
 1874 ~~to foreign currency, or in general, any interest or instrument commonly known as a "security,"~~
 1875 ~~or any certificate of interest or participation in, temporary or interim security for, receipt for,~~
 1876 ~~guarantee of, or warrant or right to subscribe to or purchase any of the foregoing.~~

1877 ~~E. The authority as provided in this section as it relates to nongeneral fund reserves and~~
 1878 ~~balances of or held by the University is predicated upon an approved management agreement~~
 1879 ~~between the University and the Commonwealth of Virginia.~~

1880 **Drafting note: The provisions of existing § 23-50.10:01 are stricken here and**
 1881 **incorporated instead into proposed § 23.1-10xx of Chapter 10.**

1882 ~~§ 23-50.11. Tuition, fees and other charges.~~

1883 ~~The board may fix the rates charged the students of the University for tuition, fees and~~
 1884 ~~other necessary charges, and may fix and collect fees and charges for services rendered by or~~
 1885 ~~through any facilities maintained or conducted by the corporation.~~

1886 **Drafting note: The provisions of existing § 23-50.11 are stricken here and**
 1887 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1888 ~~§ 23-50.12. Degrees.~~

1889 ~~The board of visitors shall have the right to confer all degrees heretofore conferred by~~
1890 ~~the Medical College of Virginia and the Richmond Professional Institute and such other degrees~~
1891 ~~including honorary degrees as it may deem proper.~~

1892 **Drafting note: The provisions of existing § 23-50.12 are stricken here and**
1893 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1894 ~~§ 23-50.13. Conveyance of real property and interests therein.~~

1895 ~~The board of visitors of Virginia Commonwealth University, with the approval of the~~
1896 ~~Governor first obtained, is hereby authorized to sell and convey any and all real estate or~~
1897 ~~interests therein including easements for roads, streets, sewers, water lines, electric and other~~
1898 ~~utility lines or other purposes to which it has acquired title by gift, devise or purchase. The~~
1899 ~~proceeds derived from any such sale or sales shall be held by the University upon the identical~~
1900 ~~trusts, and subject to the same uses, limitations and conditions, if any, that are expressed in the~~
1901 ~~original instrument under which its title was derived, or if there be no such trusts, uses,~~
1902 ~~limitations or conditions expressed in such original instrument, then such funds shall be applied~~
1903 ~~by the board to such purposes as it may deem best for the University.~~

1904 **Drafting note: The provisions of existing § 23-50.13 are stricken here and**
1905 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

1906 ~~§ 23-50.14~~ 23.1-xxx. Process or notice.

1907 Process against or notice to the ~~corporation may~~ board shall be served only in the City of
1908 Richmond upon the rector, vice-rector, or secretary of the board; or ~~upon~~ the president of
1909 ~~Virginia Commonwealth~~ the University.

1910 **Drafting note: Technical changes.**

1911 § 23-50.15. Virginia Center on Aging.

1912 ~~Chapter 170 of the Acts of 1978, relating to the Virginia Center on Aging at Virginia~~
1913 ~~Commonwealth University, is incorporated in this Code by this reference.~~

1914 A. The Virginia Center on Aging (the Center) shall be located at the University and shall
1915 be an interdisciplinary study, research, information, and resource facility for the

1916 Commonwealth. The Center shall utilize the full capability of the faculty, staff, libraries,
1917 laboratories, and clinics of the University for the benefit of older Virginians and the expansion
1918 of knowledge related to the aged and the aging process.

1919 B. The Center shall be subject to the supervision and control of the board.

1920 C. The board shall appoint an advisory committee for the Center.

1921 D. The board shall appoint an executive director for the Center who shall:

1922 1. Exercise all powers and perform all duties imposed upon him by law;

1923 2. Perform all duties imposed upon him by the board; and

1924 3. Employ such personnel and contract for such services as may be required to carry out
1925 the purposes of this section.

1926 E. The Center, under the direction of the executive director, shall:

1927 1. Develop and promote programs of continuing education and in-service training for
1928 persons who work with or provide services to the elderly;

1929 2. Develop educational and training programs for persons sixty years of age or older to
1930 assist them in adjusting to the aging process, including retirement planning, health maintenance,
1931 employment opportunities, recreation, and self-development;

1932 3. Foster development of educational courses for students at institutions of higher
1933 education in disciplines other than gerontology to increase their understanding of the process of
1934 aging in humans;

1935 4. Conduct research in the field of gerontology and make the research findings available
1936 to interested public and private agencies;

1937 5. Collect and maintain data on a statewide and regional basis on the characteristics and
1938 conditions of persons over the age of sixty and make such data available to the Virginia
1939 Department for Aging and Rehabilitative Services (DARS) and all other organizations and state
1940 agencies involved in planning and delivering services to persons over the age of sixty;

1941 6. Coordinate the functions and services of the Center with DARS (i) in such a manner
1942 that the knowledge, education, and research programs in the Center constitute a readily available
1943 resource for DARS in planning and service delivery and (ii) to prevent any duplication of effort;

1944 7. Apply for and accept grants from the United States government, state government,
1945 state agencies, or any other source to carry the purposes of this section. The Center is permitted
1946 execute such agreements and comply with such conditions as may be necessary to apply for and
1947 accept such grants;

1948 8. Accept gifts, bequests, and any other thing of value to be used to carry out the
1949 purposes of this section;

1950 9. Receive, administer, and expend all funds and other assistance made available to the
1951 Center to carry out the purposes of this section; and

1952 10. Do all other things necessary or convenient to carrying out the purposes of this
1953 section.

1954 **Drafting note: Acts 1978, c. 170, previously incorporated in existing § 23-50.15 by**
1955 **reference, is instead set out in full in proposed § 23.1-23xxx and technical changes are**
1956 **made.**

1957 § 23-50.15:1. [Expired.]

1958 **Drafting note: Expired pursuant to Acts 1989, c. 257, cl. 3, effective July 1, 1992.**

1959 § 23-50.16. Operations of Medical Center.

1960 A. ~~In enacting this section, the General Assembly recognizes that the ability of Virginia~~
1961 ~~Commonwealth. The~~ University ~~to~~ may provide medical and health sciences education and
1962 related research ~~is dependent upon the maintenance of high quality through~~ teaching hospitals
1963 and related health care and health maintenance facilities, collectively referred to in this section
1964 as the Medical Center, ~~and that the maintenance of a medical center serving such purposes~~
1965 ~~requires specialized management and operation that permit the Medical Center to remain~~
1966 ~~economically viable and to.~~ The Medical Center may participate in cooperative arrangements
1967 reflective of changes in health care delivery.

1968 B. ~~Without limiting the powers provided in §§ 23-50.8 and 23-50.10, Virginia~~
1969 ~~Commonwealth~~ The University may create, own in whole or in part, or otherwise control
1970 corporations, partnerships, insurers, or other entities whose activities ~~will~~ promote the
1971 operations of the Medical Center and its mission, ~~may~~ cooperate or enter into joint ventures
1972 with such entities ~~and government bodies~~; and ~~may~~ enter into contracts in connection ~~therewith~~
1973 ~~with such joint ventures~~. Without limiting the power of ~~Virginia Commonwealth~~ the University
1974 to issue bonds, notes, guarantees, or other evidence of indebtedness ~~under~~ pursuant to
1975 subsection C in connection with such activities, no such creation, ownership, or control shall
1976 create any responsibility of the University, the Commonwealth, or any ~~other~~ agency ~~thereof of~~
1977 the Commonwealth for the operations or obligations of any entity ~~or~~ and in any way make the
1978 University, the Commonwealth, or any ~~other~~ agency ~~thereof of the Commonwealth~~ responsible
1979 for the payment of debt or other obligations of such entity. All such interests shall be reflected
1980 on the financial statements of the Medical Center.

1981 C. Notwithstanding the provisions of Chapter ~~3 xxx~~ (§ ~~23-14 23.1-xxx~~ et seq.) ~~of this~~
1982 ~~title, Virginia Commonwealth~~ the University may issue bonds, notes, guarantees, or other
1983 evidence of indebtedness without the approval of any other governmental body subject to the
1984 following provisions:

1985 1. Such debt ~~is~~ shall be used solely for the purpose of paying not more than ~~fifty~~ 50
1986 percent of the cost of capital improvements in connection with the operation of the Medical
1987 Center or related issuance costs, reserve funds, and other financing expenses, including interest
1988 during construction or acquisition and for up to one year thereafter;

1989 2. ~~The only~~ No revenues of the University shall be pledged to the payment of such debt
1990 ~~are except~~ those revenues derived from the operation of the Medical Center and related health
1991 care and educational activities, and ~~there are pledged therefor~~ no general fund appropriation and
1992 special Medicaid disproportionate share payments for indigent and medically indigent patients
1993 who are not eligible for the Virginia Medicaid Program shall be pledged to the payment of such
1994 debt;

- 1995 3. Such debt ~~states~~ shall state that it does not constitute a debt of the Commonwealth or a
1996 pledge of the faith and credit of the Commonwealth;
- 1997 4. Such debt ~~is~~ shall not ~~be~~ sold to the public;
- 1998 5. The total principal amount of such debt outstanding at any one time ~~does~~ shall not
1999 exceed ~~twenty five~~ \$25 million ~~dollars~~;
- 2000 6. The Treasury Board ~~has approved~~ shall approve the terms and structure of such debt;
- 2001 7. The purpose, terms, and structure of such debt ~~are~~ shall be promptly communicated to
2002 the Governor and the Chairmen of the House Appropriations and Senate Finance Committees;
2003 and
- 2004 8. All such indebtedness ~~is~~ shall be reflected on the financial statements of the Medical
2005 Center.

2006 Subject to meeting the conditions set forth ~~above~~ in this section, such debt may be in
2007 such form and have such terms as the board ~~of visitors~~ may provide and shall be in all respects
2008 debt of the University for the purposes of §§ ~~23-23~~ 23.1-xxx, ~~23-25~~ 23.1-xxx, and ~~23-26~~ 23.1-
2009 xxx.

2010 **Drafting note: Statements of policy in subsection A are stricken per the Code**
2011 **Commission policy regarding such statements. Technical changes are made.**

2012 § ~~23-50.16:01~~ 23.1-xxx. Virginia Commonwealth University School of Medicine-
2013 Northern Virginia Division; authority to create.

2014 A. The board ~~of visitors of Virginia Commonwealth University~~ is authorized to establish
2015 the Virginia Commonwealth University School of Medicine-Northern Virginia Division;
2016 ~~hereinafter referred to as~~ (the Division). If established, the Division shall be operated with such
2017 areas of program and service emphasis as may be approved by the ~~State~~ Council ~~of Higher~~
2018 Education for Virginia pursuant to subdivision 7 of § ~~23-9.6:1~~ 23.1-xxx.

2019 B. The board ~~of visitors~~ shall have the same powers with respect to the operation of the
2020 Division as are vested in the board regarding ~~Virginia Commonwealth~~ the University ~~pursuant~~
2021 ~~to this chapter~~.

2022 **Drafting note: Technical changes.**

2023 CHAPTER ~~10~~ 25.

2024 VIRGINIA MILITARY INSTITUTE.

2025 **Drafting note: Existing Chapter 10 of Title 23 is logically reorganized as proposed**
2026 **Chapters 13 and 25 of Title 23.1. Existing provisions that apply generally to governing**
2027 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
2028 **Existing provisions relating to the incorporation, membership and meetings, and powers**
2029 **and duties of the governing board that are unique to the Institute are retained in proposed**
2030 **Chapter 25.**

2031 § ~~23-92~~ 23.1-xxx. ~~Virginia Military Institute continued~~ Corporate name; name of the
2032 Institute.

2033 A. The military school established in the County of Rockbridge, at the Town of
2034 Lexington, shall be continued, and the board of visitors thereof and their successors of the
2035 Virginia Military Institute (the board) shall be and remain a corporation under the name and
2036 style of "Virginia Military Institute;" and shall have, in addition to its other powers, all the
2037 corporate powers given to corporations by the provisions of Title 13.1 except those powers that
2038 are confined to corporations created pursuant to Title 13.1. The board shall be at all times
2039 subject to be under the control of the General Assembly.

2040 B. The institution shall be known as the Virginia Military Institute (the Institute).

2041 ~~For the support of the school, there~~ C. There shall be paid out of the public treasury;
2042 ~~from time to time,~~ such sums as shall be appropriated ~~therefor~~ by the General Assembly for the
2043 support of the school.

2044 **Drafting note: Technical changes are made to conform the language in this section**
2045 **to that of each other four-year public institution of higher education.**

2046 § ~~23-93~~ 23.1-xxx. ~~Appointment of visitors generally~~ Membership.

2047 A. The board of visitors shall consist of ~~sixteen visitors to be appointed by the Governor~~
2048 ~~and the Adjutant General, ex officio~~ 17 members, of whom 16 shall be appointed by the

2049 Governor and one shall be the Adjutant General, who shall serve ex officio. Of the ~~visitors~~ 16
2050 members appointed by the Governor, ~~twelve~~ (i) 12 shall be alumni of the Institute, of whom
2051 eight shall be residents of the Commonwealth and four shall be nonresidents, and (ii) four shall
2052 ~~not be alumni of the Institute~~ be nonalumni residents of the Commonwealth. ~~The four visitors~~
2053 ~~appointed by the Governor who are not alumni of the Institute shall be residents of the~~
2054 ~~Commonwealth. Until June 30, 1985, nine of the twelve alumni visitors shall be residents of the~~
2055 ~~Commonwealth. Thereafter eight of the twelve alumni visitors shall be residents of the~~
2056 ~~Commonwealth. The remaining alumni visitors shall be nonresidents.~~

2057 B. ~~Each appointive visitor in office on July 1, 1980, shall continue in office until the~~
2058 ~~expiration of the term for which he was appointed. Of the visitors to be appointed for terms~~
2059 ~~commencing July 1, 1980, four shall be appointed for terms of three years and four for terms of~~
2060 ~~four years. One of such visitors appointed for a four year term and one appointed for a three-~~
2061 ~~year term shall not be alumni of the Institute. One of such visitors appointed for a four year term~~
2062 ~~and one appointed for a three year term shall be nonresident alumni. Thereafter all appointments~~
2063 ~~shall be for terms of four years and one visitor appointed each year shall not be an alumnus of~~
2064 ~~the Institute. Beginning in 1985 and thereafter, one visitor appointed each year shall be a~~
2065 ~~nonresident alumnus.~~

2066 ~~All appointments for full terms, as well as to fill vacancies, shall be made by the~~
2067 ~~Governor subject to confirmation by the General Assembly.~~ The alumni association of the
2068 Institute may submit to the Governor a list of not more than three nominees for each vacancy on
2069 the board of visitors, whether the vacancy occurs by expiration of a term or otherwise. The
2070 Governor may appoint a member from the list of nominees.

2071 **Drafting note: Existing provisions relating to the membership of the board of**
2072 **visitors are logically combined in this proposed section, existing provisions relating to the**
2073 **terms and removal of members of the board are stricken and incorporated instead into**
2074 **proposed Chapter 13, and technical changes are made to conform the language to that of**
2075 **each other four-year public institution of higher education.**

2076 ~~§ 23-94. Appointment of visitors from nominees of alumni association; nonalumni~~
 2077 ~~visitors.~~

2078 ~~(a) The Governor may appoint visitors from a list of qualified persons submitted to him~~
 2079 ~~by the alumni association of the Virginia Military Institute, on or before the first day of April of~~
 2080 ~~any year in which the terms of any visitors will expire.~~

2081 ~~(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall~~
 2082 ~~certify this fact to the association and nominations may be submitted of qualified persons and~~
 2083 ~~the Governor may fill the vacancy, if his discretion so dictates, from among the eligible~~
 2084 ~~nominees of the association.~~

2085 ~~(c) Every list shall contain not more than three names for each vacancy to be filled.~~

2086 ~~(d) The Governor is not to be limited in his appointments to the persons so nominated.~~

2087 ~~(e) [Repealed.]~~

2088 **Drafting note: The provisions of existing § 23-94 are stricken and incorporated**
 2089 **instead into proposed § 23.1-xxx.**

2090 ~~§ 23-95. Eligibility to serve more than two successive terms.~~

2091 ~~No person except ex officio members shall be eligible to serve for or during more than~~
 2092 ~~two successive four-year terms; but after the expiration of the remainder of an unexpired term to~~
 2093 ~~which appointed, two additional four-year terms may be served by such a member if appointed~~
 2094 ~~thereto.~~

2095 **Drafting note: The provisions of existing § 23-95 are stricken and incorporated**
 2096 **instead into proposed Chapter 13.**

2097 ~~§ 23-95.1. Executive committee.~~

2098 ~~The board of visitors may appoint an executive committee from its own body for the~~
 2099 ~~purpose of transacting business during the recess of the board. Such executive committee shall~~
 2100 ~~consist of not less than three nor more than five members, one of whom shall be the president.~~

2101 **Drafting note: The provisions of existing § 23-95.1 are stricken and incorporated**
 2102 **instead into proposed § 23.1-xxx.**

2103 ~~§ 23-96. Quorum.~~

2104 ~~Six visitors shall constitute a quorum for business.~~

2105 **Drafting note: The provisions of existing § 23-96 are stricken and incorporated**
2106 **instead into proposed § 23.1-xxx.**

2107 ~~§ 23-97. Suits by and against board.~~

2108 ~~The board of visitors may sue and be sued for any cause or matters which have~~
2109 ~~heretofore arisen, or which hereafter arise.~~

2110 **Drafting note: The provisions of existing § 23-97 are stricken here and**
2111 **incorporated instead into proposed § 23.1-13xx of Chapter 13. The board's power to sue**
2112 **and be sued is also a corporate power that is already contemplated in the first section of**
2113 **this Chapter.**

2114 ~~§ 23-98. Meetings of board; president and secretary; superintendent of Institute. 23.1-~~
2115 ~~xxx. Meetings; officers; committees.~~

2116 A. The board of visitors shall meet at the Institute at least once a year ~~or more often~~ and
2117 at any other times and places, ~~when, in its opinion, or that of the superintendent of the Institute,~~
2118 ~~or president of the board of visitors, it shall be necessary to do so as determined by the board,~~
2119 ~~the superintendent of the Institute, or the president of the board. It shall appoint a superintendent~~
2120 ~~of the Institute with such duties as may be prescribed by the board.~~ Special meetings may ~~also~~
2121 be called at any time by the superintendent of the Institute, or the president of the board ~~of~~
2122 ~~visitors, when either may deem it advisable; and the board may adjourn from time to time.~~
2123 Notice of the time and place of each meeting shall be provided to each member.

