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SENATE BILL NO. 955

Offered January 11, 2017

Prefiled January 2, 2017

A *BILL to amend and reenact §§ 2.2-208, 2.2-402, 2.2-1153, 2.2-2016.1, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2105, 2.2-2263, 2.2-2519, 2.2-2801, 2.2-2817.2, 2.2-2901, 2.2-2905, 2.2-3106, 2.2-3701, 2.2-3705.7, 2.2-3711, 2.2-4115, 22.1-290.1, 22.1-346, 22.1-346.2, 23.1-100, 23.1-507, 23.1-615, 23.1-800, 23.1-802, 23.1-907, 23.1-1100, 23.1-1300, 23.1-1301, 23.1-1309, 23.1-1310, 23.1-1400, 23.1-1500, 23.1-1600, 23.1-1700, 23.1-1800, 23.1-1900, 23.1-1901, 23.1-2000, 23.1-2100, 23.1-2200, 23.1-2300, 23.1-2400, 23.1-2402, 23.1-2403, 23.1-2425, 23.1-2500, 23.1-2600, 23.1-2640, 23.1-2700, 23.1-2800, 23.1-3000, 23.1-3002, 23.1-3204, 30-133.1, 30-359, 30-360, 32.1-127.1:05, 46.2-1228, 51.1-126.3, and 51.1-1100 of the Code of Virginia, certain educational institutions; designation of governing boards.*

Patrons—DeSteph; Delegate: Morefield

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-208, 2.2-402, 2.2-1153, 2.2-2016.1, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2105, 2.2-2263, 2.2-2519, 2.2-2801, 2.2-2817.2, 2.2-2901, 2.2-2905, 2.2-3106, 2.2-3701, 2.2-3705.7, 2.2-3711, 2.2-4115, 22.1-290.1, 22.1-346, 22.1-346.2, 23.1-100, 23.1-507, 23.1-615, 23.1-800, 23.1-802, 23.1-907, 23.1-1100, 23.1-1300, 23.1-1301, 23.1-1309, 23.1-1310, 23.1-1400, 23.1-1500, 23.1-1600, 23.1-1700, 23.1-1800, 23.1-1900, 23.1-1901, 23.1-2000, 23.1-2100, 23.1-2200, 23.1-2300, 23.1-2400, 23.1-2402, 23.1-2403, 23.1-2425, 23.1-2500, 23.1-2600, 23.1-2640, 23.1-2700, 23.1-2800, 23.1-3000, 23.1-3002, 23.1-3204, 30-133.1, 30-359, 30-360, 32.1-127.1:05, 46.2-1228, 51.1-126.3, and 51.1-1100 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-208. Position established; agencies for which responsible; powers and duties.

A. The position of Secretary of Education (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Education, State Council of Higher Education, Virginia Museum of Fine Arts, The Science Museum of Virginia, Frontier Culture Museum of Virginia, The Library of Virginia, Jamestown-Yorktown Foundation, Board of Regents of Gunston Hall, the Commission for the Arts, and the ~~Board~~ *board of Visitors trustees* of the Virginia School for the Deaf and the Blind. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

B. Unless the Governor expressly reserves such a power to himself, the Secretary may (i) resolve administrative, jurisdictional, or policy conflicts between any agencies or officers for which he is responsible and (ii) provide policy direction for programs involving more than a single agency.

C. The Secretary may direct the preparation of alternative policies, plans, and budgets for education for the Governor and, to that end, may require the assistance of the agencies for which he is responsible.

D. The Secretary shall direct the formulation of a comprehensive program budget for cultural affairs encompassing the programs and activities of the agencies involved in cultural affairs.

E. The Secretary shall consult with the agencies for which he is responsible and biennially report to the General Assembly on the coordination efforts among such agencies.

§ 2.2-402. Keeper of seals of Commonwealth; duties generally.

A. The Secretary of the Commonwealth shall (i) be keeper of the seals of the Commonwealth; (ii) keep a record of all executive acts, arrange and preserve all records and papers belonging to the executive branch of state government; (iii) be charged with the clerical duties of that department; and (iv) render to the Governor, in the dispatch of executive business, such services as he requires. The Secretary of the Commonwealth shall record or register all papers or documents required by law to be registered or recorded in his office, and, when required, furnish a copy of any record in his office under the seal of the Commonwealth.

B. The Secretary of the Commonwealth may authenticate records of any court of the Commonwealth and of any department of the government. He shall keep a register of all city, incorporated town, county, and district officers, and, when required, give a certificate of the election and qualification of any such officer.

C. The Secretary of the Commonwealth shall make an annual report to the Governor, identifying the following: ~~(a)~~ *(i) the governing boards of visitors of all public institutions of higher education, and other boards appointed by the Governor; (b)* *(ii) all commissions issued under appointments made by the*

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59 Governor, except commissions to notaries public; ~~(e)~~ (iii) all departments, boards, councils,
60 commissions, and other collegial bodies created in the executive branch of state government; and ~~(d)~~ (iv)
61 such other matters as the Governor requires.

62 The annual report shall also include:

63 1. An organizational chart of state government that (i) identifies each agency, department, and
64 institution of state government and (ii) contains a brief description of the duties of each agency,
65 department, and institution. The Secretary of the Commonwealth may include such other information in
66 the organizational chart as the Secretary deems appropriate. Annually, the Secretary shall make such
67 revisions to the organizational chart as are necessary to ensure its accuracy. The organizational chart
68 shall be posted on the Commonwealth's website; and

69 2. Information and photographs of the members of the General Assembly; these materials shall be
70 maintained for the Secretary's use in the annual report by the Clerks of the House of Delegates and the
71 Senate.

72 The reports shall be transmitted by the Governor to the General Assembly, printed as other annual
73 reports are printed, bound in a separate volume, and disposed of according to law.

74 D. The Secretary of the Commonwealth shall collect all fees described in § 2.2-409, and all other
75 fees of office and commissions, accruing and pay them into the state treasury.

76 **§ 2.2-1153. State agencies and institutions to notify Department of property not used or**
77 **required; criteria.**

78 A. Whenever any department, agency or institution of state government possesses or has under its
79 control state-owned or leased property that is not being used to full capacity or is not required for the
80 programs of the department, agency or institution, it shall so notify the Department. Such notification
81 shall be in a form and manner prescribed by the Department. Each department, agency and institution
82 shall submit to the Department a land use plan for state-owned property it possesses or has under its
83 control showing present and planned uses of such property. Such plan shall be approved by the
84 cognizant board or governing body of the department, agency or institution holding title to or otherwise
85 controlling the state-owned property or the agency head in the absence of a board or governing body,
86 with a recommendation on whether any property should be declared surplus by the department, agency
87 or institution. Development of such land use plans shall be based on guidelines promulgated by the
88 Department. The guidelines shall provide that each land use plan shall be updated and copies provided
89 to the Department by September 1 of each year. The Department may exempt properties that are held
90 and used for conservation purposes from the requirements of this section. The Department shall review
91 the land use plans, the records and inventory required pursuant to subsection B of § 2.2-1136 and such
92 other information as may be necessary and determine whether the property or any portion thereof should
93 be declared surplus to the needs of the Commonwealth. By October 1 of each year, the Department shall
94 provide a report to the Chairmen of the House Appropriations and Senate Finance Committees setting
95 forth the Department's findings, the sale or marketing of properties identified pursuant to this section,
96 and recommending any actions that may be required by the Governor and the General Assembly to
97 identify and dispose of property not being efficiently and effectively utilized. The Department shall
98 provide a listing of surplus properties on the Department's website. The description of surplus property
99 shall include parcel identification consistent with national spatial data standards in addition to a street
100 address.

