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**SENATE BILL NO. 939**

Offered January 12, 2011

Prefiled January 10, 2011

*A BILL to amend and reenact §§ 23-41, 23-49.14, 23-49.25, 23-50.6, 23-70, 23-91.26, 23-91.36, 23-93, 23-115, 23-155.4, 23-164.3, 23-165.4, 23-174.4, 23-185, 23-216, and 23-231.31 of the Code of Virginia, relating to boards of visitors of public colleges and universities.*

Patron—Miller, J.C.

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 23-41, 23-49.14, 23-49.25, 23-50.6, 23-70, 23-91.26, 23-91.36, 23-93, 23-115, 23-155.4, 23-164.3, 23-165.4, 23-174.4, 23-185, 23-216, and 23-231.31 of the Code of Virginia are amended and reenacted as follows:**

§ 23-41. Appointment of visitors generally; number and terms; vacancies.

The board of visitors is to consist of ~~17~~ 19 members, ~~17 of whom shall~~ be appointed by the Governor, four of whom may be nonresidents of Virginia, ~~and two of whom shall be chosen by the other 17 members.~~

All appointments shall be for terms of four years each, except appointments to fill unexpired vacancies which shall be made by the Governor for the remainder of the unexpired terms. ~~However, the term of the member holding the office of Rector on March 1, 2005, shall be extended for one year to June 30, 2006. The Governor may make an appointment for the member whose term is so extended to June 30, 2006, as though this service extension had not been granted and the term had expired as scheduled.~~

The board of visitors may be expanded to no more than 18 members from July 1, 2005, to June 30, 2006. Thereafter, the membership shall revert to 17 members. Reappointment by the Governor of any member eligible for the service extension shall be for the term of four years.

No person shall be eligible to serve more than two consecutive four-year terms, except that a member may be appointed to a term of less than four years immediately prior to or between the four-year terms. For the purpose of determining service eligibility, any term of service extended to June 30 of the respective year pursuant to this section shall be treated as a four-year term. Hereafter, all appointments shall expire June 30 of the year in which the term expires.

All appointments are subject to confirmation by the General Assembly if in session when such appointments are made, and if not in session, at its next succeeding session.

§ 23-49.14. Appointment of visitors generally; number and terms; vacancies; confirmation.

(a) The board of visitors is to consist of ~~seventeen~~ 19 members, ~~17 of whom shall~~ be appointed by the Governor, three of whom may be nonresidents of the Commonwealth of Virginia and at least three of whom shall be alumni of Old Dominion University, ~~and two of whom shall be chosen by the other 17 members.~~

(b) Prior to July 1, 1980, the Governor shall appoint successors to the members whose terms expire in 1980 for terms of four years and four additional members, one for a term of one year, one for a term of two years, one for a term of three years and one for a term of four years. Annually thereafter, the Governor shall appoint members to fill vacancies caused by the expiration of terms for terms of four years.

(c) All vacancies, whether occasioned by failure to make an appointment within the sixty days preceding any regular expiration as required, or otherwise, are to be filled by the Governor for the unexpired term.

(d) All appointments are subject to confirmation by the General Assembly if in session when such appointments are made, and if not in session, then at its next succeeding session. Visitors shall continue to discharge their duties after their terms have expired until their successors have been appointed and have qualified.

§ 23-49.25. Appointments of visitors generally; terms.

A. The board shall consist of ~~fourteen~~ 16 members, ~~14 of whom shall be~~ appointed by the Governor, ~~and two of whom shall be chosen by the other 14 members.~~

Appointments shall be for terms of four years; however, appointments to fill vacancies occurring otherwise than by expiration of terms shall be for the unexpired terms.

B. All appointments of the Governor shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

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59 § 23-50.6. Appointment, terms, etc., of board of visitors; boards of predecessor institutions to serve  
60 as advisory boards.

61 (a) The board of visitors is to consist of ~~sixteen~~ 18 members, *16 of whom shall* ~~to~~ be appointed by  
62 the Governor, *and two of whom shall be chosen by the other 16 members*, for four-year terms except  
63 that vacancies other than by expiration of term shall be filled as provided in subsection (d) and except  
64 that the initial term of the member appointed to increase the board of visitors to sixteen members shall  
65 be three years.