2124 B. Six members shall constitute a quorum.

2125 C. The board shall appoint from its ~~own body~~ membership a president, and shall ~~also~~
2126 appoint a secretary to the board. ~~In the absence of the president or secretary at any meeting, the~~
2127 ~~board may appoint a president or secretary pro tempore, and vacancies in the offices of~~
2128 ~~president or secretary may be filled by the board for the unexpired term. Notice of the time and~~
2129 ~~place of meeting shall be given to every member of the board.~~

2130 D. The board may appoint a president pro tempore or secretary pro tempore to preside in
2131 the absence of the president or secretary.

2132 E. Vacancies in the office of president and secretary may be filled by the board for the
2133 unexpired term.

2134 F. The board may appoint an executive committee for the transaction of business during
2135 the recess of the board, consisting of at least three and not more than five members, one of
2136 whom shall be the president.

2137 **Drafting Note: Existing provisions relating to meetings, officers, and committees of**
2138 **the board of visitors are logically combined in this proposed section, and technical changes**
2139 **are made to conform the language to that of each other four-year public institution of**
2140 **higher education.**

2141 ~~§ 23-99. Bylaws and regulations.~~

2142 ~~The board may make bylaws and regulations for their own government and the~~
2143 ~~management of the affairs of the Institute, and may, for the purpose of transacting such business~~
2144 ~~as, in its opinion, can be properly transacted by a less number than the majority, authorize not~~
2145 ~~less than four members to constitute a quorum.~~

2146 **Drafting note: The quorum provisions of existing § 23-99 are stricken as**
2147 **inconsistent with subsection B of proposed § 23.1-xxx. The provisions on bylaws and**
2148 **regulations are stricken here and incorporated instead into proposed § 23.1-13xx of**
2149 **Chapter 13.**

2150 ~~§ 23-100. Power to borrow money and secure its payment.~~

2151 ~~The act entitled "an act to authorize the Virginia Military Institute to borrow money and~~
2152 ~~to secure the same by creating a lien on real estate," approved December 19, 1874; and the third~~
2153 ~~and fourth sections of the act entitled "an act for the relief of the Virginia Military Institute,"~~
2154 ~~approved March 15, 1884, shall continue in force until all the objects of the acts shall have been~~
2155 ~~fully accomplished.~~

2156 **Drafting note: Existing § 23-100 is stricken as obsolete.**

2157 ~~§ 23-100.1. Power to receive gifts, grants, devises and bequests.~~

2158 ~~The Virginia Military Institute, or its board of visitors on its behalf, upon the prior~~
2159 ~~written consent of the Governor is empowered to receive, take, hold and enjoy any and every~~
2160 ~~gift, grant, devise, or bequest heretofore or hereafter made to the Institute or its board of visitors~~
2161 ~~for charitable or educational purposes, and to use and administer same for the uses and purposes~~
2162 ~~designated by the donor if designation be made, or for the general purposes of the Institute if no~~
2163 ~~designation be made.~~

2164 **Drafting note: The provisions of existing § 23-100.1 are stricken here and**
2165 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

2166 ~~§§ 23-101, 23-102.~~

2167 **Drafting note: Repealed by Acts 2005, c. 633, cl. 2.**

2168 ~~§ 23-103. Appointment, removal and salaries of professors.~~

2169 ~~The board of visitors shall appoint professors to give instruction in military science and~~
2170 ~~in such other branches of knowledge as they may deem proper. The board shall fix the salaries~~
2171 ~~of professors, and may remove them for good cause; but no order to remove a professor shall be~~
2172 ~~made without the concurrence therein of a majority of the whole number of visitors, and the~~
2173 ~~board shall forthwith communicate to the Governor a full statement of the reasons for making~~
2174 ~~the removal.~~

2175 **Drafting note: The provisions of existing § 23-103 are stricken here and**
2176 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

2177 ~~§ 23-104 23.1-xxx. Admission of pay Pay cadets; course of instruction, etc.~~

2178 ~~The board of visitors shall prescribe the terms upon which pay cadets may be admitted,~~
2179 ~~their number, the course of their instruction, and the nature and duration of their service, and the~~
2180 ~~duration thereof.~~

2181 **Drafting note: Technical changes.**

2182 ~~§ 23-105 23.1-xxx. Admission of state cadets.~~

2183 The board shall admit annually as state cadets upon evidence of fair moral character, a
2184 sufficient ~~young men and women~~ number of individuals selected from the Commonwealth at
2185 large, who shall be ~~not less than sixteen nor~~ at least 16 but not more than ~~twenty-five~~ 25 years of
2186 age.

2187 **Drafting note: Technical changes. The term "young men and women" is stricken in**
2188 **favor of the more general "individuals."**

2189 § ~~23-106~~ 23.1-xxx. Financial assistance for state cadets.

2190 The board shall provide financial assistance equal to ~~the~~ a state cadet applicant's
2191 demonstrated need up to the Institute's prevailing charges for tuition ~~and board, fees, and other~~
2192 necessary charges.

2193 **Drafting note: Technical changes.**

2194 § ~~23-107~~ 23.1-xxx. Service requirement for state cadets.

2195 A. Each state cadet ~~received on state account and~~ who ~~shall have remained~~ remains
2196 enrolled in the Institute ~~during the period of for~~ two years or more, shall ~~act in the capacity of~~
2197 teacher (i) teach in ~~some a public elementary or secondary~~ school in ~~this the~~ Commonwealth for
2198 two years, ~~and such cadet shall be required to discharge his obligation as teacher~~ within the
2199 three years immediately after leaving the Institute, and ~~he shall~~ report in writing to the
2200 superintendent of the Institute on or before the first day of June of each year succeeding the date
2201 of his leaving the Institute until he ~~shall have~~ has discharged fully such obligation to the
2202 Commonwealth; ~~or, at his option, such cadet may, (ii)~~ serve an enlistment in the National Guard
2203 of the Commonwealth, ~~or (iii)~~ serve for ~~a period of~~ two years as an engineer for the
2204 Commonwealth Transportation Board ~~or for a period of, (iv)~~ serve for two years as an engineer
2205 with the State Department of Health, ~~or (v)~~ serve on active duty for ~~a period of~~ two years as a
2206 member of some component of the armed services of the United States of America, or, (v) with
2207 the approval of the board ~~of visitors~~, serve ~~for a period of~~ two years in any capacity as an
2208 employee of the Commonwealth ~~of Virginia~~.

2209 B. Any cadet failing to fulfill his ~~or her~~ obligation shall repay all funds received from the
2210 Commonwealth. The board ~~of visitors~~ may excuse such cadet from any and all of these
2211 obligations in such cases as ~~they deem proper~~ it determines is appropriate.

2212 ~~§ 23-107.1~~ 23.1-xxx. Admission of and financial assistance for military scholarship
2213 cadets.

2214 The board shall admit annually as military scholarship cadets, up to 40 ~~young men and~~
2215 women, individuals who shall be ~~not less than at least~~ 16 ~~nor~~ but not more than 25 years of age.

2216 The board shall provide financial assistance for tuition, fees, and room and board entirely from
2217 federal funds, Virginia National Guard funds, or private gifts. The federal funds, Virginia
2218 National Guard funds, or private gifts shall have no matching requirement.

2219 **Drafting note: Technical changes. The term "young men and women" is stricken in**
2220 **favor of the more general "individuals."**

2221 ~~§ 23-107.2~~ 23.1-xxx. Military scholarship cadet to serve as a commissioned officer in
2222 the Virginia National Guard.

2223 Each military scholarship cadet shall agree to serve as a commissioned officer in the
2224 Virginia National Guard for a term in accordance with Guard policy and regulation. Any cadet
2225 failing to fulfill his ~~or her~~ obligation shall repay all funds received in support of his ~~or her~~ cost
2226 of education. The board ~~of visitors~~, in consultation with the Virginia National Guard, may
2227 excuse such cadet from any and all of these obligations in such cases as ~~they deem proper~~ it
2228 determines is appropriate.

2229 **Drafting note: Technical changes.**

2230 ~~§ 23-108. Commissioned officers may become students.~~

2231 ~~Any commissioned officer of the organized militia and Governor's military staff of the~~
2232 ~~Commonwealth may become a student at any state institution of higher education for a period~~
2233 ~~not exceeding 10 months, and receive instruction in any or all the departments of military~~
2234 ~~science, emergency management, emergency services, public safety, and disaster management~~
2235 ~~taught therein without being required to pay any fee or charge for tuition.~~

2236 **Drafting note: The provisions of existing § 23-108 are stricken here and**
2237 **incorporated instead into proposed § 23.1-9xxx of Chapter 9 on Students; Academic**
2238 **Policies.**

2239 ~~§ 23-109~~ 23.1-xxx. Cadets a military corps; arsenal.

2240 A. The cadets shall be a military corps under the command of the superintendent, and
2241 constitute the guard of the Institute.

2242 B. The arsenal and all its grounds and buildings shall ~~be considered as belonging belong~~
2243 to the Institute, and the board shall ~~cause the same and all the guard and preserve the arsenal, all~~
2244 its grounds and buildings, and all arms and other property ~~therein, or belonging thereto, to be~~
2245 guarded and preserved in its grounds and buildings.

2246 **Drafting note: Technical changes.**

2247 ~~§ 23-110. Conferring of degrees.~~

2248 ~~The Governor and the board of visitors and faculty of the Institute may confer a degree~~
2249 ~~upon any graduate found qualified to receive it, after examination upon such of the branches of~~
2250 ~~the arts and sciences and of literature taught at the Institute as the board may deem requisite.~~
2251 ~~The board may also, in its discretion, confer honorary degrees or diplomas of distinguished~~
2252 ~~merit.~~

2253 **Drafting note: The provisions of existing § 23-110 are stricken as obsolete.**

2254 ~~§ 23-111.~~

2255 **Drafting note: Repealed by Acts 1984, c. 734.**

2256 ~~§ 23-112~~ 23.1-xxx. Musicians, ~~how enlisted and paid.~~

2257 The superintendent may enlist musicians for service at the Institute, to be paid out of the
2258 annual appropriation provided for in ~~§ 23-92~~ 23.1-xxx.

2259 **Drafting note: Technical changes.**

2260 ~~§ 23-113~~ 23.1-xxx. Supply of water.

2261 ~~To enable the~~ The Institute ~~to procure a supply of water, it~~ shall have authority to
2262 proceed under the provisions of Title 25.1 to acquire such springs, lands, and rights-of-way as
2263 may be necessary to procure a supply of water.

2264 **Drafting note: Technical changes.**

2265 ~~§ 3.2-503. Duties of Extension Division of Virginia Polytechnic Institute and State~~
2266 ~~University.~~

2267 ~~A. Personnel of the Extension Division of Virginia Polytechnic Institute and State~~
2268 ~~University shall inform local governing bodies of the Commonwealth whenever agricultural~~
2269 ~~conditions are present in such localities that would warrant the declaration of a disaster pursuant~~
2270 ~~to Section 301 of Public Law 93-288, 42 U.S.C. § 5141.~~

2271 ~~B. Personnel of the Extension Division of Virginia Polytechnic Institute and State~~
2272 ~~University shall provide farmers and local governing bodies with such assistance and~~
2273 ~~information as is available concerning federal and state disaster relief programs.~~

2274 **Drafting note: The provisions of existing § 3.2-503 are stricken and incorporated**
2275 **instead into proposed subsections B and C of § 23.1-26xx (see page 15).**

2276 ~~CHAPTER 11~~ 26.

2277 VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY.

2278 **Drafting note: Existing Chapter 11 of Title 23 is logically reorganized as proposed**
2279 **Chapters 13 and 26 of Title 23.1. Existing provisions that apply generally to governing**
2280 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
2281 **Existing provisions relating to the incorporation, membership and meetings, and powers**
2282 **and duties of the governing board that are unique to the University are retained in**
2283 **proposed Chapter 26.**

2284 Article 1.

2285 General Provisions.

2286 ~~§ 23-114~~ 23.1-xxx. ~~Board of visitors a corporation and under control of General~~
2287 ~~Assembly~~ Corporate name; name of the University.

2288 A. The board of visitors of Virginia Polytechnic Institute and State University (the
2289 board) shall be ~~and remain~~ a corporation under the name and style of the "Virginia Polytechnic
2290 Institute and State University" and shall have, in addition to its other powers, all the corporate
2291 powers given to corporations by the provisions of Title 13.1 except those powers that are
2292 confined to corporations created pursuant to Title 13.1. The board shall at all times be under the
2293 control of the General Assembly.

2294 B. The institution shall be known as the Virginia Polytechnic Institute and State
2295 University (the University).

2296 C. All acts and parts of acts and statutes laws relating to Virginia Polytechnic Institute,
2297 its predecessors ~~by whatever name known, or to, its board of visitors, and the boards board~~ of
2298 visitors ~~thereof, of each of its predecessors~~ shall be construed as relating to the ~~Virginia~~
2299 ~~Polytechnic Institute and State~~ University.

2300 **Drafting note: Technical changes are made to conform the language in this section**
2301 **to that of each other four-year public institution of higher education.**

2302 § ~~23-115~~ 23.1-xxx. ~~Appointment of visitors generally; number and eligibility~~
2303 Membership.

2304 A. The board ~~of visitors is to~~ shall consist of ~~fourteen~~ 14 members, ~~thirteen~~ of whom 13
2305 shall be appointed by the Governor; and one ~~of whom~~ shall be the ~~President~~ president of the
2306 Board of Agriculture and Consumer Services, who shall serve ex officio. Of the 13 members
2307 appointed by the Governor, ~~three may be nonresidents~~ at least 10 members shall be residents of
2308 the Commonwealth and at least six members shall be alumni of the University. ~~The visitors in~~
2309 ~~the office on April 9, 1945, are continued in office until the end of their respective terms, or~~
2310 ~~until June 30, 1945, whichever last occurs.~~

2311 ~~As soon as practicable after April 9, 1945, the Governor shall appoint four members to~~
2312 ~~fill the unexpired portions of the terms which began on July 1, 1944, and shall appoint three~~
2313 ~~additional members for new terms of two years and two for new terms of four years, each term~~
2314 ~~beginning July 1, 1945. He shall, in addition, appoint the President of the State Board of~~

2315 ~~Agriculture and Consumer Services as an ex officio member for a term of four years to begin~~
2316 ~~July 1, 1945; provided that, if the tenure in office as President of such ex officio member expires~~
2317 ~~within that time, the Governor shall appoint such member's successor to fill the unexpired term.~~
2318 ~~Such President shall remain eligible for appointment as an ex officio member so long as he~~
2319 ~~continues in office as President. All appointments for full terms, as well as to fill vacancies,~~
2320 ~~shall be made by the Governor subject to confirmation by the Senate.~~

2321 B. The alumni association of the University may submit to the Governor a list of three
2322 nominees for each vacancy on the board, whether it occurs by expired term or otherwise. The
2323 Governor may appoint a member from the list of nominees.