101 Until permanent disposition of the property determined to be surplus is effected, the property shall
102 continue to be maintained by the department, agency or institution possessing or controlling it, unless
103 upon the recommendation of the Department, the Governor authorizes the transfer of the property to the
104 possession or control of the Department. In this event, the department, agency or institution formerly
105 possessing or controlling the property shall have no further interest in it.

106 B. The Department shall establish criteria for ascertaining whether property under the control of a
107 department, agency or institution should be classified as "surplus" to its current or proposed needs. Such
108 criteria shall provide that the cognizant board or governing body, if any, of the department, agency or
109 institution holding the title to or otherwise controlling the state-owned property, or the agency head in
110 the absence of a board or governing body, shall approve the designation of the property as surplus.

111 C. Notwithstanding the provisions of subsection A:

112 1. The property known as College Woods, which includes Lake Matoaka and is possessed and
113 controlled by a college founded in 1693, regardless of whether such property has been declared surplus
114 pursuant to this section, shall not be transferred or disposed of without the approval of the board of
115 ~~visitors~~ trustees of such college by a two-thirds vote of all board members at a regularly scheduled
116 board meeting. The General Assembly shall also approve the disposal or transfer.

117 2. Surplus real property valued at less than \$5 million that is possessed and controlled by a public
118 institution of higher education may be sold by such institution, provided that (i) at least 45 days prior to
119 executing a contract for the sale of such property, the institution gives written notification to the
120 Governor and the Chairmen of the House Appropriations and Senate Finance Committees; and (ii) the

Governor may postpone the sale at any time up to 10 days prior to the proposed date of sale. Such sale may be effected by public auction, sealed bids, or by marketing through one or more Virginia licensed real estate brokers after satisfying the public notice provisions of subsection A of § 2.2-1156. The terms of all negotiations resulting in such sale shall be public information. The public institution of higher education may retain the proceeds from the sale of such property if the property was acquired by nongeneral funds. If the institution originally acquired the property through a mix of general and nongeneral funds, 50 percent of the proceeds shall be distributed to the institution and 50 percent shall be distributed to the State Park Conservation Resources Fund established under subsection A of § 10.1-202. The authority of a public institution of higher education to sell surplus real property described under this subdivision or to retain any proceeds from the sale of such property shall be subject to the institution meeting the conditions prescribed in subsection A of § 23.1-1002 and § 23.1-1019 (regardless of whether or not the institution has been granted any authority under Article 4 (§ 23.1-1004 et seq.) of Chapter 10 of Title 23.1).

§ 2.2-2016.1. Additional powers and duties of the CIO relating to project management.

A. The CIO shall have the following duties related to the management of information technology projects:

1. Develop policies, standards, and guidelines that require the Division to review and recommend to the CIO Commonwealth information technology projects proposed by executive branch agencies. Such policies, standards, and guidelines shall include in the review an assessment of the (i) degree to which the project is consistent with the Commonwealth's overall strategic plan; (ii) technical feasibility of the project; (iii) benefits to the Commonwealth of the project, including customer service improvements; (iv) risks associated with the project; (v) continued funding requirements; and (vi) past performance by the executive branch agency on other projects.

2. Develop a Commonwealth Project Management Standard for information technology projects by executive branch agencies that establishes a methodology for the initiation, planning, execution, and closeout of information technology projects and related procurements. Such methodology shall include the establishment of appropriate oversight for information technology projects. The basis for the governance and oversight of information technology projects shall include, but not be limited to, an assessment of the project's risk and complexity. The Commonwealth Project Management Standard shall require that all such projects conform to the Commonwealth strategic plan for information technology developed and approved pursuant to subdivision A 3 of § 2.2-2007.1 and the strategic plans of agencies developed and approved pursuant to § 2.2-2014. All executive branch agencies shall conform to the requirements of the Commonwealth Project Management Standard.

3. Establish minimum qualifications and training standards for project managers.

4. Establish an information clearinghouse that identifies best practices and new developments and contains detailed information regarding the Commonwealth's previous experiences with the development of major information technology projects.

5. Review and approve or disapprove the selection or termination of any Commonwealth information technology project. The CIO shall disapprove any executive branch agency request to initiate a major information technology project or related procurement if funding for such project has not been included in the budget bill in accordance with § 2.2-1509.3, unless the Governor has determined that an emergency exists and a major information technology project is necessary to address the emergency. The CIO shall disapprove any Commonwealth information technology projects that do not conform to the Commonwealth strategic plan for information technology developed and approved pursuant to subdivision A 3 of § 2.2-2007.1 or to the strategic plan of executive branch agencies developed and approved pursuant to § 2.2-2014.

6. Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as necessary and in accordance with § 2.2-2021.

B. The CIO may direct the modification, termination, or suspension of any Commonwealth information technology project that, as the result of a periodic review authorized by subdivision A 5 of § 2.2-2007, has not met the performance measures agreed to by the CIO and sponsoring executive branch agency, or if he otherwise deems such action appropriate and consistent with the terms of any affected contracts.

Nothing in this subsection shall be construed to supersede the responsibility of a governing board of visitors for the management and operation of a public institution of higher education.

The provisions of this subsection shall not apply to research projects, research initiatives, or instructional programs at public institutions of higher education. However, technology investments in research projects, research initiatives, or instructional programs at such institutions estimated to cost \$1 million or more of general fund appropriations may be reviewed as provided in subdivision A 5 of § 2.2-2007. The CIO and the Secretary of Education, in consultation with public institutions of higher education, shall develop and provide to such institution criteria to be used in determining whether

182 projects are mission-critical.

183 **§ 2.2-2101. (Effective until July 1, 2017) Prohibition against service by legislators on boards,**
184 **commissions, and councils within the executive branch; exceptions.**

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

193 The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall
194 be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest
195 Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3126; to members
196 of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as
197 provided for in § 23.1-3121; to members of the Board of Directors of the New College Institute who
198 shall be appointed as provided for in § 23.1-3112; to members of the Virginia Interagency Coordinating
199 Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans
200 Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of
201 Trustees of the Roanoke Higher Education Authority pursuant to § 23.1-3117; to members of the
202 Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in
203 § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as
204 provided for in § 22.1-253.13:10; to members of the ~~Board~~ *board of visitors trustees* of the Virginia
205 School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members
206 of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to
207 members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to
208 members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to
209 members of the State Executive Council for Children's Services, who shall be appointed as provided in
210 § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as
211 provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers'
212 Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the
213 Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the
214 Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the
215 Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; or
216 to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in
217 § 2.2-2485.

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§ 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; or to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485.

§ 2.2-2105. Investigation of management of institutions or conduct of officers or employees.

Whenever ~~any the governing~~ board of ~~visitors to any of the institutions~~ *public institution of higher education in the Commonwealth* ~~deem~~ *deems* it necessary or expedient to investigate the management of ~~their the~~ institution or the conduct of any of its officers or employees, such board, or a committee of its members selected by the board, shall have such power and authority to send for persons and papers or to order the attendance of witnesses and compel their attendance as is now conferred upon a committee appointed by the General Assembly or either branch thereof by § 30-10. The oath to be taken by any witness examined by such board or committee may be administered by the president or the presiding officer of the board, *the* chairman of its committee, or the clerk or secretary of the board or committee. All expenses incurred in summoning or in the attendance of such witness shall be paid out of the funds of the institution whose boards made or ordered the investigation.

§ 2.2-2263. Powers and duties of Authority; limitations.

