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**SENATE BILL NO. 40****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee on Finance  
on February 9, 2006)

(Patron Prior to Substitute— Senator Reynolds)

A *BILL to amend and reenact § 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 § 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:**

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

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

**CHAPTER 16.6.****THE NEW COLLEGE INSTITUTE.**

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

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

B. *New College shall:*

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

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

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

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

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

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

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

A. *New College shall be governed by a Board of Directors. The Board shall consist of 12 members, seven appointed by the Governor and serving at his pleasure, three appointed by the Speaker of the House of Delegates, and two appointed by the Senate Committee on Rules. The Governor's appointees shall include the chief executives or their designees of at least three public institutions of higher education in the Commonwealth, the chief executive or his designee of at least one private institution of*

60 higher education in the Commonwealth, and at least three residents of the region. No more than two  
61 members may be nonresidents of the Commonwealth.

62 B. Initial terms of appointment shall be for three years, and may be renewed for an additional term.

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

65 D. Members of the Board shall not be entitled to receive compensation. All members shall be  
66 reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as  
67 provided in §§ 2.2-2813 and 2.2-2825. Funding for the cost of expenses of the members shall be  
68 provided by the New College.

69 § 23-231.32. Powers and duties of Board; contracts for educational services.

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

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

78 § 23-231.33. Curriculum.

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

82 § 23-231.34. Sale, etc., of real estate.

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

91 § 23-231.35. Executive Director; responsibilities.

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

96 § 23-231.36. Gifts, grants, and donations; cooperation with other agencies.

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

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