66 (b) [Repealed.]

67 (c) Members shall be eligible for service for two consecutive terms of four years only (exclusive of  
68 that portion of any unexpired term or any term on the board of less than four years to which he may  
69 have been appointed).

70 (d) All vacancies shall be filled by the Governor for the unexpired terms.

71 (e) All appointments are subject to confirmation by the General Assembly if in session when such  
72 appointments are made, and if not in session, at its next succeeding session. Visitors shall continue to  
73 discharge their duties after their terms have expired until their successors have been appointed and have  
74 qualified.

75 (f), (g) [Repealed.]

76 § 23-70. Appointment of visitors generally; number and terms of office.

77 A. The board of visitors is to consist of ~~sixteen~~ 18 visitors, *16 of whom shall be* appointed by the  
78 Governor, of whom at least thirteen shall be appointed from the Commonwealth at large and not more  
79 than three shall be appointed from the nonresident alumni of the University of Virginia, *and two of*  
80 *whom shall be chosen by the other 16 members*.

81 B. All appointments on or after July 1, 2008, shall be for terms of four years and commence July 1  
82 of the first year of appointment, except that appointments to fill vacancies shall be made for the  
83 unexpired terms. Members shall complete their service on June 30 of the year in which their respective  
84 terms expire, including appointments made prior to July 1, 2008. All appointments for full terms, as  
85 well as to fill vacancies, shall be made by the Governor subject to confirmation by the Senate and the  
86 House of Delegates.

87 § 23-91.26. Appointment and terms of visitors generally.

88 (a) The board shall consist of ~~sixteen~~ 18 members, ~~who~~ *16 of whom* shall be appointed by the  
89 Governor, *and two of whom shall be chosen by the other 16 members*. Of the ~~sixteen~~ 18 members, two  
90 may be nonresidents of Virginia.

91 (b) ~~In 1972 the~~ The Governor shall appoint the members of the board for terms beginning July 1,  
92 ~~1972 of each year~~. At least one of the members appointed each year ~~beginning in 1978~~ shall be an  
93 alumnus of George Mason University or of the George Mason College Division of the University of  
94 Virginia and, insofar as is possible, ten of the sixteen members shall be representative of the principal  
95 political subdivisions comprising Planning District Number Eight and of Fauquier County. Four of such  
96 appointments shall be for terms of four years each, four for terms of three years, four for terms of two  
97 years, and four for terms of one year. Subsequent appointments shall be for terms of four years;  
98 provided, however, that appointments to fill vacancies occurring otherwise than by expiration of terms  
99 shall be for the unexpired terms.

100 (c) All appointments shall be subject to confirmation by the General Assembly. Members shall  
101 continue to hold office until their successors have been appointed and have qualified.

102 § 23-91.36. Appointment of visitors generally; terms.

103 (a) The board shall consist of ~~twelve~~ 14 members, ~~who~~ *12 of whom* shall be appointed by the  
104 Governor, *and two of whom shall be chosen by the other 12 members*. Of the ~~twelve~~ 14 members, no  
105 more than three may be nonresidents of Virginia.

106 (b) ~~In 1972 the~~ Governor shall appoint the members of the board for terms beginning July 1, ~~1972~~.  
107 ~~Three of such appointments shall be for terms of four years each, three for terms of three years, three~~  
108 ~~for terms of two years, and three for terms of one year. Subsequent appointments~~ Appointments shall be  
109 for terms of four years; provided, however, that appointments to fill vacancies occurring otherwise than  
110 by expiration of terms shall be for the unexpired terms.

111 (c) All appointments shall be subject to confirmation by the General Assembly. Members shall  
112 continue to hold office until their successors have been appointed and have qualified.

113 § 23-93. Appointment of visitors generally.