A. The Authority is granted all powers necessary or convenient for carrying out its purposes, including, but not limited to, the following powers to:

1. Have perpetual existence as a corporation.
2. Sue and be sued, implead and be impleaded, complain and defend in all courts.
3. Adopt, use, and alter at will a corporate seal.
4. Acquire, purchase, hold and use any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee, with the approval of the Governor, any property, real, personal or mixed, or any interest therein for a term not exceeding 99 years at a nominal rental or at such annual rental as may be determined; with the approval of the Governor, lease as lessor to the Commonwealth and any city, county, town or other political subdivision, or any agency, department, or public body of the Commonwealth, or land grant college, any project at any time constructed by the Authority and any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed; with the approval of the Governor, sell, transfer and convey to the Commonwealth, any project at any time constructed by the Authority; and, with the approval of the Governor, sell, transfer and convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority.

5. Acquire by purchase, lease, or otherwise, and construct, improve, furnish, maintain, repair, and operate projects.

6. Adopt bylaws for the management and regulation of its affairs.

7. Fix, alter, charge, and collect rates, rentals, and other charges for the use of the facilities of, or for the services rendered by, the Authority, or projects thereof, at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, furnishing, maintenance, and operation of its facilities and properties, the payment of the principal of and interest on its bonds, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such bonds.

8. Borrow money; make and issue bonds of the Authority and such bonds as the Authority may determine to issue for the purpose of refunding obligations previously issued by the Authority; secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues, rentals, and receipts; make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority deems advisable; and in general, provide for the security for the bonds and the rights of holders thereof.

The Authority shall submit an annual report to the Governor and General Assembly on or before November 1 of each year containing, at a minimum, the annual financial statements of the Authority for the year ending the preceding June 30.

9. Make contracts of every name and nature, and to execute all instruments necessary or convenient to carry out its business.

10. Borrow money and accept grants from, and enter into contracts, leases or other transactions with, any federal agency.

11. Have the power of eminent domain.

12. Pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security

for all or any of the bonds of the Authority.

13. Do all acts and things necessary or convenient to carry out the powers granted to it by law.

14. Acquire, by assignment from the Commonwealth or the Virginia Retirement System, all contracts, including those that are not completed, which involve constructing, improving, furnishing, maintaining, and operating the structures, facilities, or undertakings similar to those designated herein as projects.

15. Enter into contractual agreements with localities or governmental entities undertaking a capital project that benefits the Commonwealth for which the financing or refinancing of reimbursements of all or any portion of the Commonwealth's share of the costs of such project will be made pursuant to other applicable provisions of Virginia law.

16. Provide for the financing or assist in the financing by any of the Commonwealth's agencies, authorities, boards, departments, instrumentalities, institutions, or regional or local authorities or governments of land, buildings, infrastructure, and improvements for the benefit of an MEI project incentive package endorsed by the MEI Project Approval Commission created pursuant to § 30-309.

B. The Authority shall not undertake or finance or refinance any projects or MEI projects that are not specifically included in a bill or resolution passed by a majority of those elected to each house of the General Assembly, authorizing such projects or MEI projects or the reimbursement of all or any portion of the Commonwealth's share of the costs of such projects or MEI projects and, as to any project relating to a public institution of higher education in *Virginia the Commonwealth*, not specifically designated by the *governing board of visitors* of that institution as a project to be undertaken by the Authority.

C. Except as otherwise provided by law, when projects are to be constructed, improved, furnished, maintained, repaired or operated for the use of any department of the Commonwealth, no plans or specifications therefor shall be presented for quotations or bids until the plans and specifications have been submitted to and approved by the Department of General Services and any other department of the Commonwealth having any jurisdiction over the projects, so that the project will conform to standards established by such departments.

§ 2.2-2519. Membership; quorum.

The Commission shall have a total membership of eight members that shall consist of six nonlegislative citizen members and two ex officio members. Nonlegislative citizen members shall be appointed by the Governor as follows: two who shall be former members of either the board of *visitors trustees* of a *baccalaureate* public institution of higher education or the State Board for Community Colleges; one who shall be either a former president, provost, or executive vice-president of a public institution of higher education; one who shall be a faculty member of a public institution of higher education; and two who shall be citizens at large. The Secretary of Education or his designee and the Secretary of the Commonwealth or his designee shall serve as ex officio members of the Commission with nonvoting privileges. The nonlegislative citizen member appointed who is a faculty member of a public institution of higher education shall serve without voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. Three voting members of the Commission shall constitute a quorum.

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.

§ 2.2-2801. Disability to hold state office; exceptions.

A. Section 2.2-2800 shall not be construed to prevent:

1. Members of Congress from acting as *visitors trustees* of the *board of trustees of the* University of Virginia or the *board of trustees of the* Virginia Military Institute, or from holding offices in the militia;

2. United States commissioners or United States census enumerators, supervisors, or the clerks under the supervisor of the United States census, or fourth-class or third-class postmasters, or United States caretakers of the Virginia National Guard, from acting as notaries, school board selection commission members, or supervisors, or from holding any district office under the government of any county, or the office of councilman of any town or city in the Commonwealth;

3. Any United States rural mail carrier, or star route mail carrier from being appointed and acting as notary public or holding any county or district office;

4. Any civilian employee of the United States government from being appointed and acting as notary public;

5. Any United States commissioners or United States park commissioners from holding the office of commissioner in chancery, bail commissioner, jury commissioner, commissioner of accounts, assistant commissioner of accounts, substitute or assistant civil justice, or assistant judge of a municipal court of any city or assistant judge of a juvenile and domestic relations district court of any city, or judge of any county court or juvenile and domestic relations district court of any county, or the municipal court or court of limited jurisdiction, by whatever name designated, of any incorporated town;

6. Any person employed by, or holding office or a post of profit, trust or emolument, civil,

legislative, executive or judicial, under the government of the United States, from being a member of the militia or holding office therein, or from being a member or director of any board, council, commission or institution of the Commonwealth who serves without compensation except one who serves on a per diem compensation basis;

7. Foremen, quartermen, leading men, artisans, clerks or laborers, employed in any navy yard or naval reservation in Virginia from holding any office under the government of any city, town or county in the Commonwealth;

8. Any United States government clerk from holding any office under the government of any town or city;

9. Any person holding an office under the United States government from holding a position under the management and control of the State Board of Health;

10. Any state federal director of the Commonwealth in the employment service of the United States Department of Labor from holding the office of Commissioner of Labor of the Commonwealth;

11. Clerks and employees of the federal government engaged in the departmental service in Washington from acting as school trustees;

12. Any person, who is otherwise eligible, from serving as a member of the governing body or school board of any county, city or town, or as a member of any public body who is appointed by such governing body or school board, or as an appointive officer or employee of any county, city or town or the school board thereof;

13. Game management agents of the United States Fish and Wildlife Service or United States deputy game wardens from acting as special conservation police officers;

14. Any appointive state or local official or employee from serving, with compensation, on an advisory board of the federal government;

15. Any state or local law-enforcement officer from serving as a United States law-enforcement officer; however, this subdivision shall not be construed to authorize any law-enforcement officer to receive double compensation;

16. Any United States law-enforcement officer from serving as a state or local law-enforcement officer when requested by the chief law-enforcement officer of the subject jurisdiction; however, this subdivision shall not be construed to authorize any law-enforcement officer to receive double compensation;

17. Any attorney for the Commonwealth or assistant attorney for the Commonwealth from serving as or performing the duties of a special assistant United States attorney or assistant United States attorney; however, this subdivision shall not be construed to authorize any attorney for the Commonwealth or assistant attorney for the Commonwealth to receive double compensation;

18. Any assistant United States attorney from serving as or performing the duties of an assistant attorney for the Commonwealth when requested by the attorney for the Commonwealth of the subject jurisdiction; however, this subdivision shall not be construed to authorize any assistant United States attorney to receive double compensation;

19. Any elected state or local official from serving, without compensation, on an advisory board of the federal government; however, this subdivision shall not be construed to prohibit reimbursement for actual expenses;

20. Sheriffs' deputies from patrolling federal lands pursuant to contracts between federal agencies and local sheriffs;

21. State judicial officers from performing acts or functions with respect to United States criminal proceedings when such acts or functions are authorized by federal law to be performed by state judicial officers; or

22. Any member of the Armed Forces of the United States from serving on the Virginia Military Advisory Council or the Virginia Offshore Wind Development Authority.

