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SENATE BILL NO. 40**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Appropriations
on February 27, 2006)

(Patron Prior to Substitute—Senator Reynolds)

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 16.6, consisting of sections numbered 23-231.30 through 23-231.36, relating to the New College Institute.

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 is amended and reenacted and that the Code of Virginia is amended by adding in Title 23 a chapter numbered 16.6, consisting of sections numbered 23-231.30 through 23-231.36, 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 Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; 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 § 37.1-2696; 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 for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Commission on Civics Education, who shall be appointed as provided for in § 22.1-212.18; or to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109.

§ 2.2-2101. (Effective 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

60 Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the
 61 Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as
 62 provided for in § 23-231.25; *to members of the Board of Directors of the New College Institute who*
 63 *shall be appointed as provided for in § 23-231.31*; to members of the Virginia Interagency Coordinating
 64 Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans
 65 Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of
 66 Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the
 67 Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to
 68 members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as
 69 provided for in § 2.2-2423; to members of the Advisory Commission on the Virginia Schools for the
 70 Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the
 71 Substance Abuse Services Council, who shall be appointed as provided for in § 37.2-2696; to members
 72 of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of
 73 the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be
 74 appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be
 75 appointed as provided for in § 2.2-2669; to members of the Commission on Civics Education, who shall
 76 be appointed as provided for in § 22.1-212.18; or to members of the Forensic Science Board, who shall
 77 be appointed as provided for in § 9.1-1109.

78 § 23-14. Certain educational institutions declared governmental instrumentalities; powers vested in
 79 majority of members of board.

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

98 CHAPTER 16.6.

99 THE NEW COLLEGE INSTITUTE.

100 § 23-231.30. *The New College Institute created; responsibilities.*

101 A. *With such funds as are appropriated or made available for this purpose, there is hereby created*
 102 *and constituted, in the area of Martinsville and Henry County, Virginia, an educational institution of the*
 103 *Commonwealth to be known as the New College Institute, hereinafter referred to as New College.*

104 B. *New College shall:*

105 1. *Seek to diversify the region's economy by engaging the resources of other institutions of higher*
 106 *education, public and private bodies, and organizations of the region and state.*

107 2. *Serve as a catalyst for economic and community transformation by leveraging and brokering*
 108 *resources that support economic diversity.*

109 3. *Facilitate development of the technology and trained workforce necessary for new economic*
 110 *enterprises to flourish, using the resources available from collaborating educational institutions.*

111 4. *Expand educational opportunities in the region by providing access to degree-granting programs,*
 112 *including undergraduate, graduate, and professional programs, through partnerships with private and*
 113 *public institutions of higher education, the public schools, and public and private sectors.*

114 5. *Encourage and coordinate the development and delivery of degree programs and other credit and*
 115 *noncredit courses with a focus on statewide and regional critical shortage areas as well as the needs of*
 116 *industry. This shall include needed adult education and workforce training.*

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

119 § 23-231.31. *Board of Directors; membership; appointments; terms; compensation; officers.*

120 A. *New College shall be governed by a Board of Directors consisting of 12 members. Members of*
 121 *the Board shall be appointed as follows: seven nonlegislative members to be appointed by the Governor,*

subject to the approval of the General Assembly; three members to be appointed by the Speaker of the House of Delegates; and two members to be appointed by the Senate Committee on Rules. Of the 12 members, no more than two may be nonresidents of the Commonwealth.

Legislative members shall serve terms coincident with their terms of office. After the initial staggering of terms, all nonlegislative citizen appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

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

B. The Board shall elect a chairman and vice chairman from among its members and may establish bylaws as necessary.

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

§ 23-231.32. Powers and duties of Board; contracts for educational services.

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

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

§ 23-231.33. Curriculum.

The Board shall direct the development and focus of New College's curriculum. The curriculum shall include appropriate degree and nondegree programs offered by other educational institutions. New College shall enroll students by the fall semester of 2007 or as soon as practicable.

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

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

§ 23-231.35. Executive Director; responsibilities.

The Board shall appoint an Executive Director of New College who shall supervise and manage New College. The Executive Director shall be authorized, with the oversight of the Board, to employ such staff and faculty as are necessary to enable New College to perform its duties as set forth in this chapter and the bylaws established by the Board.

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

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

The Board may also request and accept the cooperation of agencies of the Commonwealth or the local governments located in Southside Virginia in the performance of its duties.