114 A. The board of visitors shall consist of ~~sixteen~~ 18 visitors, *16 of whom shall* ~~to~~ be appointed by the  
115 Governor, *and two of whom shall be chosen by the other 16 members*, and the Adjutant General, ex  
116 officio. Of the visitors appointed by the Governor, twelve shall be alumni of the Institute and four shall  
117 not be alumni of the Institute. The four visitors appointed by the Governor who are not alumni of the  
118 Institute shall be residents of the Commonwealth. ~~Until June 30, 1985, nine of the twelve alumni~~  
119 ~~visitors shall be residents of the Commonwealth. Thereafter eight~~ Eight of the twelve alumni visitors  
120 shall be residents of the Commonwealth. The remaining alumni visitors shall be nonresidents.

B. Each appointive visitor in office on July 1, 1980, shall continue in office until the expiration of the term for which he was appointed. Of the visitors to be appointed for terms commencing July 1, 1980, four shall be appointed for terms of three years and four for terms of four years. One of such visitors appointed for a four-year term and one appointed for a three-year term shall not be alumni of the Institute. One of such visitors appointed for a four-year term and one appointed for a three-year term shall be nonresident alumni. Thereafter all *All* appointments shall be for terms of four years and one visitor appointed each year shall not be an alumnus of the Institute. Beginning in 1985 and thereafter, ~~one~~ *One* visitor appointed each year shall be a nonresident alumnus.

All appointments for full terms, as well as to fill vacancies, shall be made by the Governor subject to confirmation by the General Assembly.

§ 23-115. Appointment of visitors generally; number and eligibility.

The board of visitors is to consist of ~~fourteen~~ 16 members, thirteen of whom shall be appointed by the Governor, *two of whom shall be chosen by the other 14 members*, and one of whom shall be the President of the Board of Agriculture and Consumer Services, ex officio. Of the members appointed by the Governor, three may be nonresidents. The visitors in the office on April 9, 1945, are continued in office until the end of their respective terms, or until June 30, 1945, whichever last occurs.

As soon as practicable after April 9, 1945, the *The* Governor shall appoint four members to fill the unexpired portions of the terms which began on July 1, 1944, and shall appoint three additional members for new terms of two years and two for new terms of four years, each term beginning July 1, 1945. He shall, in addition, appoint the President of the State Board of Agriculture and Consumer Services as an ex officio member for a term of four years to begin July 1, 1945; provided that, if the tenure in office as President of such ex officio member expires within that time, the Governor shall appoint such member's successor to fill the unexpired term. Such President shall remain eligible for appointment as an ex officio member so long as he continues in office as President. All appointments for full terms, as well as to fill vacancies, shall be made by the Governor subject to confirmation by the Senate.

§ 23-155.4. Appointment of visitors; terms; vacancies.

(a) The board shall consist of ~~15~~ 17 members, *15 of whom* ~~who~~ shall be appointed by the Governor, *and two of whom shall be chosen by the other 15 members*.

(b) Of the four members taking new seats of the board to be appointed by the Governor for terms beginning July 1, 2007, two shall be appointed for initial terms of three years each and two for terms of four years each. Successors to all members shall be appointed to serve for terms of four years each. Vacancies occurring other than by expiration of term shall be filled for the unexpired term. Of the persons so appointed four may be nonresidents of the Commonwealth.

(c) All appointments shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

§ 23-164.3. Appointment of members of board of visitors generally; terms; vacancies.

The board shall consist of ~~fifteen~~ 17 members, *15 of whom* ~~who~~ shall be appointed by the Governor, *and two of whom shall be chosen by the other 15 members*.

Of the four members of the board appointed for terms beginning July 1, 1989, two members shall be appointed for initial terms of two years and two members shall be appointed for initial terms of three years. Successors to the members so appointed shall be appointed to serve for terms of four years each. Vacancies occurring other than by expiration of term shall be filled for the unexpired term. Of the persons so appointed two may be nonresidents of the Commonwealth.

All appointments shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

§ 23-165.4. Members of board; appointment; terms; vacancies.

A. The board shall consist of ~~15~~ 17 members, *15 of whom shall be* appointed by the Governor, of whom three shall be alumni of the university, and at least 10 shall be residents of Virginia, *and two of whom shall be chosen by the other 15 members*. All appointments shall be for a term of four years. No member shall serve for more than two consecutive four-year terms. Vacancies shall be filled in the same manner as the original appointments. 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. Of the four additional members appointed to the board on July 1, 2008, the Governor shall appoint two members for an initial term of four years, and two members for an initial term of two years. Thereafter, such members and their successors shall be appointed for a term of four years, in accordance with the provisions of this section.