B. Nor shall § 2.2-2800 be construed to exclude:

1. A person to whom a pension has been granted by the United States or who receives retirement compensation in any manner from the United States, or any person receiving or entitled to receive benefits under the Federal Old-Age and Survivors' Insurance System or under the Federal Railroad Retirement Act.

2. Officers or soldiers on account of the recompense they may receive from the United States when called out in actual duty.

§ 2.2-2817.2. Employees of the University of Virginia Medical Center.

The University of Virginia Medical Center, hereafter referred to as the Medical Center, may purchase basic group life, accidental death and dismemberment, and disability insurance policies covering in whole or in part any of its employees. In addition, the Medical Center may establish, administer and make available to employees a program of optional insurance, including life, accidental death and dismemberment, and disability insurance. Employees of the Medical Center covered under the aforesaid

428 basic insurance policies purchased by the Medical Center shall not be covered by the insurance program
429 established pursuant to § 51.1-501 or be considered "eligible employees" under § 51.1-1100, unless *the*
430 *board of trustees of* the University of Virginia ~~Board of Visitors~~, or a duly authorized agent or
431 representative of the ~~Board board~~, purchases such insurance policies from the Virginia Retirement
432 System. Nor shall they be required to present at their own expense evidence of insurability satisfactory
433 to an insurance company upon changing from one form of coverage to another form of coverage
434 provided pursuant to this section. Chapter 5 of Title 51.1 (§ 51.1-500 et seq.) shall not apply to any
435 insurance coverage offered by the Medical Center except that the provisions of §§ 51.1-510 and
436 51.1-511 shall apply to such insurance coverage; provided that any administrative or ministerial
437 functions performed by or on behalf of the Board of the Virginia Retirement System under §§ 51.1-510
438 and 51.1-511 shall be performed by the Medical Center.

439 Notwithstanding the definition of "state employee" contained in § 51.1-124.3, all employees of the
440 Medical Center may be enrolled in a health care plan other than that provided for in § 2.2-2818 at the
441 election of the Medical Center and subject to the review and approval of the ~~Board board of Visitors~~
442 *trustees* of the University of Virginia; however, any Medical Center employee who was first employed
443 by the Medical Center prior to July 1, 1996, and who had not been classified as a health care provider
444 under the provisions of § 51.1-502.1 prior to July 1, 1996, shall be provided the option of enrolling in a
445 health care plan elected by the Medical Center or enrolling in the health care plan established pursuant
446 to § 2.2-2818 until such time as *the board of trustees of* the University of Virginia ~~Board of Visitors~~
447 may determine that it is not in the best interest of the University to continue to provide that option to
448 any employees of the Medical Center. If the ~~Board board of Visitors trustees~~ determines that such
449 health plan option will not continue to be provided, any Medical Center employees who must reenroll in
450 a different health plan shall be allowed to do so with a waiver of preexisting medical conditions for the
451 employees and, if applicable, their spouses and dependents.

452 Subject to such eligibility criteria as it may establish, the Medical Center may make available to any
453 of its employees the insurance programs established pursuant to this section, including health plan
454 coverage, notwithstanding the fact that such employees may not be eligible for participation in any
455 retirement plan established pursuant to § 51.1-126.3 or the retirement system established pursuant to
456 Chapter 1 (§ 51.1-124.1 et seq.) of this title.

457 The eligibility of any employee of the Medical Center for participation in any insurance program
458 established pursuant to this section shall not of itself render such employees eligible for participation in
459 the Virginia Retirement System or any optional retirement program.

460 **§ 2.2-2901. Appointments, promotions and tenure based upon merit and fitness.**

461 A. In accordance with the provisions of this chapter all appointments and promotions to and tenure
462 in positions in the service of the Commonwealth shall be based upon merit and fitness, to be
463 ascertained, as far as possible, by the competitive rating of qualifications by the respective appointing
464 authorities.

465 Persons holding positions in the service of the Commonwealth on July 1, 1952, shall be deemed to
466 be holding their positions as though they had received appointment under the terms of this chapter.

467 B. Persons who leave the service of the Commonwealth for service in any of the armed forces of the
468 United States shall be entitled to be restored to such positions upon the termination of their service with
469 the armed forces, provided such persons, except for good cause shown, have filed an application for
470 restoration to such positions within 90 calendar days following such termination of military service,
471 accompanied by a certificate attesting that the military duty was satisfactorily performed. Such persons
472 shall thereafter hold such positions as though they had received appointment under the terms of this
473 chapter, except as to any such position which, in the meantime, may have been abolished. Any such
474 former employee returning to, or applying for, employment in the state service, as provided by this
475 section, shall be considered as having at least as favorable a status with reference to this chapter as he
476 would have occupied if his service had been continuous.

477 C. No establishment of a position or rate of pay, and no change in rate of pay shall become effective
478 except on order of the appointing authority and approval by the Governor. This subsection shall not
479 apply to any position the compensation of which is at a rate of \$1,200 per annum or less.

480 D. In order to attract and retain professional auditors, accountants and staff members in the service of
481 the Auditor of Public Accounts, the Joint Legislative Audit and Review Commission may establish
482 scales of pay for such positions notwithstanding the provisions of this chapter. Such scales when
483 established and certified to the Department of Human Resource Management and the Comptroller shall
484 be applicable in the stead of the scales established under the personnel plan.

485 E. The ~~Board of Visitors governing boards~~ of public institutions of higher education shall establish
486 policies for the designation of administrative and professional faculty positions at institutions of higher
487 education. Those designations shall be reserved for positions that require a high level of administrative
488 independence, responsibility, and oversight within the organization or specialized expertise within a
489 given field as defined by the ~~Board of Visitors governing boards~~. The authority under this subsection to

establish policies for the designation of administrative and professional faculty positions shall be granted only to those institutions that meet the conditions prescribed in subsection A of § 23.1-1002.

§ 2.2-2905. Certain officers and employees exempt from chapter.

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the National Guard;
10. Student employees in institutions of learning and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees compensated on an hourly or daily basis;
12. County, city, town, and district officers, deputies, assistants, and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The officers and employees of the Virginia Retirement System;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;
16. Employees of the Virginia Lottery;
17. Production workers for the Virginia Industries for the Blind Sheltered Workshop programs;
18. Employees of the Virginia Commonwealth University Health System Authority;
19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the ~~Board~~ *board* of ~~Visitors~~ *trustees* of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;
21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
22. Officers and employees of the Virginia Port Authority;
23. Employees of the Virginia College Savings Plan;
24. Directors of state facilities operated by the Department of Behavioral Health and Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees;
26. Employees of the Virginia Indigent Defense Commission;
27. Any chief of a campus police department that has been designated by the governing body of a public institution of higher education as exempt, pursuant to § 23.1-809; and
28. (Effective July 1, 2018) The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage Control Authority.

§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern Virginia Medical School.

A. No officer or employee of any governmental agency of state government or Eastern Virginia

551 Medical School shall have a personal interest in a contract with the governmental agency of which he is
552 an officer or employee, other than his own contract of employment.

553 B. No officer or employee of any governmental agency of state government or Eastern Virginia
554 Medical School shall have a personal interest in a contract with any other governmental agency of state
555 government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive
556 negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or (ii) is awarded after a finding, in writing, by the
557 administrative head of the governmental agency that competitive bidding or negotiation is contrary to the
558 best interest of the public.