2324 **Drafting note: Existing provisions relating to the membership of the board of**
2325 **visitors are logically combined in this proposed section, existing provisions relating to the**
2326 **terms and removal of members of the board are stricken and incorporated instead into**
2327 **proposed Chapter 13, and technical changes are made to conform the language to that of**
2328 **each other four-year public institution of higher education.**

2329 ~~§ 23-116. Appointment of visitors from nominees of alumni association.~~

2330 ~~(a) The Governor may appoint visitors from a list of qualified persons submitted to him~~
2331 ~~by the alumni association of the University on or before the first day of April of any year in~~
2332 ~~which the terms of any visitors will expire.~~

2333 ~~(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall~~
2334 ~~certify this fact to the association and nominations may be submitted of qualified persons and~~
2335 ~~the Governor may fill the vacancy, if his discretion so dictates, from among the eligible~~
2336 ~~nominees of the association, whether or not alumni or alumnae.~~

2337 ~~(c) Every list shall contain at least three names for each vacancy to be filled.~~

2338 ~~(d) The Governor is not to be limited in his appointments to the persons so nominated.~~

2339 ~~(e) At no time shall less than six of the appointive visitors be alumni or alumnae of the~~
2340 ~~University.~~

2341 **Drafting note: The provisions of existing § 23-116 are stricken and incorporated**
2342 **instead into proposed § 23.1-xxx.**

2343 ~~§ 23-117. Eligibility to serve for more than two successive terms.~~

2344 ~~No person, except the ex officio member, shall be eligible to serve for or during more~~
2345 ~~than two successive four year terms; but after the expiration of a term of two years or less, or~~
2346 ~~after the expiration of the remainder of a term to which appointed to fill a vacancy, two~~
2347 ~~additional four year terms may be served by such a member if appointed thereto. Incumbents on~~
2348 ~~April 5, 1945, appointed for full terms prior to June 1, 1944, shall be deemed to be serving their~~
2349 ~~first terms.~~

2350 **Drafting note: The provisions of existing § 23-117 are stricken and incorporated**
2351 **instead into proposed Chapter 13.**

2352 ~~§ 23-118 23.1-xxx. Officers and committees of the board; officers of the University~~
2353 ~~Meetings; officers; committees.~~

2354 A. The board shall meet in Blacksburg, in the County of Montgomery, at least once a
2355 year and at such other times and places as it determines. Special meetings of the board may be
2356 called by the Governor, the rector, or any three members. Notice of the time and place of each
2357 meeting shall be provided to each member.

2358 B. A majority of the board shall constitute a quorum. A majority of each committee shall
2359 constitute a quorum.

2360 C. The board of visitors shall appoint from their own body its membership a rector, who
2361 shall to preside at their its meetings; and, in his absence, a president pro tempore to preside at its
2362 meetings in the absence of the rector. The board may appoint a vice president of the University
2363 and, by appropriate regulations, prescribe his authority, duties, and compensation, if any, and he
2364 shall hold office at the pleasure of the board.

2365 D. The board shall appoint a secretary.

2366 E. The board shall also appoint from its membership an executive committee of not less
2367 than at least three nor but not more than six, which, during the interim between board meetings,

2368 ~~members that~~ shall be empowered during the interim between board meetings to exercise ~~all or~~
2369 ~~such part of the~~ such powers of the board as the board may ~~by resolution~~ prescribe by
2370 resolution.

2371 F. The board may ~~likewise~~ appoint special committees and prescribe their duties and
2372 powers.

2373 ~~The executive~~ G. Each committee, ~~and other committees~~ shall ~~make reports~~ report its
2374 actions to the board, at ~~its~~ the board's annual meeting ~~or oftener if required,~~ ~~of the acts~~
2375 ~~performed by them from time to time~~ and at such other times as the board may require. ~~The~~
2376 ~~board shall also appoint a treasurer of the University and may appoint a secretary thereof, and~~
2377 ~~also a clerk to the board, and such other officers, assistants and deputies as they deem advisable~~
2378 ~~to conduct the business and affairs of the University.~~

2379 **Drafting note: Technical changes are made to conform provisions relating to**
2380 **meetings, officers, and committees of the board of visitors to those of each other four-year**
2381 **public institution of higher education.**

2382 ~~§ 23-119. Quorum of board and of committees.~~

2383 ~~A majority of the board and also of all committees appointed pursuant to § 23-118 shall~~
2384 ~~constitute a quorum.~~

2385 **Drafting note: The provisions of existing § 23-119 are stricken and incorporated**
2386 **instead into proposed § 23.1-xxx.**

2387 ~~§ 23-120. When office of visitor deemed vacant.~~

2388 ~~If any visitor fail to perform the duties of his office for one year without good cause~~
2389 ~~shown to the board, the board shall, at the next meeting after the end of such year, cause the fact~~
2390 ~~of such failure to be recorded in the minutes of their proceedings, and certify the same to the~~
2391 ~~Governor, and the office of such visitor shall thereupon be vacant. If so many of such visitors~~
2392 ~~fail to perform their duties that a quorum thereof do not attend for a year, upon a certificate~~
2393 ~~thereof being made to the Governor by the rector or any member of the board, or by the~~
2394 ~~president, the offices of all the visitors failing to attend shall be vacant.~~

2395 **Drafting note: The provisions of existing § 23-120 are stricken and incorporated**
 2396 **instead into proposed § 23.1-xxx.**

2397 ~~§ 23-121. Meetings of board.~~

2398 ~~The board shall meet at Blacksburg, in the County of Montgomery, at least once a year,~~
 2399 ~~and at such other times or places as they shall determine, the days of meeting to be fixed by~~
 2400 ~~them. Special meetings of the board may be called by the Governor, the rector, or any three~~
 2401 ~~members. In either of such cases, notice of the time and place of meeting shall be given to every~~
 2402 ~~other member.~~

2403 **Drafting note: The provisions of existing § 23-121 are stricken and incorporated**
 2404 **instead into proposed § 23.1-xxx.**

2405 ~~§ 23-122. Powers and duties of board generally; expenses.~~

2406 ~~The board shall be charged with the care and preservation and improvement of the~~
 2407 ~~property belonging to the University, and with the protection and safety of students and other~~
 2408 ~~persons residing on the property, and in pursuance thereof shall be empowered to change roads~~
 2409 ~~or driveways on the property or entrances thereto, or to close temporarily or permanently the~~
 2410 ~~roads, driveways and entrances; to prohibit entrance to the property of undesirable and~~
 2411 ~~disorderly persons, or to eject such persons from the property, and to prosecute under the laws~~
 2412 ~~of the state trespassers and persons committing offenses on the property.~~

2413 ~~The board shall regulate the government and discipline of the students; and, generally, in~~
 2414 ~~respect to the government of the University, may make such regulations as they deem expedient,~~
 2415 ~~not contrary to law. Such reasonable expenses as the visitors may incur in the discharge of their~~
 2416 ~~duties shall be paid out of the funds of the University.~~

2417 **Drafting note: The provisions of existing § 23-122 are stricken and incorporated**
 2418 **instead into proposed § 23.1-13xx of Chapter 13.**

2419 ~~§ 23-122.1. Investment of endowment funds, endowment income, and gifts; standard of~~
 2420 ~~care; liability; exemption from the Virginia Public Procurement Act.~~

2421 ~~A. The board of visitors shall invest and manage the endowment funds, endowment~~
2422 ~~income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the~~
2423 ~~University in accordance with this section and the provisions of the Uniform Prudent~~
2424 ~~Management of Institutional Funds Act (§ 64.2-1100 et seq.).~~

2425 ~~B. No member of the board of visitors shall be personally liable for losses suffered by an~~
2426 ~~endowment fund, endowment income, gifts, all other nongeneral fund reserves and balances, or~~
2427 ~~local funds of or held by the University, arising from investments made pursuant to the~~
2428 ~~provisions of subsection A.~~

2429 ~~C. The investment and management of endowment funds, endowment income, gifts, all~~
2430 ~~other nongeneral fund reserves and balances, or local funds of or held by the University shall~~
2431 ~~not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).~~

2432 ~~D. In addition to the investment practices authorized by the Uniform Prudent~~
2433 ~~Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board of visitors may also~~
2434 ~~invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund~~
2435 ~~reserves and balances, and local funds of or held by the University in derivatives, options, and~~
2436 ~~financial securities.~~

2437 ~~1. In this section, "derivative" means a contract or financial instrument or a combination~~
2438 ~~of contracts and financial instruments, including, without limitation, any contract commonly~~
2439 ~~known as a "swap," which gives the University the right or obligation to deliver or receive~~
2440 ~~delivery of, or make or receive payments based on, changes in the price, value, yield or other~~
2441 ~~characteristic of a tangible or intangible asset or group of assets, or changes in a rate, an index~~
2442 ~~of prices or rates, or other market indicator for an asset or a group of assets.~~

2443 ~~2. In this section, an "option" means an agreement or contract whereby the University~~
2444 ~~may grant or receive the right to purchase or sell, or pay or receive the value of, any personal~~
2445 ~~property asset including, without limitation, any agreement or contract that relates to any~~
2446 ~~security, contract, or agreement.~~

2447 ~~3. In this section, "financial security" means any note, stock, treasury stock, bond,~~
2448 ~~debenture, evidence of indebtedness, certificate of interest, collateral trust certificate,~~
2449 ~~preorganization certificate of subscription, transferable share, investment contract, voting trust~~
2450 ~~certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other~~
2451 ~~mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit,~~
2452 ~~or group or index of securities (including any interest therein or based on the value thereof), or~~
2453 ~~any put, call, straddle, option, or privilege entered into on a national securities exchange relating~~
2454 ~~to foreign currency, or in general, any interest or instrument commonly known as a "security,"~~
2455 ~~or any certificate of interest or participation in, temporary or interim security for, receipt for,~~
2456 ~~guarantee of, or warrant or right to subscribe to or purchase any of the foregoing.~~

2457 ~~E. The authority as provided in this section as it relates to nongeneral fund reserves and~~
2458 ~~balances of or held by the University is predicated upon an approved management agreement~~
2459 ~~between the University and the Commonwealth of Virginia.~~

2460 **Drafting note: The provisions of existing § 23-122.1 are stricken and incorporated**
2461 **instead into proposed § 23.1-10xx of Chapter 10.**

2462 ~~§ 23-123.~~

2463 **Drafting note: Repealed by Acts 1981, c. 319.**

2464 ~~§ 23-124. Appointment of professors; removal of professors and officers.~~

2465 ~~The board shall appoint as many professors as they deem proper, and, with the assent of~~
2466 ~~two-thirds of the members of the board, may remove any professor or, subject to the provisions~~
2467 ~~of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, any other officer of the University.~~

2468 **Drafting note: The provisions of existing § 23-124 are stricken and incorporated**
2469 **instead into proposed § 23.1-xxx.**

2470 ~~§ 23-125. Prescribing duties of professors and course of instruction.~~

2471 ~~The board shall prescribe the duties of each professor and the course and mode of~~
2472 ~~instruction.~~

2473 **Drafting note: The provisions of existing § 23-125 are stricken and incorporated**
2474 **instead into proposed § 23.1-13xx of Chapter 13.**

2475 ~~§ 23-126 23.1-xxx. Appointment of president; employment of agents or servants~~
2476 ~~Employees.~~

2477 ~~The board shall appoint a president of the University and~~ A. The board shall appoint a
2478 treasurer of the University. The treasurer or the officer who controls the funds of the University
2479 shall give bond in the sum of \$50,000, payable to the Commonwealth, with condition for the
2480 faithful discharge of the duties of his office. The bond shall be approved by the board, entered
2481 on the board's journal, and transmitted to the Comptroller and shall remain filed in the
2482 Comptroller's office.

2483 B. The board may appoint a vice-president of the University and prescribe his authority,
2484 duties, and compensation, if any. The vice-president shall hold office at the pleasure of the
2485 board.

2486 C. The board may employ a secretary of the University, a clerk to the board, and such
2487 other agents or servants, officers, assistants, and deputies as may be necessary to conduct the
2488 business and affairs of the University.

2489 D. The board may remove any officer of the University with the assent of two-thirds of
2490 its members, subject to the provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.).

2491 E. The board shall employ as many professors as it deems proper, prescribe their duties,
2492 and set their salaries. The board may remove any professor with the assent of two-thirds of its
2493 members.

2494 **Drafting note: Provisions on specific employees and officers of the University are**
2495 **consolidated in this proposed section.**

2496 ~~§ 23-127. Bond of treasurer.~~

2497 ~~The board shall require the treasurer, or the officer in whose hands the funds of the~~
2498 ~~University may be placed, to give bond in the sum of \$50,000, payable to the Commonwealth,~~
2499 ~~with condition for the faithful discharge of the duties of his office, which bond being approved~~

2500 ~~by the board and entered at large on its journal, shall be transmitted to the Comptroller, and~~
2501 ~~remain filed in his office.~~

2502 **Drafting note: The provisions of existing § 23-127 are stricken and incorporated**
2503 **instead into proposed § 23.1-26xx.**

2504 ~~§ 23-128. Professors' salaries; fees of students.~~

2505 ~~Each professor shall receive a stated salary, to be fixed by the board of visitors. The~~
2506 ~~board shall fix the fees to be charged for tuition of students, other than those allowed~~
2507 ~~scholarships under § 23-31, which shall be a credit to the fund of the University.~~

2508 **Drafting note: The provisions of existing § 23-128 are stricken and incorporated**
2509 **instead into proposed § 23.1-26xx.**

2510 ~~§ 23-129.~~

2511 **Drafting note: Repealed by Acts 1981, c. 319.**

2512 ~~§ 23-130~~ 23.1-xxx. Curriculum.

2513 The curriculum of the ~~Virginia Polytechnic Institute and State~~ University shall ~~embrace~~
2514 ~~such branches of learning as relate to~~ include agriculture ~~and the mechanic arts, without~~
2515 ~~excluding other scientific and classical studies,~~ engineering, and ~~including~~ military tactics.

2516 **Drafting note: Technical changes.**

2517 ~~§ 23-131. School of mines continued.~~

2518 ~~The school of mines now established at the Virginia Polytechnic Institute and State~~
2519 ~~University is continued, and shall receive for its support such sums as may be appropriated by~~
2520 ~~law for the purpose.~~

2521 **Drafting note: The provisions of existing § 23-131 are stricken as obsolete.**

2522 ~~§ 23-132.~~

2523 **Drafting note: Repealed by Acts 1972, c. 48.**

2524 ~~§ 23-155.05~~ 23.1-xxx. Purchase of electric power and energy; ~~duration of contracts;~~
2525 ~~source of payments.~~

2526 A. For purposes of this section:

2527 "Other party" means any other entity, including ~~but not limited to any~~ (i) ~~another~~
2528 municipality ~~or~~, public institution of higher education, or any political subdivision, public
2529 authority, agency, or instrumentality of the Commonwealth, another state, ~~or the United States~~
2530 ~~of America~~ or (ii) ~~a~~ partnership, limited liability company, not-for-profit corporation, electric
2531 cooperative, or investor-owned utility, whether created, incorporated, or otherwise organized
2532 and existing under the laws of the Commonwealth ~~or~~, another state, or the United States ~~of~~
2533 ~~America~~.

2534 "Project" means any (i) system or facilities for the generation, transmission,
2535 transformation, or supply of electrical power and energy by any means whatsoever, including
2536 ~~but not limited to~~ fuel, fuel transportation, and fuel supply resources ~~and other related facilities,~~
2537 ~~any one or more;~~ (ii) electric generating ~~units~~ unit situated at a particular site, in the continental
2538 United States ~~of America, or any;~~ (iii) interest in ~~the foregoing~~ such system, facilities, or unit,
2539 whether an undivided interest as a tenant in common or otherwise,; or ~~any~~ (iv) right to the
2540 output, capacity, or services ~~thereof~~ of such system, facilities, or unit.