B. The Governor may appoint alumni visitors from a list of qualified persons submitted to him upon the recommendation of the National Alumni Association of Virginia State University on or before July 1 of any year in which the terms of such visitors shall expire. The alumni association shall submit the

names of at least three qualified alumni for each such vacancy.

C. All appointments shall be subject to the confirmation of the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

§ 23-174.4. Composition of board of visitors; appointment, terms, etc.

A. The board of visitors shall consist of ~~13~~ 15 members, *two of whom* ~~who~~ shall be appointed, on or before June 30 of any year in which their terms shall expire, by the Governor, *and two of whom shall be chosen by the other 13 members*, for terms of four years. Of the persons so appointed, four shall be alumni of Norfolk State University of which three may be nonresidents of the Commonwealth. Vacancies occurring other than by expiration of term shall be filled by the Governor for the unexpired term.

B. The Governor may appoint alumni visitors from a list of qualified persons submitted to him upon the recommendation of the National Alumni Association of Norfolk State University on or before November 1 of any year in which the terms of such visitors shall expire. The National Alumni Association of Norfolk State University shall submit the names of four qualified alumni for each vacancy.

C. All appointments shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and qualified. Members shall be eligible for two consecutive terms of four years, exclusive of that portion of any term on the initial board of less than four years or any unexpired term.

§ 23-185. Composition of board; appointment and terms of visitors generally; vacancies; confirmation.

A. The board shall consist of ~~13~~ 15 members, *13 of whom* ~~who~~ shall be appointed by the Governor, *and two of whom shall be chosen by the other 13 members*.

B. The Governor shall appoint the 13 appointive members of the board for terms of four years each. ~~Members~~ All members shall be eligible for service for two consecutive terms of four years, exclusive of that portion of any unexpired term. Successors to the members ~~so appointed~~ shall be appointed to serve for terms of four years each. Vacancies occurring other than by expiration of term shall be filled for the unexpired term. Of the persons so appointed two shall be alumni of the University, and two may be nonresidents of the Commonwealth, the remaining number to be selected from the Commonwealth at large.

C. All appointments shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

§ 23-216. Number, terms and eligibility of members of Board.

(a) The State Board shall consist of ~~fifteen~~ 17 members, *15 of whom shall be appointed* by the Governor, *and two of whom shall be chosen by the other 15 members*, subject to confirmation by the General Assembly if in session, and if not, at its next succeeding session. The first appointments shall be four members for one year, four members for two years, four members for three years and three members for four years, and thereafter all such appointments shall be made for terms of four years each, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be eligible to serve more than two consecutive four-year terms, except that a member may be appointed to a term of less than four years immediately prior to or between the four-year terms. No person shall be eligible for reappointment following two consecutive four-year terms for two years thereafter. Members shall continue to discharge their duties after their terms have expired until their successors have been appointed and have qualified.

(b) The State Board shall be composed of persons selected from the Commonwealth at large. No officer, employee, or member of the governing board of any public institution of higher education, or of any school subject to the control of the State Board, or any member of the General Assembly, or any member of the State Board of Education, shall be eligible for appointment to the Board. All members of the Board 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.

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

A. New College shall be governed by a Board of Directors consisting of ~~12~~ 14 members. Members of 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 in accordance with the rules of proportional representation in the Rules of the House; ~~and~~ two members to be appointed by the Senate Committee on Rules; *and two members to be chosen by the other 12 members*. Of the ~~12~~ 14 members, no more than two may be nonresidents of the Commonwealth.

Legislative members shall serve terms coincident with their terms of office. Beginning with the 2006-2007 fiscal year or for the first fiscal year of the Commonwealth in which funds are appropriated for the purposes of this chapter, whichever is later, of the Governor's initial appointments to the Board,

two shall be appointed for terms of four years, two for terms of three years, two for terms of two years, and one for a term of one year. Notwithstanding any other provision of this chapter, each of the Governor's initial appointees may be appointed to one additional successive four-year term. 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.