559 C. The provisions of this section shall not apply to:

560 1. An employee's personal interest in additional contracts of employment with his own governmental
561 agency that accrue to him because of a member of his immediate family, provided the employee does
562 not exercise any control over the employment or the employment activities of the member of his
563 immediate family and the employee is not in a position to influence those activities;

564 2. The personal interest of an officer or employee of a state institution of higher education or the
565 Eastern Virginia Medical School in additional contracts of employment with his own governmental
566 agency that accrue to him because of a member of his immediate family, provided (i) the officer or
567 employee and the immediate family member are engaged in teaching, research or administrative support
568 positions at the educational institution or the Eastern Virginia Medical School, (ii) the governing board
569 of the educational institution finds that it is in the best interests of the institution or the Eastern Virginia
570 Medical School and the Commonwealth for such dual employment to exist, and (iii) after such finding,
571 the governing board of the educational institution or the Eastern Virginia Medical School ensures that
572 the officer or employee, or the immediate family member, does not have sole authority to supervise,
573 evaluate or make personnel decisions regarding the other;

574 3. An officer's or employee's personal interest in a contract of employment with any other
575 governmental agency of state government;

576 4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of
577 services or goods at uniform prices available to the general public;

578 5. An employee's personal interest in a contract between a public institution of higher education in
579 Virginia or the Eastern Virginia Medical School and a publisher or wholesaler of textbooks or other
580 educational materials for students, which accrues to him solely because he has authored or otherwise
581 created such textbooks or materials;

582 6. An employee's personal interest in a contract with his or her employing public institution of higher
583 education to acquire the collections or scholarly works owned by the employee, including manuscripts,
584 musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research,
585 or cultural value to the institution, provided the president of the institution approves the acquisition of
586 such collections or scholarly works as being in the best interests of the institution's public mission of
587 service, research, or education;

588 7. Subject to approval by the board of ~~visitors~~ *trustees*, an employee's personal interest in a contract
589 between the Eastern Virginia Medical School or a public institution of higher education in ~~Virginia~~ *the*
590 *Commonwealth* that operates a school of medicine or dentistry and a not-for-profit nonstock corporation
591 that operates a clinical practice within such public institution of higher education or the Eastern Virginia
592 Medical School and of which such employee is a member or employee;

593 8. Subject to approval by the relevant board of ~~visitors~~ *trustees*, an employee's personal interest in a
594 contract for research and development or commercialization of intellectual property between a public
595 institution of higher education in Virginia or the Eastern Virginia Medical School and a business in
596 which the employee has a personal interest, if (i) the employee's personal interest has been disclosed to
597 and approved by such public institution of higher education or the Eastern Virginia Medical School prior
598 to the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement
599 pursuant to § 2.2-3117 and thereafter files such statement annually on or before January 15; (iii) the
600 institution has established a formal policy regarding such contracts, approved by the State Council of
601 Higher Education or, in the case of the Eastern Virginia Medical School, a formal policy regarding such
602 contracts in conformity with any applicable federal regulations that has been approved by its board of
603 ~~visitors~~ *trustees*; and (iv) no later than December 31 of each year, the institution or the Eastern Virginia
604 Medical School files an annual report with the Secretary of the Commonwealth disclosing each open
605 contract entered into subject to this provision, the names of the parties to each contract, the date each
606 contract was executed and its term, the subject of each contractual arrangement, the nature of the
607 conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for
608 administering each contract, the details of the institution's or the Eastern Virginia Medical School's
609 commitment or investment of resources or finances for each contract, and any other information
610 requested by the Secretary of the Commonwealth; or

611 9. Subject to approval by the relevant board of ~~visitors~~ *trustees*, an employee's personal interest in a
612 contract between a public institution of higher education in Virginia or the Eastern Virginia Medical

School and a business in which the employee has a personal interest, if (i) the personal interest has been disclosed to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before January 15; (iii) the employee does not participate in the institution's or the Eastern Virginia Medical School's decision to contract; (iv) the president of the institution or the Eastern Virginia Medical School finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by the institution's medical center or the Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations necessary for the fulfillment of its mission, including the acquisition of drugs, therapies and medical technologies; and (v) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth.

D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or commercialization of intellectual property or the employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interests, the policies established by the Eastern Virginia Medical School pursuant to such federal requirements shall constitute compliance with subdivisions C 8 and C 9, upon notification by the Eastern Virginia Medical School to the Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with such federal policies and regulations.

E. The board of ~~visitors~~ *trustees* may delegate the authority granted under subdivision C 8 to the president of the institution. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated such authority, on or before December 1 of each year, the president of the relevant institution shall file a report with the relevant board of ~~visitors~~ *trustees* disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the board of ~~visitors~~ *trustees*.

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means any audio or combined audio and visual communication method.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information" as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.2-3708.1, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and

674 counties, municipal councils, governing bodies of counties, school boards and planning commissions;
675 *governing* boards of ~~visitors~~ of public institutions of higher education; and other organizations,
676 corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall
677 include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of
678 directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee,
679 subcommittee, or other entity however designated, of the public body created to perform delegated
680 functions of the public body or to advise the public body. It shall not exclude any such committee,
681 subcommittee or entity because it has private sector or citizen members. Corporations organized by the
682 Virginia Retirement System are "public bodies" for purposes of this chapter.

683 For the purposes of the provisions of this chapter applicable to access to public records,
684 constitutional officers and private police departments as defined in § 9.1-101 shall be considered public
685 bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose
686 public records as other custodians of public records.

687 "Public records" means all writings and recordings that consist of letters, words or numbers, or their
688 equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse,
689 optical or magneto-optical form, mechanical or electronic recording or other form of data compilation,
690 however stored, and regardless of physical form or characteristics, prepared or owned by, or in the
691 possession of a public body or its officers, employees or agents in the transaction of public business.
692 Records that are not prepared for or used in the transaction of public business are not public records.

693 "Regional public body" means a unit of government organized as provided by law within defined
694 boundaries, as determined by the General Assembly, whose members are appointed by the participating
695 local governing bodies, and such unit includes two or more counties or cities.

696 "Scholastic records" means those records containing information directly related to a student or an
697 applicant for admission and maintained by a public body that is an educational agency or institution or
698 by a person acting for such agency or institution.

699 **§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain**
700 **other limited exclusions.**

701 The following information contained in a public record is excluded from the mandatory disclosure
702 provisions of this chapter but may be disclosed by the custodian in his discretion, except where such
703 disclosure is prohibited by law. Redaction of information excluded under this section from a public
704 record shall be conducted in accordance with § 2.2-3704.01.

705 1. State income, business, and estate tax returns, personal property tax returns, and confidential
706 records held pursuant to § 58.1-3.

707 2. Working papers and correspondence of the Office of the Governor; the Lieutenant Governor; the
708 Attorney General; the members of the General Assembly, the Division of Legislative Services, or the
709 Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any
710 political subdivision of the Commonwealth; or the president or other chief executive officer of any
711 public institution of higher education in Virginia. However, no information that is otherwise open to
712 inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to
713 or incorporated within any working paper or correspondence. Nothing in this subdivision shall be
714 construed to authorize the withholding of any resumes or applications submitted by persons who are
715 appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

716 As used in this subdivision:

717 "Members of the General Assembly" means each member of the Senate of Virginia and the House of
718 Delegates and their legislative aides when working on behalf of such member.

719 "Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet
720 Secretaries, and Assistant to the Governor for Intergovernmental Affairs and those individuals to whom
721 the Governor has delegated his authority pursuant to § 2.2-104.

722 "Working papers" means those records prepared by or for an above-named public official for his
723 personal or deliberative use.

724 3. Information contained in library records that can be used to identify both (i) any library patron
725 who has borrowed material from a library and (ii) the material such patron borrowed.

