

2003 RECONVENED SESSION

SENATE SUBSTITUTE

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SENATE BILL NO. 1255

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 24, 2003)

(Patron Prior to Substitute—Senator Chichester)

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

Be it enacted by the General Assembly of Virginia:

1. That § 23-9.3 of the Code of Virginia is amended and reenacted as follows:

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

(a) A. There is hereby created a *in the executive branch of state government, the State Council of Higher Education for Virginia*, hereinafter sometimes referred to as the Council or the State Council. 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 members appointed by the Governor subject to confirmation by the General Assembly at its next regular session. All terms shall begin July 1. Members shall be appointed for four-year terms, except that appointments to fill vacancies occurring shall be for the unexpired term.

(c) No person having served on the Council for two terms of four years shall be eligible for reappointment to the Council for two 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, and to provide impartial advice concerning the system of higher education in Virginia to the Governor and the General Assembly.

B. The Council shall consist of 13 nonlegislative citizen members to be appointed as follows: seven nonlegislative citizen members to be appointed by the Governor and six nonlegislative citizen members to be appointed by the Joint Rules Committee. The Joint Rules Committee shall appoint members from among persons recommended by the Senate Committee on Education and Health, the Senate Committee on Finance, the House Committee on Education, and the House Committee on Appropriations from a list submitted by each Committee. Such written recommendations and other relevant information pertaining to the nominees shall be submitted to the Joint Rules Committee not less than 90 days before the expiration of the term of a member appointed by the Joint Rules Committee, and not more than 30 days after the vacancy occurring before the expiration of the term of a member appointed by the Joint Rules Committee. Persons appointed to the Council shall possess the experience, leadership skills, and judgment to aid the Council in its work and serve the best interests of the Commonwealth. No member shall act as the advocate for any region of the state or of any particular institution of higher education. Members shall be appointed in such a manner as to ensure geographical representation of the Commonwealth and without regard to political affiliation.

With the exception of the Superintendent of Public Instruction, no employee of the Commonwealth, member of the General Assembly, member of the Board of Education, or officer, employee, trustee, or member of the governing board of any institution of higher education shall be eligible for appointment to the Council. All members shall be citizens of the Commonwealth of Virginia. All members shall be appointed for a term of four years, and all terms shall commence on July 1, with the exception of appointments to fill vacancies occurring before the expiration of a term. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. No member shall be appointed to serve more than two consecutive

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60 *four-year terms. Members who have served two consecutive four-year terms shall not be eligible for*
61 *reappointment unless two years have elapsed since the date of the expiration of their terms. Vacancies*
62 *shall be filled in the same manner as the original appointments. All appointments by the Governor shall*
63 *be subject to confirmation by the General Assembly at its next regular session.*

64 *C. The Governor shall appoint the chairman of the State Council from among its membership and*
65 *shall set the term of office of the chairman. The Council shall elect a vice chairman, secretary, and such*
66 *other officers as it deems necessary from among its membership and shall prescribe the duties and term*
67 *of office of these officers.*

68 **2. That the initial appointments to be made by the Governor and the Joint Rules Committee**
69 **pursuant to this act shall be as follows: (i) of the two new appointments, the Governor shall**
70 **appoint one member and the Joint Rules Committee shall appoint one member; (ii) of the two**
71 **appointments expiring on June 30, 2003, the Governor shall appoint one member and the Joint**
72 **Rules Committee shall appoint one member; (iii) of the three appointments expiring on June 30,**
73 **2004, the Governor shall appoint two members and the Joint Rules Committee shall appoint one**
74 **member; (iv) of the three appointments expiring on June 30, 2005, the Joint Rules Committee**
75 **shall appoint three members; and (v) of the three appointments expiring on June 30, 2006, the**
76 **Governor shall appoint three members. On or before April 15, 2003, the Senate Committee on**
77 **Education and Health, the Senate Committee on Finance, the House Committee on Education, and**
78 **the House Committee on Appropriations shall each submit a list of persons recommended for**
79 **appointment to the State Council for any member whose term shall begin on July 1, 2003, to the**
80 **Joint Rules Committee.**

81 **3. That any vacancy occurring before the expiration of a term for any member appointed prior to**
82 **April 1, 2003, shall be filled by the Governor.**

83 **4. That the term of any member of the State Council of Higher Education for Virginia who no**
84 **longer resides in the Commonwealth shall expire on the effective date of this act.**

85 **5. That an emergency exists and this act is in force from its passage.**