

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.