726 4. Contract cost estimates prepared for the confidential use of the Department of Transportation in
727 awarding contracts for construction or the purchase of goods or services, and records and automated
728 systems prepared for the Department's Bid Analysis and Monitoring Program.

729 5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth,
730 whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by
731 the political subdivision.

732 6. Information furnished by a member of the General Assembly to a meeting of a standing
733 committee, special committee, or subcommittee of his house established solely for the purpose of
734 reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of
735 formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or the ~~Rector and Visitors~~ *board of trustees* of the University of Virginia, acting pursuant to § 23.1-2210, or the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the ~~Rector and Visitors~~ *board of trustees* of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, the ~~Rector and Visitors~~ *board of trustees* of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to authorize the withholding of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be

harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

16. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to authorize the withholding of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

21. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to authorize the withholding of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

23. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of

the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. Information held by the Department of Corrections made confidential by § 53.1-233.

27. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

29. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to authorize the withholding of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no information that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

32. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

33. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

34. (Effective July 1, 2018) Information held by the Virginia Alcoholic Beverage Control Authority that contains (i) information of a proprietary nature gathered by or in the possession of the Authority from a private entity pursuant to a promise of confidentiality; (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), of any private entity; (iii) financial information of a private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; (iv) contract cost estimates prepared for the (a) confidential use in awarding contracts for construction or (b) purchase of goods or services; or (v) the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority.

In order for the information identified in clauses (i), (ii), or (iii) to be excluded from the provisions

920 of this chapter, the private entity shall make a written request to the Authority:

921 a. Invoking such exclusion upon submission of the data or other materials for which protection from
922 disclosure is sought;

923 b. Identifying with specificity the data or other materials for which protection is sought; and

924 c. Stating the reasons why protection is necessary.

925 The Authority shall determine whether the requested exclusion from disclosure is necessary to protect
926 such information of the private entity. The Authority shall make a written determination of the nature
927 and scope of the protection to be afforded by it under this subdivision.

928 35. Information reflecting the substance of meetings in which individual sexual assault cases are
929 discussed by any sexual assault team established pursuant to § 15.2-1627.4. The findings of the team
930 may be disclosed or published in statistical or other aggregated form that does not disclose the identity
931 of specific individuals.

932 **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

933 A. Public bodies may hold closed meetings only for the following purposes:

934 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
935 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
936 officers, appointees, or employees of any public body; and evaluation of performance of departments or
937 schools of public institutions of higher education where such evaluation will necessarily involve
938 discussion of the performance of specific individuals. Any teacher shall be permitted to be present
939 during a closed meeting in which there is a discussion or consideration of a disciplinary matter that
940 involves the teacher and some student and the student involved in the matter is present, provided the
941 teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing
942 in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body
943 or an elected school board to discuss compensation matters that affect the membership of such body or
944 board collectively.

945 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
946 involve the disclosure of information contained in a scholastic record concerning any student of any
947 Virginia public institution of higher education or any state school system. However, any such student,
948 legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to
949 be present during the taking of testimony or presentation of evidence at a closed meeting, if such
950 student, parents, or guardians so request in writing and such request is submitted to the presiding officer
951 of the appropriate board.

952 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the
953 disposition of publicly held real property, where discussion in an open meeting would adversely affect
954 the bargaining position or negotiating strategy of the public body.

955 4. The protection of the privacy of individuals in personal matters not related to public business.

956 5. Discussion concerning a prospective business or industry or the expansion of an existing business
957 or industry where no previous announcement has been made of the business' or industry's interest in
958 locating or expanding its facilities in the community.

959 6. Discussion or consideration of the investment of public funds where competition or bargaining is
960 involved, where, if made public initially, the financial interest of the governmental unit would be
961 adversely affected.

962 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual
963 or probable litigation, where such consultation or briefing in open meeting would adversely affect the
964 negotiating or litigating posture of the public body; and consultation with legal counsel employed or
965 retained by a public body regarding specific legal matters requiring the provision of legal advice by such
966 counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been
967 specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe
968 will be commenced by or against a known party. Nothing in this subdivision shall be construed to
969 permit the closure of a meeting merely because an attorney representing the public body is in attendance
970 or is consulted on a matter.

971 8. In the case of *governing* boards of ~~visitors~~ of public institutions of higher education, discussion or
972 consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts
973 for services or work to be performed by such institution. However, the terms and conditions of any such
974 gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign
975 person and accepted by a public institution of higher education in ~~Virginia~~ *the Commonwealth* shall be
976 subject to public disclosure upon written request to the appropriate *governing* board of ~~visitors~~. For the
977 purpose of this subdivision, (i) "foreign government" means any government other than the United States
978 government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity"
979 means any legal entity created under the laws of the United States or of any state thereof if a majority
980 of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons
981 or if a majority of the membership of any such entity is composed of foreign persons or foreign legal

entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other information excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information excluded from this chapter pursuant to subdivision 3 or 4 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the ~~Rector and Visitors~~ *board of trustees* of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the ~~Rector and Visitors~~ *board of trustees* of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the ~~Rector and Visitors~~ *board of trustees* of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which

individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the *board of trustees of the* University of Virginia ~~Board of Visitors~~ or the *board of trustees of* Eastern Virginia Medical School ~~Board of Visitors~~, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees. This exclusion shall also apply when the foregoing discussions occur at a meeting of the *board of trustees of* Virginia Commonwealth University ~~Board of Visitors~~.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information excluded from this chapter pursuant to subdivision 8 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary information and trade secrets excluded

from this chapter pursuant to subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of information or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of information excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of information excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. Discussion or consideration of personal and proprietary information that are excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

47. (Effective July 1, 2018) Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.

48. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1.

49. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 2.2-4115. Definitions.

As used in this chapter, unless the context requires otherwise:

"Dispute resolution proceeding" means any structured process in which a neutral assists parties to a dispute in reaching a voluntary settlement by means of dispute resolution processes such as mediation, conciliation, facilitation, partnering, fact-finding, neutral evaluation, use of ombudsmen or any other proceeding leading to a voluntary settlement. For the purposes of this chapter, the term "dispute resolution proceeding" does not include arbitration.

"Mediation" means a process in which a neutral facilitates communication between the parties and without deciding the issues or imposing a solution on the parties enables them to understand and resolve their dispute.

"Mediation program" means a program of a public body through which mediators or mediation is made available and includes the director, agents and employees of the program.

"Mediator" means a neutral who is an impartial third party selected by agreement of the parties to a dispute to assist them in mediation.

"Neutral" means an individual who is trained or experienced in conducting dispute resolution proceedings and in providing dispute resolution services.

"Public body" means any legislative body; any authority, board, bureau, commission, district or agency of the Commonwealth or any political subdivision of the Commonwealth, including counties, cities and towns, city councils, boards of supervisors, school boards, planning commissions, governing boards of ~~visitors~~ of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. "Public body" includes any committee, subcommittee, or other entity however designated, of the public body or formed to advise the public body, including those with private sector or citizen members and corporations organized by the Virginia Retirement System. For the purposes of this chapter the term "public body" does not include courts of the Commonwealth.

"State agency" or "agency" means any authority, instrumentality, officer, board or other unit of state government empowered by the basic laws to adopt regulations or decide cases. For the purposes of this chapter, the term "state agency" does not include the courts of the Commonwealth.

§ 22.1-290.1. Clinical faculty programs.

A. As used in this section, unless the context requires a different meaning:

"Clinical faculty member" means a licensed public or private school teacher who meets the standards of the board of ~~visitors~~ trustees or other governing body for acceptance in an institution's clinical faculty program.

"Student teacher" means an individual enrolled in a program for training teachers in an accredited institution of higher education located in this Commonwealth.

