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HOUSE BILL NO. 2071

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on January 31, 2005)

(Patron Prior to Substitute—Delegate Hogan)

A BILL to amend and reenact §§ 2.2-2101, as it is currently effective and as it shall become effective, and 23-14 of the Code of Virginia and to amend the Code of Virginia by adding in Title 23 a chapter numbered 16.5, consisting of sections numbered 23-231.24 through 23-231.29, relating to the Southern Virginia Higher Education Center.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2101, as it is currently effective and as it shall become effective, and 23-14 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 23 a chapter numbered 16.5, consisting of sections numbered 23-231.24 through 23-231.29, as follows:

§ 2.2-2101. (Effective until July 1, 2008) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Council on Indians, who shall be appointed as provided for in § 2.2-2628; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 37.1-207; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided in § 2.2-2685; or to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669.

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60 Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition
61 Commission, who shall be appointed as provided for in § 2.2-2621; to members of the Virginia
62 Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423;
63 to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall
64 be appointed as provided for in § 22.1-346.1; to members of the Substance Abuse Services Council, who
65 shall be appointed as provided for in § 37.1-207; to members of the Criminal Justice Services Board,
66 who shall be appointed as provided in § 9.1-108; or to members of the Virginia Workforce Council,
67 who shall be appointed as provided for in § 2.2-2669.

68 § 23-14. Certain educational institutions declared governmental instrumentalities; powers vested in
69 majority of members of board.

70 The College of William and Mary in Virginia, at Williamsburg; the rector and visitors of Christopher
71 Newport University, at Newport News; Longwood University, at Farmville; the University of Mary
72 Washington, at Fredericksburg; George Mason University, at Fairfax; the James Madison University, at
73 Harrisonburg; Old Dominion University, at Norfolk; the State Board for Community Colleges, at
74 Richmond; the Virginia Commonwealth University, at Richmond; the Radford University, at Radford;
75 the Roanoke Higher Education Authority and Center; the rector and visitors of the University of
76 Virginia, at Charlottesville; the University of Virginia's College at Wise; the Virginia Military Institute,
77 at Lexington; the Virginia Polytechnic Institute and State University, at Blacksburg; the Virginia Schools
78 for the Deaf and the Blind; the Virginia State University, at Petersburg; Norfolk State University, at
79 Norfolk; the Woodrow Wilson Rehabilitation Center, at Fishersville; the Eastern Virginia Medical
80 School; *the Southern Virginia Higher Education Center*, the Southwest Virginia Higher Education
81 Center, and the Institute for Advanced Learning and Research are hereby classified as educational
82 institutions and are declared to be public bodies and constituted as governmental instrumentalities for the
83 dissemination of education. The powers of every such institution derived directly or indirectly from this
84 chapter shall be vested in and exercised by a majority of the members of its board, and a majority of
85 such board shall be a quorum for the transaction of any business authorized by this chapter. Wherever
86 the word "board" is used in this chapter, it shall be deemed to include the members of a governing body
87 designated by another title.

88 CHAPTER 16.5.

89 SOUTHERN VIRGINIA HIGHER EDUCATION CENTER.

90 § 23-231.24. *Southern Virginia Higher Education Center created; duties.*

91 *From such funds as may be appropriated, the Southern Virginia Higher Education Center, previously*
92 *established as an off-campus center of Longwood University, is hereby continued as an educational*
93 *institution in the Commonwealth and shall be referred to in this chapter as the "Center." The Center*
94 *shall:*

95 *1. Encourage the expansion of higher education, including adult and continuing education, associate,*
96 *undergraduate, and graduate degree programs in the region, and foster partnerships between the public*
97 *and private sectors to enhance higher education in the region;*

98 *2. Coordinate the development and delivery of continuing education programs offered by those*
99 *educational institutions serving the region;*

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

101 *4. Serve as a resource and referral center by maintaining and disseminating information on existing*
102 *educational programs and resources; and*

103 *5. Develop, in coordination with the State Council of Higher Education for Virginia, specific goals*
104 *for higher education in Southside Virginia.*

105 § 23-231.25. *Membership of governing board; terms; compensation; officers.*

106 *A. The Center shall be governed by a 15-member Board of Trustees, consisting of the Director of the*
107 *State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia*
108 *Community College System or his designee; the presidents or chancellors, as appropriate, or their*
109 *designees of Longwood University, Danville Community College, and Southside Virginia Community*
110 *College; the division superintendent of Halifax County public schools; two members of the House of*
111 *Delegates to be appointed by the Speaker of the House of Delegates; one member of the Senate to be*
112 *appointed by the Senate Committee on Rules; and six nonlegislative citizen members to be appointed by*
113 *the Governor, including the chairman and two other members of the Halifax Education Foundation, and*
114 *three representatives of business and industry.*

115 *Nonlegislative citizen members of the Board shall be chosen from among residents of the Southside*
116 *region of the Commonwealth and shall be citizens of the Commonwealth.*

117 *B. Legislative members and the representatives of the Council, the Virginia Community College*
118 *System, and the named institutions of higher education shall serve terms coincident with their terms of*
119 *office. After the initial staggering of terms, all nonlegislative citizen appointments shall be for terms of*
120 *four years, except that appointments to fill vacancies shall be for the unexpired terms. Vacancies shall*
121 *be filled in the same manner as the original appointments.*

122 No nonlegislative citizen member of the Board shall be eligible to serve more than two successive
123 four-year terms, but after the expiration of the remainder of a term to which appointed to fill a vacancy,
124 two additional four-year terms may be served by such member if appointed thereto.

125 C. Nonlegislative citizen members shall not be entitled to compensation for their services. Legislative
126 members of the Board shall be compensated as provided in § 30-19.12, and all members of the Board
127 shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their
128 duties in the work of the Center as provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of
129 compensation and expenses of the members shall be provided by the Center.

130 D. The Board shall elect a chairman and a vice-chairman from among its members.

131 § 23-231.26. Powers of Board; contracts for educational services.

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

137 B. The Board shall have the authority to establish and administer agreements with public and private
138 institutions of higher education for the provision of associate, undergraduate, and graduate degree
139 instructional programs at the Center.

140 § 23-231.27. Executive director; powers and duties; staff.

141 A. The Board shall appoint an executive director for the Center who shall supervise and manage the
142 Center and shall prepare and submit, upon direction and approval by the Board, all requests for
143 appropriations. The Executive Director of the Center shall be authorized to employ such staff as
144 necessary to enable the Center to perform its duties as set forth in this chapter. The Board is authorized
145 to determine the duties of such staff and to fix salaries and compensation from such funds as may be
146 appropriated or received.

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

149 § 23-231.28. Application for and acceptance of gifts and grants.

150 The Board is authorized on behalf of the Center to apply for, accept, and expend gifts, grants, or
151 donations from public or private sources to enable it to carry out its objectives.

152 § 23-231.29. Cooperation of other agencies.

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