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SENATE BILL NO. 1119

Offered January 12, 2005

Prefiled January 12, 2005

A BILL to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 7, consisting of sections numbered 2.2-2518 through 2.2-2522, relating to the Virginia Commission on Higher Education Board Appointments; report.

Patrons—Norment; Delegate: Barlow

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 7, consisting of sections numbered 2.2-2518 through 2.2-2522, as follows:

Article 7.

Virginia Commission on Higher Education Board Appointments.

§ 2.2-2518. *The Virginia Commission on Higher Education Board Appointments; purpose.*

The Virginia Commission on Higher Education Board Appointments, (the Commission) is established as an advisory commission in the executive branch of state government.

The purpose of the Commission shall be to review and evaluate potential appointees to the governing bodies of Virginia's public institutions of higher education, the Virginia Community College Board, and the State Council of Higher Education for Virginia, and to make recommendations to the Governor.

§ 2.2-2519. *Membership; terms; quorum; meetings.*

The Commission shall have a total membership of seven members that shall consist of five nonlegislative citizen members and two ex officio members. Nonlegislative citizen members shall be appointed as follows: two nonlegislative citizen members who shall be former members of either the board of visitors of a public institution of higher education or the State Board for Community Colleges; one nonlegislative citizen member who shall be either a former president, provost, or executive vice president of a public institution of higher education; and two nonlegislative citizen members who shall be citizens-at-large to be appointed by the Governor. The Secretary of Education or his designee and the Secretary of the Commonwealth or his designee shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

Nonlegislative citizen members shall serve at the pleasure of the Governor, and ex officio members of the Commission shall serve terms coincident with their terms of office.

The initial appointments of nonlegislative citizen members shall be staggered as follows: two former members of either the board of visitors of a Virginia public institution of higher education or the State Board for Community Colleges for a term of three years; one former president, or provost, or executive vice president of a Virginia public institution of higher education for a term of two years; and two nonlegislative citizens-at-large for a term of one year appointed by the Governor. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years.

Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year 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.

The Commission shall elect a chairman and vice chairman from among its membership. A majority of the members shall constitute a quorum. The Commission shall meet no more than four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

§ 2.2-2520. *Compensation; expenses.*

Members of the Commission shall serve without compensation. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Office of the Secretary of the Commonwealth.

§ 2.2-2521. *Powers and duties of the Commission.*

The Commission shall have the following powers and duties:

1. Develop and implement a process for evaluating potential appointees to higher education governing boards, based on substantive qualifications, including merit and experience.

2. Make recommendations to the Governor at least 30 days prior to the expiration of terms for

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59 *which recommendations have been requested to fill vacancies on higher education governing boards.*

60 *3. Submit an annual report to the Governor and the General Assembly for publication as a report*
61 *document as provided in the procedures of the Division of Legislative Automated Systems for the*
62 *processing of legislative documents and reports. The chairman shall submit to the Governor and the*
63 *General Assembly an annual executive summary of the interim activity and work of the Commission no*
64 *later than the first day of each regular session of the General Assembly. The executive summary shall*
65 *be submitted as a report document as provided in the procedures of the Division of Legislative*
66 *Automated Systems for the processing of legislative documents and reports and shall be posted on the*
67 *General Assembly's website.*

68 *§ 2.2-2521. Staffing.*

69 *The Office of the Secretary of the Commonwealth shall provide staff support to the Commission, and*
70 *also provide copies of resumes and correspondence it receives related to appointments to higher*
71 *education governing boards. All agencies of the Commonwealth shall provide assistance to the*
72 *Commission, upon request.*

73 *§ 2.2-2522. Sunset.*

74 *This article shall expire on July 1, 2008.*

75 **2. That the initial appointments of nonlegislative citizen members shall be staggered as follows:**
76 **two former members of either the board of visitors of a Virginia public institution of higher**
77 **education or the State Board for Community Colleges for a term of three years; one former**
78 **president, or provost, or executive vice president of a Virginia public institution of higher**
79 **education for a term of two years; and two nonlegislative citizens-at-large for a term of one year**
80 **appointed by the Governor.**