

451 CHAPTER ~~12.1~~ 16.

452 JAMES MADISON UNIVERSITY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

525 ~~§ 23-164.8. Degrees.~~

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

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

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

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

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

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

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

543 **Drafting note: Technical changes.**

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

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

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

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

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