2541 B. ~~Virginia Polytechnic Institute and State~~ The University may contract with any other
2542 party to buy power and energy ~~required for to meet~~ its present ~~or and~~ future requirements. ~~Such~~
2543 ~~contracts~~ Any such contract may provide that (i) the source of such power and energy is limited
2544 to a specified project ~~or may include provision for;~~ (ii) replacement power and energy. ~~Any such~~
2545 ~~contract may provide that shall be provided~~ (iii) the University shall be obligated to make
2546 payments required by the contract whether or not a project is completed, operable, or operating
2547 and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the
2548 output of a project or the amount of power and energy contracted for, ~~and that such;~~ (iv)
2549 payments ~~under~~ required by the contract (a) shall not be subject to any reduction, whether by
2550 offset or otherwise, ~~and~~ (b) shall not be conditioned upon the performance or nonperformance
2551 by of any other party. ~~Such contracts, with respect to any project, may also provide, in the event~~
2552 ~~of default by the University or any other party to any such contract for such project in the~~
2553 ~~performance of its obligations thereunder, for the University or other party to any such contract~~

2554 ~~for such project to succeed to the rights and interests and assume the obligations of the~~
2555 ~~defaulting party, pro rata or otherwise as may be agreed upon in such contracts. Such contracts~~
2556 ~~may provide that the other party is not obligated to provide power and energy in the event that~~
2557 ~~the project specified to be the source of power and energy to be purchased and sold under such~~
2558 ~~contracts is inoperable or in the case of the suspension, interference, reduction or curtailment of~~
2559 ~~the output of such project or in events of force majeure.~~

2560 ~~Notwithstanding the provisions of any other law or charter provision to the contrary, any~~
2561 ~~such contract, with respect to the sale or purchase of capacity, output, power, or energy from a~~
2562 ~~project, may extend for a period not exceeding 50 years from the date a project is estimated to~~
2563 ~~be placed in normal continuous operation; and the execution and effectiveness thereof shall not~~
2564 ~~be subject to any authorizations or approvals by the Commonwealth or any agency, commission,~~
2565 ~~or instrumentality or political subdivision thereof except as specifically required by law.~~

2566 ~~Any such contract shall provide that payments by the University under any such~~
2567 ~~contract, (c) shall be made solely from, and may be secured by a pledge of and lien upon, the~~
2568 ~~revenues derived by the University from the ownership and operation of the electric system of~~
2569 ~~the University, (d) may be secured by a pledge of and such payments lien upon the electric~~
2570 ~~system of the University, and (e) shall constitute an operating expense of such the electric~~
2571 ~~system of the University; (v) in the event of default by the University or any other party to the~~
2572 ~~contract in the performance of its obligations for any project, the University or any other party~~
2573 ~~to the contract for such project shall succeed to the rights and interests and assume the~~
2574 ~~obligations of the defaulting party, either pro rata or as may be otherwise agreed upon in the~~
2575 ~~contract; and (vi) no other party shall be obligated to provide power and energy in the event that~~
2576 ~~(a) the project is inoperable, (b) the output of the project is subject to suspension, interference,~~
2577 ~~reduction or curtailment, or (c) a force majeure occurs.~~

2578 ~~C. Notwithstanding any other charter or provision of law to the contrary, no such~~
2579 ~~contract, with respect to the sale or purchase of capacity, output, power, or energy from a~~

2580 project, shall exceed 50 years from the date that the project is estimated to be placed in normal
2581 continuous operation.

2582 D. The execution and effectiveness of any such contract shall not be subject to any
2583 authorizations and approvals by the Commonwealth or any agency, commission,
2584 instrumentality, or political subdivision of the Commonwealth except as specifically required by
2585 law.

2586 E. No obligation under any such contract shall constitute a legal or equitable pledge,
2587 charge, lien, or encumbrance upon any property of the University or upon any of its income,
2588 receipts, or revenues, except the revenues of its electric system, and the faith and credit of the
2589 University ~~are not, or may shall~~ not be, pledged for the payment of any obligation under any
2590 such contract.

2591 F. The University shall ~~be obligated to~~ fix, charge, and collect rents, rates, fees, and
2592 charges for electric power and energy and other services, facilities, and commodities sold,
2593 furnished, or supplied through its electric system sufficient to provide revenues adequate to
2594 meet its obligations under any such contract and to pay any and all other amounts payable from
2595 or constituting a charge and lien upon such revenues, including amounts sufficient to pay the
2596 principal of and interest on bonds of the University ~~heretofore or hereafter~~ issued for purposes
2597 related to its electric system. Any pledge made by the University pursuant to this ~~paragraph~~
2598 subsection shall be governed by the laws of the Commonwealth.

2599 **Drafting note: The provisions of the single section in existing Article 7 (§ 23-155.05)**
2600 **of Chapter 11 is moved to this article as proposed § 23.1-26xx for better placement, and**
2601 **technical changes are made.**

2602 Article ~~1.1~~ 2.

2603 Virginia Cooperative Extension and Agricultural Experiment Station Division; Hampton Roads
2604 Agricultural Research and Extension Center.

2605 **Drafting note: Technical changes.**

2606 § ~~23-132.1~~ 23.1-xxx. Virginia Cooperative Extension and Agricultural Experiment
2607 Station Division established; Cooperative Extension Service Program recognized.

2608 A. There is hereby established within the ~~Virginia Polytechnic Institute and State~~
2609 University a division to be known as the Virginia Cooperative Extension and Agricultural
2610 Experiment Station Division, ~~hereinafter referred to as~~ (the Division), which shall encompass
2611 and administer the Virginia Cooperative Extension ~~Service~~ and the Agricultural Experiment
2612 Station with appropriate supporting programs.

2613 ~~Further, the~~ B. The Cooperative Extension Service Program within Virginia State
2614 University, ~~hereinafter referred to as~~ " (the Service Program,") is hereby recognized. The
2615 ~~Cooperative Extension~~ Service Program shall be operated cooperatively by ~~Virginia Polytechnic~~
2616 ~~Institute and State~~ the University and Virginia State University, with ~~agreed upon~~ agreed upon
2617 areas of program and service emphasis as set forth in the unified plan submitted by the two
2618 institutions to the U.S. Department of Agriculture.

2619 **Drafting note: Technical changes.**

2620 § ~~23-132.2~~ 23.1-xxx. Administration of the Division.

2621 The board ~~of visitors of the Virginia Polytechnic Institute and State University~~ shall
2622 provide for the administration of ~~such~~ the Division through the regular administrative and fiscal
2623 officers of the ~~Virginia Polytechnic Institute and State~~ University and shall make appointments
2624 to the administrative and research staff on recommendation of the president of the ~~Virginia~~
2625 ~~Polytechnic Institute and State~~ University.

2626 **Drafting note: Technical changes.**

2627 § ~~23-132.3~~ 23.1-xxx. Duties of the Division; ~~how work to be performed and the Service~~
2628 Program.

2629 A. The ~~Virginia Cooperative Extension Division and the~~ Service Program shall provide
2630 the people of the Commonwealth with information and knowledge on ~~subjects related to~~
2631 agriculture, including horticulture and silviculture, agribusiness, home economics, community
2632 resource development, 4-H Clubs, and related subjects ~~relating thereto~~, through instruction and

2633 the dissemination of useful and practical information through demonstrations, conferences,
2634 courses, workshops, publications, meetings, and mass media. The necessary printing and
2635 distribution of information in connection with ~~the foregoing and~~ this work shall be ~~carried on~~
2636 performed in such manner as may be mutually agreed upon by ~~Virginia Polytechnic Institute~~
2637 ~~and State University for the work of the Division, the Virginia State University for the work of~~
2638 ~~the Service Program, (i) the Governor or his designated representative designee, the United~~
2639 ~~States U.S. Secretary of Agriculture, the United States U.S. Secretary of Commerce, and~~ other
2640 participating bodies, and the University for the work of the Division and (ii) the Governor or his
2641 designee, the U.S. Secretary of Agriculture, the U.S. Secretary of Commerce, other participating
2642 bodies, and Virginia State University for the work of the Service Program.

2643 B. ~~The Cooperative Extension Service Program shall also conduct educational programs~~
2644 ~~and disseminate useful and practical information to the people of the Commonwealth~~ Personnel
2645 of the Division shall inform local governing bodies of the Commonwealth whenever agricultural
2646 conditions are present in such localities that would warrant the declaration of a disaster pursuant
2647 to 42 U.S.C. § 5141.

2648 C. Personnel of the Division shall provide farmers and local governing bodies with such
2649 assistance and information as is available concerning federal and state disaster relief programs.

2650 D. The Agricultural Experiment Station shall conduct research and investigations and
2651 establish, publish, and distribute results in such forms as will tend to increase the economy,
2652 efficiency, and safety of the various enterprises and activities of interest to the Commonwealth
2653 and the nation; and promote the conservation and economic utilization of its natural and human
2654 resources.

2655 **Drafting note: The language in subsections B and C is moved from § 3.2-503, which**
2656 **is repealed. Technical changes are made.**

2657 § ~~23-132.4 23.1-xxx. Selection of personnel; rules and regulations; work may be~~
2658 ~~conducted with both adults and youth~~ Personnel; local units.

2659 ~~It shall be the duty of the Virginia Polytechnic Institute and State A. The~~ University and
2660 ~~of the~~ Virginia State University, in cooperation with the departments and agencies of the federal
2661 government, ~~to shall~~ exercise great care in the selection of personnel to carry out and supervise
2662 the work ~~and to supervise the work to see that it is properly done throughout the Commonwealth~~
2663 of the Division and the Service Program. The work shall be conducted under such ~~rules and~~
2664 regulations as may be adopted by the ~~Virginia Polytechnic Institute and State~~ University for the
2665 work of the Division and ~~by the~~ Virginia State University, in cooperation with the U.S.
2666 Department of Agriculture, for the work of the Service ~~in cooperative relation to the United~~
2667 States Department of Agriculture Program.

2668 B. ~~The Virginia Polytechnic Institute and State University through the~~ Division and the
2669 ~~Virginia State University through the~~ Service Program are authorized to ~~conduct~~ work with both
2670 adults and youth through local units to be known as "departments of extension and continuing
2671 education."

2672 **Drafting note: Technical changes, including use of “regulations” rather than “rules**
2673 **and regulations” per recommendation of the Code Commission.**

2674 ~~§ 23-132.5 23.1-xxx. Sources from which moneys may be received; disposition of~~
2675 receipts Division; funding sources.

2676 The Division may receive moneys from the Commonwealth, the federal government ~~or,~~
2677 and private sources ~~and all.~~ All receipts of the Division shall be deposited to the credit of the
2678 general fund of the state treasury and ~~are hereby~~ appropriated to the ~~Virginia Polytechnic~~
2679 Institute and State University to be used exclusively for the purposes of the Division.

2680 **Drafting note: Technical changes.**

2681 ~~§ 23-132.6 23.1-xxx. Appropriations~~ The Division and the Service Program;
2682 appropriations by the General Assembly.

2683 ~~There is hereby authorized to be appropriated for the purposes of this chapter such sums~~
2684 ~~as the A. The~~ General Assembly may ~~from time to time determine to be~~ appropriate such funds
2685 to the Division and the Service Program as it deems necessary. Any ~~money that may be~~

2686 ~~appropriated from the general fund of the state treasury, or received and appropriated~~ general
2687 funds and funds received from any agency or department of the federal government for the
2688 purposes of carrying out this ~~chapter article~~ shall be expended by the ~~Virginia Polytechnic~~
2689 ~~Institute and State~~ University through the Division and by the Virginia State University through
2690 the Service, Program and shall be accounted for in the manner prescribed by applicable law ~~or~~
2691 and regulations.

2692 B. Funds appropriated by the General Assembly shall be used by the University and
2693 Virginia State University for the purpose of conducting cooperative extension services in the
2694 Commonwealth. Such funds may be used to defray all necessary expenses, including salaries,
2695 travel expenses, equipment, supplies, and other authorized expenses.

2696 **Drafting note: Some provisions of existing § 23-132.7 are incorporated into this**
2697 **proposed section, § 23.1-26xx. Technical changes are made.**

2698 ~~§ 23-132.7. For what purposes funds may be used.~~

2699 ~~The funds appropriated by the General Assembly as provided in § 23-132.6 shall be used~~
2700 ~~by the Virginia Polytechnic Institute and State University and by the Virginia State University~~
2701 ~~for the purpose of conducting cooperative extension services in the Commonwealth of Virginia~~
2702 ~~and in cooperation with the several counties, cities, and other participating bodies therein so far~~
2703 ~~as said funds will permit. "Cooperative extension service" is the function traditionally associated~~
2704 ~~with the term "extension," which is the joint federal, state, and local program designed to aid~~
2705 ~~transfer of information and research capabilities of land grant universities to citizens.~~
2706 ~~Traditionally, the cooperative extension services focus on agriculture, including horticulture and~~
2707 ~~silviculture, agribusiness, home economics, community resource development, and 4-H Clubs.~~
2708 ~~These funds may be used for defraying all necessary expenses, including the payment of salaries~~
2709 ~~and travel expenses, buying of equipment and supplies, and for other authorized expenses in~~
2710 ~~connection with carrying out the work.~~

2711 **Drafting note: Some provisions of existing § 23.1-132.7 are stricken and**
2712 **incorporated instead into proposed § 23.1-26xx. Explanatory statements are also stricken.**

2713 § ~~23-132.8~~ 23.1-xxx. Appropriations The Division; appropriations by local governing
 2714 bodies.

2715 ~~The~~ Any local governing ~~bodies of the several counties and cities~~ body of the
 2716 Commonwealth ~~are hereby authorized and empowered to~~ may appropriate ~~out of the county or~~
 2717 ~~city~~ funds ~~for the support of such,~~ to be supplemented by funds appropriated by the General
 2718 Assembly to the University for the Division and such other funds as the University may
 2719 allocate, to support the activities of the Division ~~such sums as said governing bodies may deem~~
 2720 ~~proper; the sums so appropriated are to be used in cooperation with the Virginia Polytechnic~~
 2721 ~~Institute and State University for paying such portions of the expenses of the Division and~~ in
 2722 such manner as may be agreed upon by the ~~Virginia Polytechnic Institute and State~~ University
 2723 and the local governing body. ~~Funds appropriated by the governing bodies of the county or city~~
 2724 ~~are to be supplemented by a sum or sums to be paid out of funds appropriated by the General~~
 2725 ~~Assembly to the Virginia Polytechnic Institute and State University for the Division and such~~
 2726 ~~funds as may be allotted from funds under its control.~~

2727 **Drafting note: Technical changes.**

2728 § ~~23-132.9~~ 23.1-xxx. Soil Agricultural Experiment Station; soil survey.

2729 For the purpose of continuing a survey of the soils of the Commonwealth ~~which~~ that was
 2730 begun by the ~~United States~~ U.S. Department of Agriculture, ~~there is hereby authorized and~~
 2731 ~~directed to be made under the direction and supervision of such agricultural experiment station,~~
 2732 the Agricultural Experiment Station, in cooperation with the U.S. Department of Agriculture,
 2733 shall conduct a comprehensive soil survey of the Commonwealth of such a character and along
 2734 such lines as to obtain an inventory of the soil resources of the Commonwealth and to determine
 2735 their adaptability to various crops, forestry, and livestock enterprises ~~in order~~ to promote the
 2736 utilization of the lands of the Commonwealth in the most practical and economical way. ~~It is~~
 2737 ~~contemplated that the experiment station will make this survey in cooperation with the United~~
 2738 ~~States Department of Agriculture.~~

2739 **Drafting note: Technical changes.**

2740 § ~~23-132.10~~ 23.1-xxx. Agricultural Experiment Station; agricultural survey.

2741 ~~There is authorized to be made under the direction and supervision of such agricultural~~

2742 ~~experiment station.~~ The Agricultural Experiment Station, in conjunction with similar agencies of

2743 the federal government, may conduct a thorough and comprehensive agricultural survey of the

2744 Commonwealth according to the most approved methods in practice, ~~or which may be devised,~~

2745 ~~for the purpose of gathering to gather~~ facts and information ~~in regard to~~ on existing agricultural

2746 conditions in ~~Virginia,~~ the Commonwealth and data upon which to base a study of agricultural

2747 economics and a constructive program for the development of agriculture and agricultural

2748 resources, ~~which survey shall include matters pertaining to.~~ The survey shall examine (i) soils

2749 and soil fertility and management; (ii) soil erosion and drainage problems affecting soil fertility

2750 and productivity; (iii) the adaptation of various soil types, elevations, and seasonable conditions

2751 to crops produced or ~~which that~~ may suitably be produced; (iv) farm layout and selection ~~and;~~

2752 (v) arrangement of fields for the use of labor-saving machinery, ~~and;~~ (vi) economy and

2753 convenience in cultivation and farm operations; (vii) methods of cultivation, production, and

2754 handling of crops, ~~and;~~ (viii) general farm management; (ix) the various crops produced on

2755 farms; and their yield and gross value compared with the cost of production and courses of low

2756 yield; (x) farm labor, and its distribution and efficiency; (xi) labor incomes of the various

2757 classes of farm labor; (xii) the relation of various farm products to public needs and local and

2758 general supply and demand; (xiii) farm incomes and income sources; (xiv) capital investment

2759 and return; (xv) distribution of capital investment; (xvi) the character and extent of idle lands

2760 and their suitability for cultivation or other agricultural purposes in the various localities and

2761 what, if any, profitable use may be made of them through the introduction of livestock or crops

2762 adapted to such soils, by individuals or on a community plan, with notations of elevation,

2763 topography, temperatures, and seasonal conditions ~~as~~ affecting ~~fruit~~ production of fruit, cotton

2764 ~~or,~~ and other crops; and (xvii) any other information or studies which that may seem advisable

2765 in determining methods for the betterment of agricultural conditions and the development of the

2766 agricultural resources of the Commonwealth.