"Training institution" means an accredited public or private institution of higher education which has implemented a training program for public school teachers designed to improve skills in supervising and evaluating student teachers.

B. Any board of ~~visitors~~ trustees or other governing body of any public or private, accredited institution of higher education located in this Commonwealth may establish a clinical faculty program utilizing specially trained public school teachers as supervisors of student teachers. Any such program shall include the following components:

1. Any teacher accepted as a clinical faculty member shall be designated adjunct faculty;

2. Prior to being assigned student teachers, all clinical faculty members shall be required to attend training programs offered by accredited public or private institutions of higher education which are designed to improve their skills in supervising and evaluating student teachers;

3. Clinical faculty members shall be given the responsibility for the grading and evaluation of the student teachers assigned to them in cooperation with appropriate full-time faculty members at the

institution; and

4. Such data on the clinical faculty program as may be required by the Board of Education shall be provided by the institution in a timely manner.

C. Any college or university governing body *board of an institution of higher education* choosing to implement a clinical faculty program shall develop standards for acceptance of public or private school teachers as clinical faculty members. Public or private school teachers may apply to the institution of higher education for acceptance as clinical faculty members for the purpose of supervising and evaluating student teachers.

D. There is hereby authorized to be appropriated for the purposes of this section such sums as the General Assembly may from time to time determine to be necessary. The Board of Education shall serve as fiscal agent for the training institutions and the clinical faculty programs.

The Board shall allocate from such funds as are appropriated, moneys to participating training institutions for the purpose of compensating clinical faculty members. The Board, in consultation with the training institutions, shall set such compensation.

The Board shall, in cooperation with the State Council of Higher Education, set criteria for the programs implemented by the training institutions. The Board may also issue such guidelines as may be necessary for the implementation of the provisions of this section. The training program criteria set by the Board and the Council and the guidelines issued by the Board shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq.). However, prior to establishing such criteria or issuing such guidelines, the Board and the Council shall consult with the Office of the Attorney General and provide opportunity for public comment.

§ 22.1-346. Transfer of property; rights and duties of the board of trustees of the Virginia School for the Deaf and the Blind; supervision of school; appointment and removal of officers and faculty; certain funding initiatives.

A. All of the real estate and personal property now existing at the Virginia School for the Deaf and the Blind at Staunton and standing in the name of the Board of Education shall be transferred to and be under the control of the ~~Board~~ *board of Visitors trustees* of the Virginia School for the Deaf and the Blind. The Department of General Services shall cooperate with the Board in supervising the maintenance and repair of the real and personal property of the school.

B. Any gift, grant, devise or bequest made prior to July 1, 1984, to the Virginia School for the Deaf and the Blind at Staunton shall be held by the ~~Board~~ *board of Visitors trustees* of the Virginia School for the Deaf and the Blind for the school. The Board shall have the power to take, hold, receive and enjoy any gift, grant, devise or bequest made hereafter to the Virginia School for the Deaf and the Blind. Such gift, grant, devise or bequest shall be held for uses and purposes designated by the donor or if not designated for a specific purpose, for the general purposes of any programs of the school. The Board shall provide fiduciary administration of such funds, including investments, disbursements, accounting, and financial reporting. The Board shall also accept, execute and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

C. The ~~Board~~ *board of Visitors trustees* of the Virginia School for the Deaf and the Blind shall be charged with the operational control of the Virginia School for the Deaf and the Blind at Staunton. In exercising this operational control, the Board shall include, in any budget recommendations to the Governor for state funding for the several school divisions which may be related to educational technology or other programs appropriate for implementation within the school, state funding for such programs to be provided to the Virginia School for the Deaf and the Blind. However, the Virginia School for the Deaf and the Blind shall not be defined as a school division for constitutional purposes. Supervision of the contracts and agreements of the Virginia School for the Deaf and the Blind are hereby transferred to the ~~Board~~ *board of Visitors trustees* of the Virginia School for the Deaf and the Blind.

The Board shall provide rules and regulations for the governance of the school. The Board shall administer, supervise and direct the activities and programs of the school pursuant to the rules and regulations of the Board. The Board shall appoint the officers and employees of the school subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

§ 22.1-346.2. Board of trustees of the Virginia School for the Deaf and the Blind established.

A. There is hereby established the ~~Board~~ *board of Visitors trustees* of the Virginia School for the Deaf and the Blind (Board), as a policy agency in the executive branch of state government under the name of the "Virginia School for the Deaf and the Blind," for the purpose of governing the educational programs and services to deaf, blind, and multi-disabled students enrolled at the Virginia School for the Deaf and the Blind.

B. The Board shall have a total membership of 11 members that shall consist of four legislative members and seven nonlegislative citizen members. Members shall be appointed as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in

1289 accordance with the principles of proportional representation contained in the Rules of the House of
1290 Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; and seven
1291 nonlegislative citizen members, of whom one shall be a parent of a child who is deaf or blind
1292 representing the Eastern region of the Commonwealth, one shall be a parent of a child who is deaf or
1293 blind representing the Western region of the Commonwealth, and one shall be a representative of the
1294 Virginia School for the Deaf and the Blind Alumni Association, to be appointed by the Governor,
1295 subject to confirmation by the General Assembly. Nonlegislative citizen members of the Board shall be
1296 citizens of the Commonwealth. Legislative members of the Board shall serve terms coincident with their
1297 terms of office. After the initial staggering of terms, nonlegislative members appointed shall serve for
1298 four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the
1299 unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All
1300 members may be reappointed. However, no House member shall serve more than four consecutive
1301 two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no
1302 nonlegislative member appointed by the Governor shall serve more than two consecutive four-year
1303 terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute
1304 a term in determining the member's eligibility for reappointment.

1305 The Board shall elect a chairman and vice-chairman from among its membership. The Board shall
1306 elect a secretary, who shall keep an accurate record of the proceedings of the Board and of the
1307 executive committee if one is created by the Board, and such other officers as the Board deems
1308 appropriate. A majority of the members shall constitute a quorum. The Board shall meet no more than
1309 four times each year. The meetings of the Board shall be held at the call of the chairman or whenever
1310 the majority of the members so request.

1311 C. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and
1312 nonlegislative citizen members shall receive such compensation for the performance of their duties as
1313 provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses
1314 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the
1315 costs of expenses of the members shall be provided from such funds as may be appropriated to the
1316 ~~Board~~ *board of Visitors trustees* of the Virginia School for the Deaf and the Blind, in accordance with
1317 the appropriations act.

1318 D. The Superintendent of Public Instruction shall designate a member of the staff of the Department
1319 of Education to serve as a consultant to the ~~Board~~ *board of Visitors trustees* of the Virginia School for
1320 the Deaf and the Blind on matters pertaining to instruction, federal and state special education
1321 requirements, and school accreditation, and to provide technical assistance to assist the Board in meeting
1322 specific instructional and school accreditation needs.

1323 E. The Board shall have the following powers and duties:

1324 1. Establish such rules, policies, and regulations for the governance of the Virginia School for the
1325 Deaf and the Blind.

1326 2. Prescribe the criteria and procedures governing admissions to the school, and the review of student
1327 placement, to ensure the appropriateness of the placement and instructional program of each student
1328 admitted to the school, pursuant to § 22.1-348 and in accordance with federal and state special education
1329 laws and regulations.

1330 3. Establish a policy governing the transportation of students at the school to permit frequent home
1331 visits by students, and to provide to each student transportation to and from the school and the place of
1332 residence of such student's parent or guardian whenever the school is officially closed.

1333 4. Prescribe and approve the education programs of the Virginia School for the Deaf and the Blind,
1334 in consultation with the Department of Education, the Virginia Department for the Deaf and
1335 Hard-of-Hearing, and the Virginia Department for the Blind and Visually Impaired.

