

680 CHAPTER 31.

681 EDUCATIONAL AUTHORITIES, CENTERS, INSTITUTES, AND PARTNERSHIPS.

682 **Drafting note: Other educational entities, existing Chapters 16.1, 16.2, 16.3, 16.4,**
683 **16.5, and 16.6 of Title 23, are consolidated and reorganized as proposed Articles 1 through**
684 **7 in Chapter 31.**

685 Article 1.

686 General Provisions.

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

689 § 23.1-3100. Governing boards of educational institutions; removal of members.

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

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

698 **Drafting note: The provisions of existing subsections A and C of § 2.2-108 that**
699 **apply to other educational institutions in general are logically reorganized as proposed §§**
700 **23.1-3100 and 23.1-3200. Technical changes are made.**

701 CHAPTER 16.2.

702 A. L. PHILPOTT MANUFACTURING EXTENSION PARTNERSHIP.

703 Article 2.

704 A.L. Philpott Manufacturing Extension Partnership.

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

706 **Article 2 of Chapter 31.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

801 **Drafting note: Technical changes.**

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

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

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

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

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

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

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

823 6. Develop and provide programs or projects, ~~at its discretion~~, alone or in cooperation
824 with any person_; state or federal agency_; state, local, or regional economic development
825 entity_; private firm_; or other organization for economic development through improvements in
826 industrial competitiveness in Virginia the Commonwealth; and

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

829 **Drafting note: Technical changes.**

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

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

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

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

837 | ~~CHAPTER 16.4.~~

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

839 | Article 3.

840 | Institute for Advanced Learning and Research.

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

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

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

851 | B. The Institute shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

957 ~~CHAPTER 16.6.~~

958 ~~THE NEW COLLEGE INSTITUTE.~~

959 Article 4.

960 New College Institute.

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

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

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

970 B. New College shall:

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

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

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

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

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

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

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

989 **Drafting note: Technical changes.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1062 ~~§ 23-231.33. Curriculum.~~

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

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

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

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

1077 **Drafting note: Technical changes.**

1078 ~~CHAPTER 16.3.~~

1079 ~~ROANOKE HIGHER EDUCATION AUTHORITY.~~

1080 Article 5.

1081 Roanoke Higher Education Authority.

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

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

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

1089 **Drafting note: Technical changes.**

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

1091 The Authority shall:

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

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

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

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

1103 **Drafting note: Technical changes.**

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

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

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

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

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

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

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

1143 **Drafting note: Technical changes.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1188 **Drafting note: Technical changes.**

1189 ~~CHAPTER 16.5.~~

1190 ~~SOUTHERN VIRGINIA HIGHER EDUCATION CENTER.~~

1191 Article 6.

1192 Southern Virginia Higher Education Center.

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

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

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

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

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

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

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

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

1213 **Drafting note: Technical changes.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1293 **Drafting note: Technical changes.**

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

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

1297 **Drafting note: Technical change.**

1298 ~~CHAPTER 16.1.~~

1299 ~~SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER.~~

1300 Article 7.

1301 Southwest Virginia Higher Education Center.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1426 **Drafting note: Technical change.**

1427 ~~CHAPTER 12.~~

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

1429 ~~§§ 23-156 through 23-164.~~

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

1431 ~~CHAPTER 14.~~

1432 ~~VIRGINIA STATE SCHOOL.~~

1433 ~~§§ 23-175 through 23-181.~~

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

1435 ~~CHAPTER 14.1.~~

1436 ~~VIRGINIA SCHOOL AT HAMPTON.~~

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

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

1439 ~~CHAPTER 19.~~

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

1441 ~~§§ 23-254 through 23-260.1.~~

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

1443 ~~§§ 23-262, 23-263.~~

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

1445 ~~§ 23-264.~~

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

1447 ~~CHAPTER 27.~~

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

1449 ~~STIMULUS FOUNDATION.~~

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

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

1454 ~~A. There is hereby created the Virginia Universities Clean Energy Development and~~
1455 ~~Economic Stimulus Foundation (Foundation) established as a body corporate and political~~
1456 ~~subdivision of the Commonwealth which, with the cooperation and assistance of the~~
1457 ~~universities, shall identify, obtain, disburse, and administer funding for the following purposes:~~
1458 ~~(i) research and development of alternative fuels, clean energy production, and related~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1560 ~~5. The cost of the proposed project in relation to its reasonably foreseeable economic~~
1561 ~~impact;~~

1562 ~~6. Whether, and to what extent, the proposed project will likely result in a commercially~~
1563 ~~viable outcome;~~

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

1565 ~~8. Whether, and to what extent, the requesting entity has utilized other available funding~~
1566 ~~sources; and~~

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

1568 ~~C. The Board shall determine whether a funding request sufficiently meets the criteria~~
1569 ~~established and the purposes of this chapter, and if so, the appropriate amount of funding to be~~
1570 ~~provided. Funding shall be awarded only to those proposed projects that best meet the~~
1571 ~~established criteria and purposes of this chapter.~~

1572 ~~D. Any member of the Board who has a personal interest in any transaction before the~~
1573 ~~Board shall be disqualified from participating in that transaction, and shall forthwith make~~
1574 ~~disclosure of the existence of his interest, including the full name and address of the business~~
1575 ~~involved, and his disclosure shall also be reflected in the public records of the Board for five~~
1576 ~~years in the office of the administrative head of the Board or, if the Board has a clerk, in the~~
1577 ~~clerk's office.~~

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

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