2767 ~~It is contemplated that in making the foregoing survey that the agricultural experiment~~
2768 ~~station will, and is hereby authorized to, work in conjunction with and cooperate with similar~~
2769 ~~agencies of the federal government whenever a suitable and satisfactory arrangement can be~~
2770 ~~made for such cooperation.~~

2771 **Drafting note: Technical changes.**

2772 ~~§ 23-155.01 23.1-xxx. Established Hampton Roads Agricultural Research and Extension~~
2773 ~~Center established.~~

2774 ~~The Virginia Truck and Ornamentals Hampton Roads Agricultural Research Station is~~
2775 ~~hereby abolished as a permanent state institution and is reestablished and Extension Center is~~
2776 ~~established~~ as a component of the Virginia Agricultural Experiment Station ~~which is, by the~~
2777 ~~provisions of § 23-132.1, part of the Research Division at the Virginia Polytechnic Institute and~~
2778 ~~State University.~~

2779 **Drafting note: Existing § 23-155.01 is moved to this article from Article 6 (§ 23-**
2780 **155.01 et seq.) of Chapter 11 as proposed § 23.1-26xx, and technical changes are made to**
2781 **update the name in current use.**

2782 ~~§ 23-155.02 23.1-xxx. Function Hampton Roads Agricultural Research and Extension~~
2783 ~~Center; function.~~

2784 ~~The Virginia Truck and Ornamentals Hampton Roads Agricultural Research Station, at~~
2785 ~~times hereafter referred to as the "Station," and Extension Center~~ shall conduct basic and
2786 applied research in the fields of horticulture, plant breeding and variety testing, entomology,
2787 nematology, plant pathology, plant physiology, and soil science which may bear directly on the
2788 interests of commercial growers of vegetable and ornamental crops in the Tidewater Virginia
2789 region of the Commonwealth. ~~The station Hampton Roads Agricultural Research and Extension~~
2790 Center shall coordinate its research with related work of the Virginia Agricultural Experiment
2791 Station to avoid unnecessary duplication of effort. ~~The information acquired Hampton Roads~~
2792 Agricultural Research and Extension Center shall disseminate the results of its research
2793 conducted pursuant to this section ~~shall be disseminated~~. The Norfolk and Eastern Shore

2794 | branches of the ~~station will~~ Hampton Roads Agricultural Research and Extension Center shall
2795 | be retained as active research stations.

2796 | **Drafting note: Existing § 23-155.02 is moved to this article from Article 6 (§ 23-**
2797 | **155.01 et seq.) of Chapter 11 as proposed § 23.1-26xx. Technical changes are made.**

2798 | ~~§ 23-155.03. Board of Directors.~~

2799 | ~~A Board of Directors shall serve as an advisory body representing local agricultural~~
2800 | ~~interests. The Board will consist of five members, all appointed by the Dean of the College of~~
2801 | ~~Agriculture and Life Sciences. Three of the appointive members shall be selected from the~~
2802 | ~~membership of the Association of Virginia Potato and Vegetable Growers, Incorporated. Two of~~
2803 | ~~the appointive members shall be selected from the membership of the Virginia Nurseryman's~~
2804 | ~~Association, Incorporated. The term of office of the appointive members shall be four years.~~
2805 | ~~The members of the Board shall name one of its members chairman and three members of the~~
2806 | ~~Board shall constitute a quorum for the transaction of business. The Board shall hold at least one~~
2807 | ~~meeting annually at either the Norfolk or Eastern Shore branch research stations and such other~~
2808 | ~~meetings as may be necessary at times and places as the chairman or any three members may~~
2809 | ~~designate.~~

2810 | **Drafting note: Existing § 23-155.03 is stricken as obsolete.**

2811 | ~~§ 23-155.04 23.1-xxx. Executive Director~~ Hampton Roads Agricultural Research and
2812 | Extension Center; executive director.

2813 | ~~An Executive Director~~ executive director shall be appointed to administer the Norfolk
2814 | and Eastern Shore branches of the ~~station~~ Hampton Roads Agricultural Research and Extension
2815 | Center and to carry out ~~the station's its research~~ program of research. The Executive Director
2816 | shall serve at the pleasure of and be answerable to the Dean of the College of Agriculture and
2817 | Life Sciences of the University.

2818 | **Drafting note: Existing § 23-155.04 is moved to this article from Article 6 (§ 23-**
2819 | **155.01 et seq.) of Chapter 11 as proposed § 23.1-26xx. Technical changes are made.**

2820 | ~~§ 23-132.11 23.1-xxx. Reports~~ The Division and the Service Program; reports.

2821 A. The Virginia Polytechnic Institute and State University shall file such reports on the
 2822 activities of the Division; ~~the Virginia State University shall file such reports on the activities of~~
 2823 ~~the Service Program~~ as may be required by law or requested by the Governor; ~~and the two~~
 2824 ~~institutions.~~

2825 B. Virginia State University shall file such reports on the activities of the Service
 2826 Program as may be required by law or requested by the Governor.

2827 C. The University and Virginia State University shall file such reports on the unified
 2828 plan as may be required by law or requested by the Governor.

2829 **Drafting note: Technical changes.**

2830 § ~~23-132.12~~ 23.1-xxx. Construction of acts relating to the ~~Virginia Cooperative~~
 2831 ~~Extension Service and Agricultural Experiment Station~~ Division ~~of Virginia Polytechnic~~
 2832 ~~Institute and State University.~~

2833 All acts ~~and parts of acts~~ relating to the ~~Virginia Cooperative Extension Service and~~
 2834 ~~Agricultural Experiment Station~~ Division ~~of the Virginia Polytechnic Institute and State~~
 2835 ~~University~~ shall be construed as relating to the Division as established by this article; and no
 2836 such act ~~or part of an act~~ shall be construed as limiting the provisions of this article.

2837 **Drafting note: Technical changes.**

2838 Article 2.

2839 Research Division.

2840 §§ 23-133 through 23-135.7.

2841 **Drafting note: Repealed by Acts 1994, c. 433.**

2842 Article 2.01 3.

2843 Virginia Center for Coal and Energy Research.

2844 **Drafting note: Technical changes.**

2845 § ~~23-135.7:1~~ 23.1-xxx. Created Virginia Center for Coal and Energy Research
 2846 established.

2847 The Virginia Center for Coal and Energy Research (the Center) is ~~hereby created to be~~
2848 ~~located at Virginia Polytechnic Institute and State University, hereinafter referred to as the~~
2849 ~~Center.~~

2850 ~~§ 23-135.7:2. Function.~~

2851 ~~The Center shall be established as~~ an interdisciplinary study, research, information, and
2852 resource facility for the Commonwealth ~~of Virginia utilizing and shall utilize~~ the full
2853 capabilities of faculty, staff, libraries, and laboratories for the benefit of Virginians and the
2854 expansion of knowledge pertaining to coal and energy research and development. The Center
2855 shall be located at the University.

2856 **Drafting note: Existing §§ 23-135.7:1 and 23-135.7:2 are logically combined in this**
2857 **proposed § 23.1-26xx. Technical changes are made.**

2858 ~~§ 23-135.7:3~~ 23.1-xxx. Control and supervision.

2859 The Center shall be subject to the control and supervision of the board ~~of visitors of~~
2860 Virginia Polytechnic Institute and State University.

2861 **Drafting note: Technical changes.**

2862 ~~§ 23-135.7:4~~ 23.1-xxx. ~~Appointment of executive~~ Executive director.

2863 The board ~~of visitors of Virginia Polytechnic Institute and State University~~ shall appoint
2864 an executive director for the Center.

2865 ~~§ 23-135.7:5. Powers and duties of executive director.~~

2866 ~~The executive director with~~ who, subject to the approval of the board ~~of visitors of~~
2867 Virginia Polytechnic Institute and State University, shall ~~have the following powers and duties:~~

- 2868 1. Exercise all powers and perform all duties imposed upon him by law; ~~and~~
2869 2. Carry out the specific duties imposed upon him by the board ~~of visitors of Virginia~~
2870 Polytechnic Institute and State University; and
2871 3. Employ such personnel and contract for such services as may be required to carry out
2872 the purposes of this article.

2873 **Drafting note: Existing §§ 23-135.7:4 and 23-135.7:5 are logically combined in this**
2874 **proposed § 23.1-26xx. Technical changes are made.**

2875 § ~~23-135.7:6~~ 23.1-xxx. Powers and duties of the Center.

2876 The Center, under the direction of the executive director, shall ~~have the following~~
2877 ~~powers and duties~~:

2878 1. ~~To develop~~ Develop a degree program in energy production and conservation research
2879 at the master's level in conjunction with the ~~State Council on Higher Education~~;

2880 2. ~~To develop~~ Develop and provide programs of continuing education and in-service
2881 training for persons who work in the ~~field~~ fields of coal or other energy research, development,
2882 or production;

2883 3. ~~To operate in conjunction~~ Collaborate with other departments of ~~Virginia Polytechnic~~
2884 ~~Institute and State~~ the University, including ~~but not limited to~~ the Department of Mining and
2885 Minerals Engineering;

2886 4. ~~To conduct~~ Conduct research in the fields of coal, coal utilization, migrating natural
2887 gases such as methane and propane, and other ~~energy-related~~ energy-related work;

2888 5. ~~To collect~~ Collect and maintain data on energy production, development, and
2889 utilization;

2890 6. ~~To foster~~ Foster the utilization of research information, discoveries, and data;

2891 7. ~~To coordinate~~ Coordinate the functions of the Center with each of the Center's energy
2892 research facilities to prevent duplication of effort;

2893 8. ~~To apply~~ Apply for and accept grants from the ~~United States federal~~ government ~~and~~
2894 ~~the~~ state government ~~and agencies and instrumentalities thereof~~, and ~~from~~ any other source ~~in~~
2895 ~~carrying to carry~~ out the purposes of this article. ~~To these ends, the~~ The Center ~~shall have the~~
2896 ~~power to may~~ comply with such conditions and execute such agreements as may be necessary to
2897 accept such grants;

2898 9. ~~To accept~~ Accept gifts, bequests, and any other thing of value ~~to be used for carrying~~
2899 carry out the purposes of this article;

2900 10. ~~To receive~~ Receive, administer, and expend all funds and other assistance made
2901 available to the Center ~~for to carry out~~ the purposes of ~~carrying out~~ this article;

2902 11. ~~To consult~~ Consult with the Division of Energy of the Department of Mines,
2903 Minerals and Energy in the preparation of the Virginia Energy Plan pursuant to § 67-201; and

2904 12. ~~To do~~ Do all things necessary or convenient for the proper administration of this
2905 article.

2906 **Drafting note: Technical changes.**

2907 § ~~23-135.7:7~~ 23.1-xxx. ~~Advisory Committee continued as~~ Virginia Coal Research and
2908 Development Advisory Board.

2909 The ~~Virginia Coal Research and Development Advisory Committee is continued and~~
2910 ~~shall hereafter be known as the~~ Virginia Coal Research and Development Advisory Board. ~~The~~
2911 ~~(the~~ Advisory Board) shall serve in an advisory capacity to the ~~Executive Director~~ executive
2912 director of the ~~Virginia~~ Center ~~for Coal and Energy Research~~.

2913 1. ~~The Advisory Board shall be authorized to advise on those matters set forth in § 23-~~
2914 ~~135.7:2.~~

2915 2. Representatives to the Advisory Board shall be appointed by the ~~Board of Visitors of~~
2916 ~~Virginia Polytechnic Institute and State University~~ board.

2917 3. The ~~Board of Visitors of Virginia Polytechnic Institute and State University~~ board
2918 shall ~~also~~ appoint such other individuals as ~~they deem it deems~~ necessary to the work of the
2919 Advisory Board.

2920 4. ~~Representatives~~ Members shall include representatives from the Department of
2921 Conservation and ~~Historic Resources~~ Recreation; the Department of Small Business and
2922 Supplier Diversity; the Department of Mines, Minerals and Energy; the Department of Labor
2923 and Industry; the Virginia Port Authority, ~~the institutions; and each public institution~~ of higher
2924 education, excluding ~~Virginia Polytechnic Institute and State~~ the University, ~~and the~~
2925 ~~Community College System~~ shall serve as the Advisory Board.

2926 **Drafting note: Technical changes are made, including correcting the name of the**
2927 **Department of Conservation and Recreation.**

2928 Article ~~2.02~~ 4.

2929 Virginia Water Resources Research Center.

2930 **Drafting note: Technical changes.**

2931 § ~~23-135.7:8, 23.1-xxx.~~ Established Virginia Water Resources Research Center
2932 established.

2933 The Virginia Water Resources Research Center, ~~which came into existence as the result~~
2934 ~~of the Water Resources Research Act of 1964 (P.L. 88-379), (the Water Center)~~ is hereby
2935 established ~~as the Virginia Water Resources Research Center, hereinafter referred to as the~~
2936 ~~Water Center, to be located at Virginia Polytechnic Institute and State University, for the~~
2937 ~~purposes of developing, implementing and coordinating to develop, implement, and coordinate~~
2938 water and related land research programs in the Commonwealth and ~~transferring transfer~~ the
2939 results of research and new technology to potential users. The Water Center shall be located at
2940 the University.

2941 **Drafting note: Technical changes.**

2942 § ~~23-135.7:10~~ 23.1-xxx. Control and supervision.

2943 The Water Center ~~shall be is~~ a unit of ~~Virginia Polytechnic Institute and State the~~
2944 University under the supervision and control of the ~~University's Board of Visitors~~ board.

2945 **Drafting note: Technical changes.**

2946 § ~~23-135.7:9~~ 23.1-xxx. Functions, powers, and duties ~~of the Water Center.~~

2947 A. The Water Center shall: (i) consult with the General Assembly; federal, state, and
2948 local agencies; water user groups; private industry; and other potential users of research; (ii)
2949 establish and administer agreements with other ~~universities of institutions of higher education in~~
2950 the Commonwealth ~~for the to~~ conduct ~~of~~ research projects; (iii) ~~[Repealed.]~~ ~~(iv)~~ disseminate
2951 new information and facilitate the transfer and application of new technology; ~~(v)~~ (iv) be a
2952 liaison between ~~Virginia the Commonwealth~~ and the federal research funding agencies ~~as an~~

2953 and advocate for Virginia's the Commonwealth's water research needs; ~~(vi)~~ and (v) encourage
2954 the development of academic programs in water resources management in conjunction with the
2955 State Council on Higher Education.

2956 B. ~~In addition, the~~ The Water Center shall facilitate and stimulate research that: (i) deals
2957 with policy issues facing the General Assembly; (ii) supports the state water resource agencies; ₂
2958 and (iii) provides water planning and management organizations with tools to increase
2959 efficiency and effectiveness of water planning and management.

2960 **Drafting note: Technical changes.**

2961 § ~~23-135.7:11~~ 23.1-xxx. ~~Appointment of an executive~~ Executive director.

2962 A. The principal administrative officer of the Water Center shall be an executive
2963 director, who shall be appointed by the ~~President~~ president of ~~Virginia Polytechnic Institute and~~
2964 State the University ~~with, subject to~~ the approval of the ~~Board of Visitors, and who~~ board. The
2965 executive director shall be under the supervision of the ~~President~~ president of ~~Virginia~~
2966 ~~Polytechnic Institute and State the~~ University.

2967 § ~~23-135.7:12~~. ~~Powers and duties of the Executive Director.~~

2968 B. The ~~Executive Director~~ executive director shall exercise all powers imposed upon
2969 him by law, carry out the specific duties imposed upon him by the ~~President~~ president of
2970 ~~Virginia Polytechnic Institute and State the~~ University, and develop appropriate policies and
2971 procedures, with the advice of the Virginia Water Resources Research Center Statewide
2972 Advisory Board, for (i) identifying priority research problems; (ii) collaborating with the
2973 General Assembly; federal, state, and local governmental agencies; and water user groups in the
2974 formulation of its research programs; (iii) selecting projects to be funded; and (iv) disseminating
2975 information and transferring technology designed to help resolve water and related land
2976 problems of the Commonwealth. He shall employ such personnel and secure such services as
2977 may be required to carry out the purposes of this article and expend appropriated funds and
2978 accept moneys for cost-sharing on projects funded with federal and private funds.

2979 **Drafting note: Existing §§ 23-135.7:11 and 23-135.7:12 are combined in proposed §**
 2980 **23.1-xxx. Technical changes are made.**

2981 § ~~23-135.7:13~~ 23.1-xxx. Statewide Advisory Committee continued as Virginia Water
 2982 Resources Research Center Statewide Advisory Board.

