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## SENATE BILL NO. 1255

Offered January 10, 2003

A BILL to amend and reenact §§ 2.2-107 and 23-9.3 of the Code of Virginia, relating to the State Council of Higher Education.

Patron—Chichester

Referred to Committee on Rules

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-107 and 23-9.3 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-107. Appointment of members of commissions, boards, and other collegial bodies.

Except as provided in the Constitution of Virginia, or where the manner of selection of members of boards and commissions is by election by the General Assembly, or as provided in Title 3.1, § 23-9.3, or § 54.1-901, but notwithstanding any other provision of law to the contrary, the Governor shall appoint all members of boards, commissions, councils or other collegial bodies created by the General Assembly in the executive branch of state government to terms of office as prescribed by law. Each member appointed pursuant to this section shall be subject to confirmation by the General Assembly and shall have the professional qualifications prescribed by law.

§ 23-9.3. Creation and purpose; membership; terms; officers.

(a) There is hereby created a State Council of Higher Education for Virginia, hereinafter sometimes referred to as the Council, *as an independent agency of the Commonwealth*. The purpose of the Council shall be, through the exercise of the powers and performance of the duties set forth in this chapter, to promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the Commonwealth of Virginia. The Council shall be composed of persons selected from the Commonwealth at large without regard to political affiliation but with due consideration of geographical representation. Appointees shall be selected for their ability and all appointments shall be of such nature as to aid the work of the Council and to inspire the highest degree of cooperation and confidence. No officer, employee, trustee or member of the governing board of any institution of higher education, no employee of the Commonwealth, except the Superintendent of Public Instruction, or member of the General Assembly or member of the State Board of Education shall be eligible for appointment to the Council except as hereinafter specified. All members of the Council shall be deemed members at large charged with the responsibility of serving the best interests of the whole Commonwealth. No member shall act as the representative of any particular region or of any particular institution of higher education.

(b) The Council shall consist of ~~eleven~~ 11 members, *none of whom may be a member of the General Assembly appointed by the Governor subject to confirmation by the General Assembly at its next regular session. Prior to July 1, 2003, the Governor shall make all appointments. Beginning July 1, 2003, the Governor shall appoint 6 members and the Joint Rules Committee of the General Assembly shall appoint 5 members. Members appointed by the Joint Rules Committee shall be from a list or lists of persons recommended by the Senate Committee on Finance, the Senate Committee on Education and Health, the House Committee on Appropriations, and the House Committee on Education. Such written recommendations, and other information as deemed necessary by such committees, shall be provided to the Joint Rules Committee at least 90 days before the expiration of an applicable member's term, and within 30 days after an applicable vacancy occurring prior to the expiration of a member's term. All terms shall begin July 1, except for a member appointed to fill a vacancy occurring prior to the expiration of a term. Members shall be appointed for four-year terms, except that appointments an appointment to fill vacancies a vacancy occurring prior to the expiration of a term shall be for the unexpired term. Vacancies shall be filled by whoever shall have appointed the vacating member, whether the vacancy occurs at the end of a member's term or prior thereto. All appointments made by the Governor shall be subject to confirmation by the General Assembly at its next regular session.*

(c) No person having served on the Council for ~~two~~ 2 terms of ~~four~~ 4 years shall be eligible for reappointment to the Council for ~~two~~ 2 years thereafter.

(d) [Repealed.]

(e) The Council shall elect a chairman and a vice-chairman from its own membership and appoint a secretary and such other officers as it deems necessary or advisable, and shall prescribe their duties and term of office.

**2. That the initial appointments under this act to be made by the Governor and the Joint Rules Committee subsequent to June 30, 2003, shall be as follows: (i) for the 2 appointments expiring on**

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SB1255

59 June 30, 2003, the Governor shall appoint 1 member and the Joint Rules Committee shall appoint  
60 1 member; (ii) for the 3 appointments expiring June 30, 2004, the Governor shall appoint 2  
61 members and the Joint Rules Committee shall appoint 1 member; and (iii) for the 3 appointments  
62 expiring June 30, 2005, the Joint Rules Committee shall appoint 3 members. For the member to  
63 be appointed by the Joint Rules Committee whose term shall begin on July 1, 2003, the list or lists  
64 required by subsection (b) of § 23-9.3 shall be delivered to the Joint Rules Committee on or before  
65 April 15, 2003.