2983 The ~~Virginia Water Resources Research Center Statewide Advisory Committee is~~
 2984 ~~continued and shall hereafter be known as the~~ Virginia Water Resources Research Center
 2985 Statewide Advisory Board. ~~The~~ (the Statewide Advisory Board) shall serve in an advisory
 2986 capacity to the ~~Executive Director~~ executive director of the Water Center. Representatives of the
 2987 Statewide Advisory Board shall be appointed by the Governor, subject to confirmation by the
 2988 General Assembly, and shall include balanced representation from industries; federal, state, and
 2989 local agencies; water user groups; and concerned citizens. The Statewide Advisory Board shall
 2990 (i) recommend policy guidelines for implementing the functions of the Water Center ~~and, (ii)~~
 2991 evaluate the programs of the Water Center; ~~and (ii) (iii) advise and counsel with the Executive~~
 2992 ~~Director~~ executive director of the Water Center and make recommendations to assist him in
 2993 carrying out the purposes of this article.

2994 **Drafting note: Technical changes.**

2995 Article ~~2.03~~ 5.

2996 Virginia Center for Housing Research.

2997 **Drafting note: Technical changes.**

2998 § ~~23-135.7:14~~ 23.1-xxx. Virginia Center for Housing Research established.

2999 The Virginia Center for Housing Research, ~~hereinafter referred to as~~ (the Housing
 3000 Center;) is ~~hereby created to established and shall~~ be located at ~~Virginia Polytechnic Institute~~
 3001 ~~and State~~ the University.

3002 **Drafting note: Technical changes.**

3003 § ~~23-135.7:15~~ 23.1-xxx. Functions, powers, and duties ~~of the Housing Center.~~

3004 ~~A.~~ The Housing Center shall serve as an interdisciplinary study, research, and
 3005 information resource on housing for the Commonwealth ~~of Virginia.~~ The Housing Center shall:

3006 (i) consult with the General Assembly; federal, state, and local agencies; nonprofit
3007 organizations; private industry; and other potential users of research; (ii) establish and
3008 administer agreements with other ~~universities of~~ institutions of higher education in the
3009 Commonwealth to carry out research projects; (iii) disseminate new information and research
3010 results; ~~and~~ (iv) facilitate the application and transfer of new technologies to housing.

3011 ~~B. In addition, the Housing Center shall; and~~ (v) stimulate and perform research that ~~(i)~~
3012 deals with housing policy issues facing the General Assembly and ~~(ii)~~ aids the Commonwealth's
3013 housing and housing finance agencies.

3014 **Drafting note: Technical changes.**

3015 § ~~23-135.7:16~~ 23.1-xxx. Control and supervision.

3016 The Housing Center ~~shall be~~ is a unit of ~~Virginia Polytechnic Institute and State the~~
3017 University under the supervision and control of the ~~University's Board of Visitors~~ board.

3018 **Drafting note: Technical changes.**

3019 § ~~23-135.7:17~~ 23.1-xxx. ~~Appointment of a~~ Director.

3020 A. The ~~President~~ president of the ~~Virginia Polytechnic Institute and State~~ University,
3021 with the approval of the ~~Board of Visitors~~ board, shall appoint a director to serve as the
3022 principal administrative officer of the Housing Center. The ~~Director~~ director shall be under the
3023 supervision of the ~~President~~ president of the ~~Virginia Polytechnic Institute and State~~ University
3024 or his designee.

3025 § ~~23-135.7:18~~. ~~Powers and duties of the Director.~~

3026 B. The ~~Director~~ director shall exercise all powers imposed upon him by law, carry out
3027 the specific duties imposed on him by the ~~President~~ president of ~~Virginia Polytechnic Institute~~
3028 ~~and State the~~ University, and develop appropriate policies and procedures, with the advice of the
3029 ~~Research Advisory~~ Board of Housing and Community Development, for (i) identifying priority
3030 research problems; (ii) cooperating with the General Assembly; federal, state, and local
3031 agencies; nonprofit organizations; and private industry in formulating its research programs; (iii)
3032 selecting research projects to be funded; and (iv) disseminating information and transferring

3033 technology related to housing and housing problems within the Commonwealth. The ~~Director~~
3034 director shall employ such personnel and secure such services as may be required to carry out
3035 the purposes of this article, expend appropriated funds, and accept moneys from federal or
3036 private sources for cost-sharing on projects.

3037 **Drafting note: Existing §§ 23-135.7:17 and 23-135.7:18 are combined as proposed §**
3038 **23.1-xxx. Technical changes are made.**

3039 ~~§ 23-135.7:19.~~

3040 **Drafting note: Repealed by Acts 1992, c. 754.**

3041 ~~§ 23-135.7:20 23.1-xxx. Board of Housing and Community Development to serve as~~
3042 ~~advisory~~ Advisory board.

3043 The Board of Housing and Community Development ~~established in § 36-135~~ shall ~~serve~~
3044 ~~in an advisory capacity to advise~~ the ~~Director~~ director of the Housing Center ~~for Housing~~
3045 ~~Research. The Board of Housing and Community Development shall be and is~~ authorized to
3046 advise the director on all matters set forth in § ~~23-135.7:15~~ 23.1-xxx.

3047 **Drafting note: Technical changes.**

3048 ~~Article 2.1.~~

3049 ~~Roanoke Technical Institute.~~

3050 **Drafting note: Existing Article 2.1 (§ 23-135.8 et seq.) of Chapter 11 is stricken as**
3051 **obsolete.**

3052 ~~§ 23-135.8. Establishment and accreditation.~~

3053 ~~There is hereby established within the Virginia Polytechnic Institute and State University~~
3054 ~~a division to be known as the "Roanoke Technical Institute," hereinafter referred to as the~~
3055 ~~Institute. Such Institute shall be in all respects subject to the judgment, control and supervision~~
3056 ~~of the governing board of the Virginia Polytechnic Institute and State University in cooperation~~
3057 ~~with the State Board of Education, which said Institute shall offer courses appropriate to~~
3058 ~~establish accreditation practices in its field.~~

3059 **Drafting note: Existing § 23-135.8 is stricken as obsolete.**

3060 ~~§ 23-135.9. Purpose.~~

3061 ~~The purpose of the Institute shall be to train technicians in the industrial, scientific,~~
3062 ~~electrical and the mechanical arts and sciences in order to increase the economic efficiency and~~
3063 ~~safety of the manufacturing, engineering, and industrial enterprises of the Commonwealth and~~
3064 ~~to promote the economic utilization of its natural and human resources.~~

3065 **Drafting note: Existing § 23-135.9 is stricken as obsolete.**

3066 ~~§ 23-135.10. Administration.~~

3067 ~~The board of visitors of the Virginia Polytechnic Institute and State University in~~
3068 ~~cooperation with the State Board of Education shall provide for the administration of such~~
3069 ~~Institute through such persons as they determine proper and shall make such appointments to the~~
3070 ~~administrative and technical staff of the Institute as in their judgment appear best.~~

3071 **Drafting note: Existing § 23-135.10 is stricken as obsolete.**

3072 ~~§ 23-135.11. Contribution by City of Roanoke; gifts and donations.~~

3073 ~~The City of Roanoke shall provide a suitable site without cost to the Commonwealth and~~
3074 ~~assume an appropriate share of the cost of operation. For such purpose the city may accept and~~
3075 ~~expend gifts and donations from private individuals, firms, corporations and organizations,~~
3076 ~~which shall be considered for the purpose of this section as a contribution on the part of the city.~~

3077 **Drafting note: Existing § 23-135.11 is stricken as obsolete.**

3078 ~~Article 2.2.~~

3079 ~~Clifton Forge Covington Branch.~~

3080 **Drafting note: Existing Article 2.2 (§ 23-135.12 et seq.) of Chapter 11 of is stricken**
3081 **as obsolete.**

3082 ~~§ 23-135.12. Establishment.~~

3083 ~~There is hereby established within the Virginia Polytechnic Institute and State University~~
3084 ~~a division to be known as the "Clifton Forge Covington Branch of the Virginia Polytechnic~~
3085 ~~Institute and State University," hereinafter referred to as the division. Such division shall be in~~

3086 ~~all respects subject to the judgment, control and supervision of the governing board of the~~
 3087 ~~Virginia Polytechnic Institute and State University.~~

3088 **Drafting note: Existing § 23-135.12 is stricken as obsolete.**

3089 ~~§ 23-135.13. Administration.~~

3090 ~~The board of visitors of the Virginia Polytechnic Institute and State University shall have~~
 3091 ~~the same powers as to determining the fields of instruction to be offered; as to fixing tuition,~~
 3092 ~~fees and other charges; as to the appointment and removal of administrative officers, professors,~~
 3093 ~~agents and servants, and the making of rules and regulations as are now vested in said board~~
 3094 ~~with respect to Virginia Polytechnic Institute and State University. The board of visitors shall~~
 3095 ~~have the power of granting appropriate diplomas or certificates of successful completion of the~~
 3096 ~~two-year curriculum of such division.~~

3097 **Drafting note: Existing § 23-135.13 is stricken as obsolete.**

3098 ~~§ 23-135.14. Courses of instruction.~~

3099 ~~The curriculum offered by the division shall be limited to courses of instruction which~~
 3100 ~~are offered by the Virginia Polytechnic Institute and State University to resident students during~~
 3101 ~~their first two years of enrollment and to such other terminal courses of no more than two years'~~
 3102 ~~duration as may be authorized by the board of visitors to meet the post-high school educational~~
 3103 ~~needs of the community.~~

3104 **Drafting note: Existing § 23-135.14 is stricken as obsolete.**

3105 ~~§ 23-135.15. Expenditure of appropriations.~~

3106 ~~Appropriations, directly or indirectly, from the Commonwealth to the division shall be~~
 3107 ~~expended as directed by the board of visitors of the Virginia Polytechnic Institute and State~~
 3108 ~~University.~~

3109 **Drafting note: Existing § 23-135.15 is stricken as obsolete.**

3110 ~~§ 23-135.16. Care and preservation of property; acquisition of site; gifts and donations.~~

3111 ~~The board of visitors of the Virginia Polytechnic Institute and State University shall be~~
 3112 ~~charged with the care and preservation of all property, real and personal, belonging to the~~

3113 ~~division. To this end, the board is authorized to acquire, by gift or purchase, a suitable site for~~
3114 ~~the division, and may accept and expend gifts and donations of any kind from individuals, firms,~~
3115 ~~corporations and organizations.~~

3116 **Drafting note: Existing § 23-135.16 is stricken as obsolete.**

3117 ~~Article 2.3.~~

3118 ~~Wytheville Branch.~~

3119 **Drafting note: Existing Article 2.3 (§ 23-135.17 et seq.) of Chapter 11 of Title 23 is**
3120 **stricken as obsolete.**

3121 ~~§ 23-135.17. Establishment.~~

3122 ~~There is hereby established within the Virginia Polytechnic Institute and State University~~
3123 ~~a division to be known as the "Wytheville Branch of the Virginia Polytechnic Institute and State~~
3124 ~~University," hereinafter referred to as the division. Such division shall be in all respects subject~~
3125 ~~to the judgment, control and supervision of the governing board of the Virginia Polytechnic~~
3126 ~~Institute and State University.~~

3127 **Drafting note: Existing § 23-135.17 is stricken as obsolete.**

3128 ~~§ 23-135.18. Administration.~~

3129 ~~The board of visitors of the Virginia Polytechnic Institute and State University shall have~~
3130 ~~the same powers as to determining the fields of instruction to be offered; as to fixing tuition,~~
3131 ~~fees and other charges; as to the appointment and removal of administrative officers, professors,~~
3132 ~~agents and servants, and the making of rules and regulations as are now vested in said board~~
3133 ~~with respect to Virginia Polytechnic Institute and State University. The board of visitors shall~~
3134 ~~have the power of granting appropriate diplomas or certificates of successful completion of the~~
3135 ~~two-year curriculum of such division.~~

3136 **Drafting note: Existing § 23-135.18 is stricken as obsolete.**

3137 ~~§ 23-135.19. Courses of instruction.~~

3138 ~~The curriculum offered by the division shall be limited to courses of instruction which~~
3139 ~~are offered by the Virginia Polytechnic Institute and State University to resident students during~~

3140 ~~their first two years of enrollment and to such other terminal courses of no more than two years'~~
 3141 ~~duration as may be authorized by the board of visitors to meet the post-high school educational~~
 3142 ~~needs of the community.~~

3143 **Drafting note: Existing § 23-135.19 is stricken as obsolete.**

3144 ~~§ 23-135.20. Expenditure of appropriations.~~

3145 ~~Appropriations, directly or indirectly, from the Commonwealth to the college shall be~~
 3146 ~~expended as directed by the board of visitors of the Virginia Polytechnic Institute and State~~
 3147 ~~University.~~

3148 **Drafting note: Existing § 23-135.20 is stricken as obsolete.**

3149 ~~§ 23-135.21. Care and preservation of property; acquisition of site; gifts and donations.~~

3150 ~~The board of visitors of the Virginia Polytechnic Institute and State University shall be~~
 3151 ~~charged with the care and preservation of all property real and personal, belonging to the~~
 3152 ~~college. To this end, the board is authorized to acquire, by gift or purchase, a suitable site for the~~
 3153 ~~college, and may accept and expend gifts and donations of any kind from individuals, firms,~~
 3154 ~~corporations and organizations.~~

3155 **Drafting note: Existing § 23-135.21 is stricken as obsolete.**

3156 ~~Article 3.6.~~

3157 ~~Governmental and Individual Donations.~~

3158 **Drafting note: Technical changes.**

3159 ~~§ 23-136.23.1-xxx. Institutions receiving interest accruing on proceeds of land scrip.~~

3160 ~~The General Assembly having accepted the donation of lands proffered to Virginia by~~
 3161 ~~the act of Congress of July 2, 1862; and,~~

3162 ~~The authorities of the Commonwealth having received the land scrip it was entitled to~~
 3163 ~~under such act of Congress; and,~~

3164 ~~The Board of Education having, in conformity with the acts of February seventh, and~~
 3165 ~~March 19, 1872, made sale of the scrip and invested the proceeds in state bonds, which were~~
 3166 ~~directed to be set apart and to constitute an education fund:~~

3167 The annual accruing interest from ~~such fund~~ the education fund resulting from the
3168 donation of lands by act of Congress on July 2, 1862, and the sale of such lands and the
3169 investment of the proceeds from such sale in state bonds by the Board of Education on February
3170 7 and March 19, 1872, shall ~~henceforth until otherwise provided by law~~ be paid one-third
3171 ~~thereof to the~~ Virginia State University, and two-thirds to the ~~board of visitors of the Virginia~~
3172 ~~Polytechnic Institute and State~~ University.

3173 **Drafting note: Technical changes.**

3174 § ~~23-137~~ 23.1-xxx. Institutions receiving money allotted to Commonwealth under act of
3175 Congress.

3176 The Comptroller shall receive from the U.S. Secretary of the Interior ~~of the United States~~
3177 such sums of money as shall be allotted to Virginia the Commonwealth under and in accordance
3178 with the act of Congress approved August 30, 1890, and shall pay ~~over the same as follows:~~
3179 one-third to the treasurer of ~~the~~ Virginia State University, and two-thirds to the treasurer of the
3180 ~~Virginia Polytechnic Institute and State~~ University, who shall receive and disburse the ~~same~~
3181 sums as required by section two of ~~the such~~ act of Congress ~~aforsaid~~.

3182 **Drafting note: Technical changes.**

3183 § ~~23-138~~ 23.1-xxx. Experimental farms.

3184 A. A portion of the fund, not exceeding ~~ten per centum~~ 10 percent of ~~the proportion each~~
3185 sum assigned to Virginia State University and ~~Virginia Polytechnic Institute and State the~~
3186 University, may be expended, in the discretion of the ~~governing boards~~ board of visitors of ~~the~~
3187 ~~institutions, respectively~~ each institution, in the purchase of lands for experimental farms ~~for~~
3188 ~~each of them~~.

3189 B. The respective governing boards may use a portion of the accruing interest from such
3190 fund to purchase suitable and appropriate laboratories.

3191 **Drafting note: Existing §§ 23-138 and 23-139 are logically combined into this**
3192 **proposed § 23.1-26xx. Technical changes are made.**

3193 § ~~23-139~~. ~~Laboratories.~~

3194 ~~A portion of the accruing interest from such fund may be, from time to time, expended~~
3195 ~~by the respective governing boards of such institutions in the purchase of laboratories suitable~~
3196 ~~and appropriate for the institutions.~~

3197 **Drafting note: The provisions of existing § 23-139 are stricken here and**
3198 **incorporated instead into proposed § 23.1-26xx.**

3199 ~~§ 23-140~~ 23.1-xxx. Reversion of property on withdrawal of annuity.

3200 If at any time such annuity should be withdrawn from the ~~Virginia Polytechnic Institute~~
3201 ~~and State~~ University, the property, real and personal, conveyed and appropriated to its use and
3202 benefit by the trustees of the Preston and Olin Institute, and ~~by~~ the County of Montgomery,
3203 under the provisions of Chapter 234 of the Acts of Assembly of 1871-1872, shall revert to the
3204 trustees and ~~to~~ the county, respectively, from which it was conveyed and appropriated.

3205 **Drafting note: Technical changes.**

3206 ~~§ 23-141~~ 23.1-xxx. County subscriptions and individual donations.

3207 ~~It shall be lawful for the~~ The board ~~of visitors of the Institute to~~ may accept (i) the
3208 subscription of any county made under ~~an~~ the act to authorize subscriptions in aid of the
3209 ~~Institute, University~~ approved March 21, 1872; and ~~also the donation of any individual,~~ (ii)
3210 individual donations in aid of the purposes and objects of the ~~Institute; and such~~ University.
3211 Such donations and subscriptions, ~~when made,~~ shall be held by the board in trust for the benefit
3212 of the ~~Institute, on condition that the same~~ University and shall revert to the ~~several~~ donors ~~of~~
3213 and subscribers, ~~pari passu,~~ if ~~at any time~~ the Commonwealth ~~should withdraw~~ withdraws from
3214 the use of the ~~Institute~~ University the interest accruing on the proceeds of the land scrip; as
3215 provided in ~~§ 23-136~~ 23.1-xxx.

3216 **Drafting note: Technical changes.**

3217 ~~Article 3.1.~~

3218 ~~Program on Food and Nutrition.~~

3219 ~~§§ 23-141.1 through 23-141.5. Expired.~~

3220 **Drafting note: Expired pursuant to Acts 1982, c. 283, cl. 2, effective June 30, 1986.**

3221 ~~Article 4.~~

3222 ~~Nautical School.~~

3223 **Drafting note: Existing Article 4 (§ 23-142 et seq.) of Chapter 11 is stricken as**
3224 **obsolete.**

3225 ~~§ 23-142. Establishment, management, etc.~~

3226 ~~There shall be established and maintained under the management, direction and control~~
3227 ~~of the board of visitors and faculty of the Virginia Polytechnic Institute and State University, a~~
3228 ~~nautical school for instruction in the science and practice of navigation, seamanship and~~
3229 ~~engineering and any such other subjects, to be prescribed by the proper authorities of the~~
3230 ~~University, as may be necessary for proper training for the position of deck or engine room~~
3231 ~~officers of the merchant marine. Such school shall be open to residents of the several counties~~
3232 ~~and cities of this Commonwealth, but the authorities of the University shall have the right to~~
3233 ~~limit the number of students attending the nautical school and to prescribe the necessary~~
3234 ~~physical and educational entrance requirements and standards of admission therefor, and the~~
3235 ~~government and discipline thereof, and to fix the terms and conditions upon which students shall~~
3236 ~~be received and instructed in the school and be graduated, discharged and suspended therefrom,~~
3237 ~~and to make all necessary requirements for its management.~~

3238 **Drafting note: Existing § 23-142 is stricken as obsolete.**

3239 ~~§ 23-143. Cost to students.~~

3240 ~~The students admitted to the nautical school shall have the privilege of attending the~~
3241 ~~same without charge for tuition, or for use of laboratories or public buildings, but the cost of~~
3242 ~~such students in the school for board, room, medical care and other necessary expenses shall be~~
3243 ~~the same as the cost to students in the engineering departments of the Institute.~~

3244 **Drafting note: Existing § 23-143 is stricken as obsolete.**

3245 ~~§ 23-144. Books and equipment; commander and instructors.~~

3246 ~~The authorities of the Institute shall provide the necessary books, charts, instruments,~~
3247 ~~apparatus and supplies required in the work of the nautical school or they may accept gifts or~~

3248 ~~loans of the same, and shall appoint and may remove a commander and all necessary instructors~~
 3249 ~~and fix their duties and compensation, or they may appoint as commander or as instructors~~
 3250 ~~therein such officers of the United States Navy as may be designated or detailed for that~~
 3251 ~~purpose.~~

3252 **Drafting note: Existing § 23-144 is stricken as obsolete.**

3253 ~~§ 23-145. Governmental aid; donations, endowments, etc.~~

3254 ~~The authorities of the Institute shall likewise accept from the Commonwealth and from~~
 3255 ~~the federal government, or either, such aid in the maintenance and conduct of the nautical school~~
 3256 ~~as may be offered and which may be for the best interest of the school, including a suitable~~
 3257 ~~vessel with her apparel, charts, books and instruments of navigation, and may receive from other~~
 3258 ~~proper sources such funds, properties, donations and endowments as may be given, subscribed,~~
 3259 ~~loaned or bequeathed for the support and maintenance of the nautical school, and all moneys so~~
 3260 ~~appropriated or donated, subscribed or bequeathed shall be used or expended in accordance with~~
 3261 ~~the provisions governing the same, provided such use or expenditures shall further the purpose~~
 3262 ~~of the school and promote its usefulness and service.~~

3263 **Drafting note: Existing § 23-145 is stricken as obsolete.**

3264 ~~§ 23-146. Practical training aboard ship.~~

3265 ~~The authorities of the Institute shall, moreover, make provision for the necessary~~
 3266 ~~practical training aboard ship or ships of students attending the nautical school in the science of~~
 3267 ~~navigation, seamanship and engineering and such other subjects as may be prescribed, and no~~
 3268 ~~student shall be received in the school until such provision has been made, nor shall any student~~
 3269 ~~be graduated from the school who has not had such practical training in these and in such other~~
 3270 ~~subjects as may be prescribed.~~

3271 **Drafting note: Existing § 23-146 is stricken as obsolete.**

3272 ~~Article 5.~~

3273 ~~Radford College, Woman's Division of the Virginia Polytechnic Institute.~~

3274 ~~§§ 23-147 through 23-155.~~

3275 **Drafting note: Repealed by Acts 1964, c. 50.**

3276 [Article 6.](#)

3277 [Virginia Truck and Ornamentals Research Station.](#)

3278 **Drafting note: Existing Article 6 (§ 23-155.01 et seq.) of Chapter 11 is stricken and**
3279 **its four sections are relocated to proposed Article 2 of this chapter with technical changes**
3280 **to reflect its name in current use.**

3281 [Article 7.](#)

3282 [Purchase of Electric Power and Energy.](#)

3283 **Drafting note: Existing Article 7 (§ 23-155.05) of Chapter 11 is stricken. Its single**
3284 **section is relocated to proposed § 23.1-26xx in Article 1 with technical changes.**

3285 **CHAPTER ~~13~~ [27.](#)**

3286 **VIRGINIA STATE UNIVERSITY.**

3287 **Drafting note: Existing Chapter 13 of Title 23 is logically reorganized as proposed**
3288 **Chapters 13 and 27 of Title 23.1. Existing provisions that apply generally to governing**
3289 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
3290 **Existing provisions relating to the incorporation, membership and meetings, and powers**
3291 **and duties of the governing board that are unique to the University are retained in**
3292 **proposed Chapter 27.**

3293 [§ 23-165.](#)

3294 **Drafting note: Repealed by Acts 1964, c. 70.**

3295 [§ 23-165.1 ~~23.1-xxx.~~ Corporation composed of board of visitors created; style Corporate](#)
3296 [name; name of the University.](#)

3297 [A. The ~~corporation composed of the board of visitors of Virginia State College,~~](#)
3298 [heretofore established by law, is continued as the](#) board of visitors of Virginia State University
3299 [\(the board\) shall be a corporation](#) under the [name and](#) style of "The Visitors of Virginia State
3300 University" ~~in this chapter hereinafter referred to as the board~~ [and shall have, in addition to its](#)
3301 [other powers, all the corporate powers given to corporations by the provisions of Title 13.1](#)

3302 except those powers that are confined to corporations created pursuant to Title 13.1. The board
3303 shall at all times be under the control of the General Assembly.

3304 B. The institution shall be known as Virginia State University (the University).

3305 C. All laws relating to Virginia State College or the board of visitors of Virginia State
3306 College shall be construed as relating to ~~Virginia State~~ the University or the board, respectively.

3307 **Drafting note: Technical changes are made to conform the language in this section**
3308 **to that of each other four-year public institution of higher education.**

3309 § 23-165.2. Name of University.

3310 The University shall be known as Virginia State University.

3311 **Drafting note: Existing § 23-165.2 is stricken and its provisions incorporated into §**
3312 **23.1-27xx.**

3313 § 23-165.3. Transfer of property.

3314 All the real estate and personal property now existing and heretofore standing in the
3315 name of the Visitors of Virginia State College shall be transferred to and be known and taken as
3316 standing in the name, and to be under the control, of the Visitors of Virginia State University.
3317 Such real estate and personal property shall be the property of the Commonwealth.

3318 **Drafting note: The provisions of existing § 23-165.3 are stricken as obsolete.**

3319 § 23-165.4 ~~23.1-xxx. Members of board; appointment; terms; vacancies~~ Membership.

3320 A. The board shall consist of 15 members appointed by the Governor, of whom at least
3321 three shall be alumni of the ~~university,~~ University and at least 10 shall be residents of ~~Virginia~~
3322 the Commonwealth. ~~All appointments shall be for a term of four years. No member shall serve~~
3323 ~~for more than two consecutive four-year terms. Vacancies shall be filled in the same manner as~~
3324 ~~the original appointments. Appointments to fill vacancies, other than by expiration of a term,~~
3325 ~~shall be for the unexpired terms. The remainder of any term to which a member is appointed to~~
3326 ~~fill a vacancy shall not constitute a term in determining the member's eligibility for~~
3327 ~~reappointment. Of the four additional members appointed to the board on July 1, 2008, the~~
3328 ~~Governor shall appoint two members for an initial term of four years, and two members for an~~

3329 ~~initial term of two years. Thereafter, such members and their successors shall be appointed for a~~
3330 ~~term of four years, in accordance with the provisions of this section.~~

3331 ~~B. The Governor may appoint alumni visitors from a list of qualified persons submitted~~
3332 ~~to him upon the recommendation of the National Alumni Association of Virginia State~~
3333 ~~University on or before July 1 of any year in which the terms of such visitors shall expire. The~~
3334 ~~alumni association shall submit the names of at least three qualified alumni for each such~~
3335 ~~vacancy. The alumni association of the University may submit to the Governor a list of three~~
3336 ~~nominees for each vacancy on the board of visitors, whether the vacancy occurs by expiration of~~
3337 ~~a term or otherwise. The Governor may appoint a member from the list of nominees.~~

3338 ~~C. All appointments shall be subject to the confirmation of the General Assembly.~~
3339 ~~Members shall continue to hold office until their successors have been appointed and have~~
3340 ~~qualified.~~

3341 **Drafting note: Existing provisions relating to the membership of the board of**
3342 **visitors are logically combined in this proposed section, existing provisions relating to the**
3343 **terms and removal of members of the board are stricken and incorporated instead into**
3344 **proposed Chapter 13, and technical changes are made to conform the language to that of**
3345 **each other four-year public institution of higher education.**

3346 ~~§ 23-165.5. Eligibility to serve more than two consecutive terms.~~

3347 ~~No person shall be eligible to serve more than two consecutive four-year terms, except~~
3348 ~~that a member may be appointed to a term of less than four years immediately prior to or~~
3349 ~~between the four-year terms.~~

3350 **Drafting note: The provisions of existing § 23-165.5 are stricken and incorporated**
3351 **instead into proposed Chapter 13.**

3352 ~~§ 23-165.6. Rights, powers and duties of board.~~

3353 ~~The board shall be vested with all the rights and powers conferred by the provisions of~~
3354 ~~this chapter insofar as the same are not inconsistent with the laws of the Commonwealth.~~

3355 ~~The board shall control and expend the funds of the University and any appropriation~~
3356 ~~hereafter provided, and shall make all needful rules and regulations concerning the University,~~
3357 ~~appoint the president, who shall be its chief executive officer, and all professors, teachers and~~
3358 ~~agents, and fix their salaries, and generally direct the affairs of the University.~~

3359 **Drafting note: The provisions of existing § 23-165.6 are stricken here and**
3360 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

3361 ~~§ 23-165.7. Tuition, fees and charges.~~

3362 ~~The board may fix the rates charged the students of the University for tuition, fees and~~
3363 ~~other necessary charges.~~

3364 **Drafting note: The provisions of existing § 23-165.7 are stricken here and**
3365 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

3366 ~~§ 23-165.8. Degrees.~~

3367 ~~The board shall have the right to confer degrees.~~

3368 **Drafting note: The provisions of existing § 23-165.8 are stricken here and**
3369 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

3370 ~~§ 23-165.9~~ 23.1-xxx. Curriculum.

3371 The curriculum of ~~Virginia State the~~ University shall ~~embrace branches of learning as~~
3372 ~~relate to include~~ agriculture, home economics, commerce, industrial education and technology,
3373 the liberal arts and sciences, teacher education, nursing education, and military science.

3374 **Drafting note: Technical changes.**

3375 ~~§ 23-165.10. School of agriculture to be continued.~~

3376 ~~The school of agriculture at Virginia State University shall be continued. The State~~
3377 ~~Council of Higher Education and the institutions of higher education concerned shall execute~~
3378 ~~such administrative actions as are necessary to carry out the purposes of this section.~~

3379 **Drafting note: The provisions of existing § 23-165.10 are stricken as obsolete.**

3380 ~~§ 23-165.11~~ 23.1-xxx. Cooperative Extension Service Program ~~recognized; funding~~
3381 ~~authority; unified plan; reports.~~

3382 As provided in Article ~~1.1 2~~ (§ ~~23-132.1 23.1-xxx~~ et seq.) of Chapter ~~11 of Title 23 26~~
3383 and subject to the federally required plan, the Cooperative Extension Service Program within
3384 ~~Virginia State the~~ University, ~~hereinafter referred to as "~~(the Service Program,~~"~~) is hereby
3385 recognized. The ~~Virginia State~~ University is ~~hereby~~ empowered to accept grants, gifts, or
3386 donations for the ~~Cooperative Extension~~ Service Program from the local governing bodies ~~of the~~
3387 ~~several counties and cities~~ of the Commonwealth, other public or private agencies, and
3388 individual donors. The ~~Cooperative Extension~~ Service Program shall be operated cooperatively
3389 by Virginia Polytechnic Institute and State University and ~~Virginia State the~~ University, with
3390 ~~agreed-upon agreed-upon~~ areas of program and service emphasis as set forth in the unified plan
3391 submitted by the two institutions to the U.S. Department of Agriculture. The ~~Virginia State~~
3392 University shall file such reports on the activities of the Service Program as may be required by
3393 law or requested by the Governor, and the two institutions shall file such reports on the unified
3394 plan as may be required by law or requested by the Governor.

3395 **Drafting note: Technical changes.**

3396 ~~§ 23-166. University a body corporate under control of board.~~

3397 ~~The institution shall continue to be a body corporate under the name and style of the~~
3398 ~~"Virginia State University." It shall be under the management, supervision and control of the~~
3399 ~~board.~~

3400 **Drafting note: The provisions of existing § 23-166 are stricken here and**
3401 **incorporated instead into § 23.1-27xx.**

3402 ~~§ 23-167. Further powers and duties of board.~~

3403 ~~The powers and duties of the board shall be to direct and do all things not inconsistent~~
3404 ~~with the laws of this Commonwealth which to the board shall seem best adapted to accomplish~~
3405 ~~the legitimate objects of the University; to designate depositories, provide for the proper~~
3406 ~~bonding of financial officers and depositories, and provide for the disbursing of the funds of the~~
3407 ~~University consistent with the laws of the Commonwealth; and to grant to such as excel in any~~
3408 ~~field of knowledge or complete a prescribed course of study, such certificates, diplomas or~~

3409 ~~degrees as shall be deemed expedient and proper. All of which several functions they shall be~~
3410 ~~free to exercise by rules, bylaws, resolutions, orders, instructions, or otherwise.~~

3411 **Drafting note: The provisions of existing § 23-167 are stricken here and**
3412 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

3413 ~~§ 23-168, 23-169.~~

3414 **Drafting note: Repealed by Acts 1979, c. 147.**

3415 ~~§ 23-170, 23.1-xxx. Bequests and gifts; governmental~~ Governmental aid.

3416 ~~The board shall have power to take, hold, receive and enjoy any gift, grant, devise or~~
3417 ~~bequest to the Visitors of Virginia State University or to or for the benefit of the University.~~
3418 ~~Any such gift, grant, devise or bequest shall be used for the purposes designated by the donor, if~~
3419 ~~any, or, if no purposes are so designated, for the general purposes of the board.~~

3420 The University shall receive the governmental aid designated in §§ ~~23-136 and 23-137~~
3421 23.1-xxx and 23.1-xxx.

3422 **Drafting note: The provisions of the first paragraph of existing § 23-170 are**
3423 **stricken here and incorporated instead into proposed § 23.1-13xx of Chapter 13. Technical**
3424 **changes are made to the remaining provision of the section.**

3425 ~~§ 23-171, 23-172.~~

3426 **Drafting note: Repealed by Acts 1964, c. 70.**

3427 ~~§ 23-173.~~

3428 **Drafting note: Repealed by Acts 1979, c. 147.**

3429 ~~§ 23-174. Control by General Assembly.~~

3430 ~~The University, and all its property and funds, shall, at all times and in all things, be~~
3431 ~~under the control of the General Assembly.~~

3432 **Drafting note: Existing § 23-174 is stricken here and incorporated instead into**
3433 **proposed § 23.1-27xx.**

3434 CHAPTER ~~5~~ 28.

3435 COLLEGE OF WILLIAM AND MARY ~~AND IN VIRGINIA;~~ RICHARD BLAND
3436 COLLEGE.

3437 **Drafting note: Existing Chapter 5 of Title 23 is logically reorganized as proposed**
3438 **Chapters 13 and 28 of Title 23.1. Existing provisions that apply generally to governing**
3439 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
3440 **Existing provisions relating to the incorporation, membership and meetings, and powers**
3441 **and duties of the governing board that are unique to the College are retained in proposed**
3442 **Chapter 28.**

3443 § ~~23-39~~ 23.1-xxx. Corporate name: name of the University.

3444 A. The board of visitors of the College of William and Mary in Virginia (the board) shall
3445 be a corporation under the name and style of "The College of William and Mary in Virginia-"
3446 and shall have, in addition to its other powers, (i) all the corporate powers given to corporations
3447 by the provisions of Title 13.1 except those powers that are confined to corporations created
3448 pursuant to Title 13.1 and (ii) all powers conferred by the ancient royal charter of the College of
3449 William and Mary in Virginia. The board shall at all times be under the control of the General
3450 Assembly.

3451 B. The institution shall be known as the College of William and Mary in Virginia (the
3452 College).

3453 **Drafting note: Technical changes are made to conform the language in this section**
3454 **to that of each other four-year public institution of higher education.**

3455 ~~§ 23-40. Property transferred to College of William and Mary and owned by State.~~

3456 ~~All the real estate and personal property relating to the College of William and Mary in~~
3457 ~~Virginia, in Williamsburg, or relating to the Richard Bland College in Petersburg now existing~~
3458 ~~and standing in the name of the corporate body designated "The Colleges of William and Mary"~~
3459 ~~and all real estate and personal property standing in the name of or heretofore exclusively used~~
3460 ~~by the Virginia Institute of Marine Science shall be transferred to and be known and taken as~~
3461 ~~standing in the name, and to be under the control of the corporate body designated "The College~~

3462 ~~of William and Mary in Virginia." Such real estate and personal property shall be the property~~
3463 ~~of the Commonwealth.~~

3464 **Drafting note: The provisions of existing § 23-40 are stricken as obsolete.**

3465 ~~§ 23-41.23.1-xxx. Appointment of visitors generally; number and terms; vacancies~~
3466 ~~Membership.~~

3467 A. The board of visitors is to shall consist of 17 members ~~to be~~ appointed by the
3468 Governor, ~~four of whom may be nonresidents of Virginia of whom at least 13 shall be residents~~
3469 ~~of the Commonwealth.~~

3470 B. The alumni association of the College may submit to the Governor a list of three
3471 nominees for each vacancy on the board, whether it occurs by expired term or otherwise. The
3472 Governor may appoint a member from the list of nominees.

3473 ~~All appointments shall be for terms of four years each, except appointments to fill~~
3474 ~~unexpired vacancies which shall be made by the Governor for the remainder of the unexpired~~
3475 ~~terms. However, the term of the member holding the office of Rector on March 1, 2005, shall be~~
3476 ~~extended for one year to June 30, 2006. The Governor may make an appointment for the~~
3477 ~~member whose term is so extended to June 30, 2006, as though this service extension had not~~
3478 ~~been granted and the term had expired as scheduled.~~

3479 ~~The board of visitors may be expanded to no more than 18 members from July 1, 2005,~~
3480 ~~to June 30, 2006. Thereafter, the membership shall revert to 17 members. Reappointment by the~~
3481 ~~Governor of any member eligible for the service extension shall be for the term of four years.~~

3482 ~~No person shall be eligible to serve more than two consecutive four-year terms, except~~
3483 ~~that a member may be appointed to a term of less than four years immediately prior to or~~
3484 ~~between the four-year terms. For the purpose of determining service eligibility, any term of~~
3485 ~~service extended to June 30 of the respective year pursuant to this section shall be treated as a~~
3486 ~~four-year term. Hereafter, all appointments shall expire June 30 of the year in which the term~~
3487 ~~expires.~~

3488 ~~All appointments are subject to confirmation by the General Assembly if in session~~
3489 ~~when such appointments are made, and if not in session, at its next succeeding session.~~

3490 **Drafting note: Existing provisions relating to the membership of the board of**
3491 **visitors are logically combined in this proposed section, existing provisions relating to the**
3492 **terms and removal of members of the board are stricken and incorporated instead into**
3493 **proposed Chapter 13, and technical changes are made to conform the language to that of**
3494 **each other four-year public institution of higher education. In addition, obsolete language**
3495 **is stricken.**

3496 ~~§ 23-42. Appointment of visitors from alumni.~~

3497 ~~(a) The Governor may appoint visitors from a list of qualified persons submitted to him,~~
3498 ~~before or after induction into office, by the alumni association of the College of William and~~
3499 ~~Mary in Virginia, on or before the first day of December of any year next preceding a year in~~
3500 ~~which the terms of any visitors will expire.~~

3501 ~~(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall~~
3502 ~~certify this fact to the association and nominations may be submitted of qualified persons and~~
3503 ~~the Governor may fill the vacancy, if his discretion so dictates, from among the eligible~~
3504 ~~nominees of the association, whether or not alumni or alumnae.~~

3505 ~~(c) Every list shall contain at least three names for each vacancy to be filled.~~

3506 ~~(d) The Governor is not to be limited in his appointments to the persons so nominated.~~

3507 **Drafting note: The provisions of existing § 23-42 are stricken and incorporated**
3508 **instead into proposed § 23.1-xxx.**

3509 ~~§ 23-43.~~

3510 **Drafting note: Repealed by Acts 1975, c. 484.**

3511 ~~§ 23-44. Rights, powers and duties of board in general.~~

3512 ~~The board of visitors shall be vested with all the rights and powers conferred by the~~
3513 ~~provisions of this chapter and by the ancient royal charter of the College of William and Mary in~~

3514 ~~Virginia, insofar as the same are not inconsistent with the provisions of this chapter and the~~
3515 ~~general laws of the Commonwealth.~~

3516 ~~The board shall control and expend the funds of the colleges and any appropriation~~
3517 ~~hereafter provided, and shall make all needful rules and regulations concerning the colleges, and~~
3518 ~~generally direct the affairs of the colleges.~~

3519 **Drafting note: The provisions of existing § 23-44 are stricken and incorporated**
3520 **instead into proposed § 23.1-28xx and proposed § 23.1-13xx of Chapter 13.**

3521 ~~§ 23-44.1. Investment of endowment funds, endowment income, and gifts; standard of~~
3522 ~~care; liability; exemption from the Virginia Public Procurement Act.~~

3523 ~~A. The board of visitors shall invest and manage the endowment funds, endowment~~
3524 ~~income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the~~
3525 ~~College in accordance with this section and the provisions of the Uniform Prudent Management~~
3526 ~~of Institutional Funds Act (§ 64.2-1100 et seq.).~~

3527 ~~B. No member of the board of visitors shall be personally liable for losses suffered by an~~
3528 ~~endowment fund, endowment income, gifts, all other nongeneral fund reserves and balances, or~~
3529 ~~local funds of or held by the College, arising from investments made pursuant to the provisions~~
3530 ~~of subsection A.~~

3531 ~~C. The investment and management of endowment funds, endowment income, gifts, all~~
3532 ~~other nongeneral fund reserves and balances, or local funds of or held by the College shall not~~
3533 ~~be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).~~

3534 ~~D. In addition to the investment practices authorized by the Uniform Prudent~~
3535 ~~Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board of visitors may also~~
3536 ~~invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund~~
3537 ~~reserves and balances, and local funds of or held by the College in derivatives, options, and~~
3538 ~~financial securities.~~

3539 ~~1. In this section, "derivative" means a contract or financial instrument or a combination~~
3540 ~~of contracts and financial instruments, including, without limitation, any contract commonly~~

3541 ~~known as a "swap," which gives the College the right or obligation to deliver or receive delivery~~
3542 ~~of, or make or receive payments based on, changes in the price, value, yield, or other~~
3543 ~~characteristic of a tangible or intangible asset or group of assets, or changes in a rate, an index~~
3544 ~~of prices or rates, or other market indicator for an asset or a group of assets.~~

3545 ~~2. In this section, an "option" means an agreement or contract whereby the College may~~
3546 ~~grant or receive the right to purchase or sell, or pay or receive the value of, any personal~~
3547 ~~property asset including, without limitation, any agreement or contract that relates to any~~
3548 ~~security, contract, or agreement.~~

3549 ~~3. In this section, "financial security" means any note, stock, treasury stock, bond,~~
3550 ~~debenture, evidence of indebtedness, certificate of interest, collateral trust certificate,~~
3551 ~~preorganization certificate of subscription, transferable share, investment contract, voting trust~~
3552 ~~certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other~~
3553 ~~mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit,~~
3554 ~~or group or index of securities (including any interest therein or based on the value thereof), or~~
3555 ~~any put, call, straddle, option, or privilege entered into on a national securities exchange relating~~
3556 ~~to foreign currency, or in general, any interest or instrument commonly known as a "security,"~~
3557 ~~or any certificate of interest or participation in, temporary or interim security for, receipt for,~~
3558 ~~guarantee of, or warrant or right to subscribe to or purchase any of the foregoing.~~

3559 ~~E. The authority as provided in this section as it relates to nongeneral fund reserves and~~
3560 ~~balances of or held by the College is predicated upon an approved management agreement~~
3561 ~~between the College and the Commonwealth of Virginia.~~

3562 **Drafting note: The provisions of existing § 23-44.1 are stricken and incorporated**
3563 **instead into proposed § 23.1-10xx of Chapter 10.**

3564 ~~§ 23-45. Board may fix tuition, fees and other charges.~~

3565 ~~The board of visitors may fix in their discretion, the rates charged the students of the~~
3566 ~~colleges for tuition, fees and other necessary charges.~~

3567 **Drafting note: The provisions of existing § 23-45 are stricken and incorporated**
 3568 **instead into proposed § 23.1-13xx of Chapter 13.**

3569 ~~§ 23-46. Conferring of degrees.~~

3570 ~~The board of visitors shall have the right to confer degrees.~~

3571 **Drafting note: The provisions of existing § 23-46 are stricken and incorporated**
 3572 **instead into proposed § 23.1-13xx of Chapter 13.**

3573 ~~§ 23-47. 23.1-xxx. Courses for educating and training Program of instruction to educate~~
 3574 ~~and train teachers to be maintained.~~

3575 The ~~College board~~ shall maintain ~~in connection with its courses a system a program~~ of
 3576 instruction ~~and training for the purpose of educating and training to educate and train~~ teachers
 3577 for the public ~~elementary and secondary~~ schools of the Commonwealth ~~without excluding other~~
 3578 ~~programs of instruction.~~

3579 **Drafting note: Technical changes.**

3580 ~~§ 23-48.~~

3581 **Drafting note: Repealed by Acts 1960, c. 180.**

3582 ~~§ 23-49. Students.~~

3583 ~~The College shall admit properly prepared men and women to its courses, and upon~~
 3584 ~~completion of the requirements shall grant them degrees.~~

3585 **Drafting note: The provisions of existing § 23-49 are stricken as obsolete.**

3586 ~~§ 23-49.1 23.1-xxx. Constituent colleges; administration, bylaws, titles, etc Richard~~
 3587 ~~Bland College.~~

3588 A. ~~The College of William and Mary in Virginia, in Williamsburg, and the Richard~~
 3589 ~~Bland College, in Petersburg~~ shall be ~~subject to the supervision, management and control of the~~
 3590 ~~board of visitors of the College of William and Mary in Virginia. Such colleges shall be separate~~
 3591 ~~from each other and each college shall report directly to the board of visitors through the~~
 3592 ~~president in the case of the College of William and Mary in Virginia, and as the board of visitors~~

3593 ~~may direct in the case of the Richard Bland College a separate college under the supervision,~~
3594 ~~management, and control of the board.~~

3595 B. ~~The board shall establish and publish bylaws for Richard Bland College that define~~
3596 ~~the school's functions.~~

3597 C. ~~All property, property rights, duties, contracts, and agreements of the colleges~~
3598 ~~Richard Bland College are vested in the board of visitors of the College of William and Mary in~~
3599 ~~Virginia. The chief executive officer of the College of William and Mary in Virginia shall be the~~
3600 ~~president; the title of the~~

3601 D. ~~The board shall designate a~~ chief executive officer ~~of the~~ Richard Bland College ~~shall~~
3602 ~~be designated by the board of visitors.~~

3603 E. ~~The board of visitors of the College of William and Mary in Virginia is charged with~~
3604 ~~the care and preservation of~~ shall care for and preserve all property belonging to ~~the colleges~~
3605 ~~Richard Bland College.~~

3606 ~~With respect to the Richard Bland College, the~~ F. ~~The~~ board ~~of visitors~~ shall ~~have the~~
3607 ~~same powers as to fixing tuitions~~ (i) fix tuition, fees, and other necessary charges, ~~as to the~~
3608 ~~appointment and removal of;~~ (ii) appoint, remove, and define the responsibilities of all chief
3609 executive officers, administrative officers, professors, agents, and employees; ~~and the making~~
3610 ~~of~~ (iii) make such rules and regulations, ~~as are now vested in them with respect to the College of~~
3611 ~~William and Mary in Virginia as it deems appropriate for Richard Bland College.~~

3612 C. ~~Appropriations directly and indirectly from the Commonwealth to the colleges shall~~
3613 ~~be expended as directed by the board of visitors of the College of William and Mary in Virginia.~~

3614 D. ~~The board of visitors of the College of William and Mary in Virginia is authorized~~
3615 ~~and directed to prepare the bylaws for the colleges and to publish the same and to define the~~
3616 ~~functions of the colleges, and to specify the responsibilities of the chief executive officers, all~~
3617 ~~professors, teachers and agents of the colleges, as the board may deem necessary.~~

3618 ~~E. The board of visitors of the College of William and Mary in Virginia shall designate~~
3619 ~~the organizational channel of coordination and supervision of the Richard Bland College for~~
3620 ~~administration by the board of visitors.~~

3621 ~~F. The use of the library of the College of William and Mary in Virginia, in~~
3622 ~~Williamsburg, shall be granted to the students and faculty of Christopher Newport University.~~

3623 ~~G. The board of visitors of the College of William and Mary in Virginia shall make~~
3624 ~~cooperative agreements with the board of visitors of Christopher Newport University for the~~
3625 ~~sharing of faculty and of laboratory and other facilities. Richard Bland College shall report to the~~
3626 ~~board using such organizational channels as the board may coordinate and direct.~~

3627 ~~H. Richard Bland College shall expend all direct and indirect appropriations from the~~
3628 ~~Commonwealth as the board directs.~~

3629 **Drafting note: Subsections F and G of existing § 23-49.1 are incorporated into**
3630 **proposed § 23.1-28xx (next section). Technical changes are made.**

3631 § 23.1-28xx. Shared use.

3632 A. The board shall permit students and faculty of Christopher Newport University to use
3633 the library of the College.

3634 B. The board shall enter cooperative agreements with the board of visitors of
3635 Christopher Newport University to share faculty, laboratories, and other facilities.

3636 **Drafting note: Subsections F and G of existing § 23-49.1 (previous section) are**
3637 **separately organized as this proposed new section. Technical changes are made.**

3638 ~~§ 23-49.1:1~~ 23.1-xxx. Virginia Institute of Marine Science ~~subject to board of visitors.~~

3639 The Virginia Institute of Marine Science (the Institute) shall be subject to the
3640 supervision, management, and control of the board ~~of visitors of the College of William and~~
3641 ~~Mary in Virginia.~~ The board ~~of visitors~~ shall provide for the administration of the Institute and
3642 shall appoint and remove its administrative and professional staff.

3643 **Drafting note: Technical changes.**

3644 #