1336 5. Appoint the superintendent, other officers, and the faculty of the school. The superintendent shall
1337 be appointed every two years and the other officers and faculty annually. However, the superintendent,
1338 with the approval of the chairman of the Board, shall be authorized to fill vacancies in positions
1339 appointed by the Board occurring between meetings of the Board. The Board may remove at any time
1340 the superintendent, other officers, faculty and employees for cause, subject to the provisions of Chapter
1341 29 (§ 2.2-2900 et seq.) of Title 2.2.

1342 6. Establish the qualifications, duties, and compensation of the superintendent, other officers, faculty,
1343 and employees of the school.

1344 7. Prepare and submit to the Governor and General Assembly, beginning July 1, 2010, an annual
1345 report detailing the curricula and other educational programs and services of the school, including
1346 receipts and disbursements pertaining to the operation of the school for each fiscal year ending on June
1347 30.

1348 **§ 23.1-100. Definitions.**

1349 As used in this title, unless the context requires a different meaning:

1350 "Associate-degree-granting" means that an associate degree is the most advanced degree that is

granted.

"Associate-degree-granting public institution of higher education" includes Richard Bland College and each comprehensive community college.

"Baccalaureate" means that bachelor's degrees or more advanced degrees, or both, are granted.

"Baccalaureate public institution of higher education" includes Christopher Newport University, George Mason University, James Madison University, Longwood University, the University of Mary Washington, Norfolk State University, Old Dominion University, Radford University, the University of Virginia, the University of Virginia's College at Wise as a division of the University of Virginia, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, Virginia State University, and The College of William and Mary in Virginia.

"Chief executive officer" includes the Chancellor of the Virginia Community College System, the Chancellor of the University of Virginia's College at Wise, the Superintendent of Virginia Military Institute, and the president of each other public institution of higher education.

"Comprehensive community college" means an associate-degree-granting public institution of higher education governed by the State Board that offers instruction in one or more of the following fields:

1. Freshman and sophomore courses in arts and sciences acceptable for transfer to baccalaureate degree programs;

2. Diversified technical curricula, including programs leading to an associate degree;

3. Career and technical education leading directly to employment;

4. Courses in general and continuing education for adults in the fields set out in subdivisions 1, 2, and 3; or

5. Noncredit training and retraining courses and programs of varying lengths to meet the needs of business and industry in the Commonwealth.

"Council" means the State Council of Higher Education for Virginia.

"Governing board" includes the State Board and the board of ~~visitors~~ *trustees* of each baccalaureate public institution of higher education. "Governing board" does not include local community college boards.

"Local community college board" means the board established to act in an advisory capacity to the State Board and perform such duties with respect to the operation of a single comprehensive community college as may be delegated to it by the State Board.

"Nonprofit private institution of higher education" means any postsecondary school, as that term is defined in § 23.1-213, in the Commonwealth that is exempt from paying federal income taxes under § 501(c)(3) of the Internal Revenue Code and is certified by the Council to offer degrees or exempt from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

"Non-Virginia student" means any student who has not established domicile in the Commonwealth pursuant to § 23.1-502.

"Private institution of higher education" includes each nonprofit private institution of higher education and proprietary private institution of higher education in the Commonwealth.

"Proprietary private institution of higher education" means any postsecondary school, as that term is defined in § 23.1-213, in the Commonwealth that is privately owned, privately managed, and obligated to pay federal income taxes in the Commonwealth and is certified by the Council to offer degrees or exempt from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

"Public institution of higher education" includes the System as a whole and each associate-degree-granting and baccalaureate public institution of higher education in the Commonwealth.

"State Board" means the State Board for Community Colleges.

"System" means the Virginia Community College System.

"Virginia student" means any student who has established domicile in the Commonwealth pursuant to § 23.1-502.

§ 23.1-507. University of Virginia's College at Wise; reduced rate tuition charges for certain students.

A. The board of ~~visitors~~ *trustees* of the University of Virginia may charge reduced rate tuition to any student enrolled at the University of Virginia's College at Wise who resides in Kentucky within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in Kentucky, and is entitled to in-state tuition charges at the institutions of higher education in Kentucky if Kentucky has similar reciprocal provisions for Virginia students.

B. The board of ~~visitors~~ *trustees* of the University of Virginia may charge reduced rate tuition to any student enrolled at the University of Virginia's College at Wise who resides in Tennessee within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in Tennessee, and is entitled to in-state tuition charges at the institutions of higher education in Tennessee if Tennessee has similar reciprocal provisions for Virginia students.

C. The board of ~~visitors~~ *trustees* of the University of Virginia may charge reduced rate tuition to any

student enrolled in programs offered jointly by its partners or associates and the University of Virginia's College at Wise at a regional off-campus center who resides in Tennessee within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in Tennessee, and is entitled to in-state tuition charges at the institutions of higher education in Tennessee if Tennessee has similar reciprocal provisions for Virginia students. Any such respective partners or associates shall establish separate tuition charges for their independent classes or programs at such regional off-campus centers.

D. Any non-Virginia student granted reduced rate tuition pursuant to this section shall be counted as a non-Virginia student for the purposes of determining admissions, enrollment, and tuition and fee revenue policies.

§ 23.1-615. Soil scientist scholarships.

A. The *board of trustees of Virginia Polytechnic Institute and State University* ~~Board of Visitors~~ may establish up to 20 annual soil scientist scholarships for Virginia students in an amount equal to tuition and mandatory fees at Virginia Polytechnic Institute and State University.

B. Each scholarship award shall be made upon such basis, competitive or otherwise, as is determined by the president or other proper officer of the institution of higher education (institution) that the applicant plans to attend, with due regard to the scholastic achievements, character, and adaptability of the applicant to the service contemplated under such award. No award shall be made unless the applicant possesses the requisite qualifications.

C. Each such scholarship shall be awarded for a single award year and may be renewed annually for up to three additional award years upon a showing of satisfactory progress.

D. Before any such scholarship is awarded, the applicant shall agree in a signed written contract to pursue soil science at the institution at which the scholarship is awarded until his graduation and, upon graduating, to promptly begin and engage continuously as a soil scientist as an employee of the Commonwealth for as many years as he was a beneficiary of such scholarship, unless no such suitable vacancy exists as an employee of the Commonwealth, in which case the obligation of such contract shall be discharged by being continuously engaged in the Commonwealth as a soil scientist as an employee of a local, state, or federal government agency for as many years as he was a beneficiary of such scholarship. The contract shall contain such other provisions as Virginia Polytechnic Institute and State University deems necessary to accomplish the purposes of the scholarship. In the event that the holder of any awarded soil scientist scholarship dies while receiving instruction under such a scholarship, any balance unpaid and agreed to be repaid by the holder of such scholarship shall be deemed paid, and no liability shall be attached to his estate.

E. Such contract shall contain a clause under which the applicant shall be relieved of his obligation to serve the Commonwealth as a soil scientist, for a period equal to that during which he was a beneficiary of such scholarship, at any time that he (i) fails to maintain a scholastic standard at least equal to the standard required of the general student body at such institution or (ii) becomes permanently disabled and is not able to engage in the profession of soil scientist, upon certification by a faculty committee. Any applicant so relieved shall arrange to reimburse the Commonwealth for the amount received on account of such scholarship plus interest on such amount computed at the prevailing rate charged on student loans at the institution attended by the applicant. Any applicant who so reimburses the Commonwealth and subsequently fulfills the terms of his contract by completing his studies and serving the Commonwealth as a soil scientist for a period equal to that during which he received such scholarship shall be reimbursed from the general fund of the state treasury the amount of the scholarship and interest previously repaid to the Commonwealth. This reimbursement shall be made on any contract made under the provisions of this subsection.

F. All funds repaid by any applicant pursuant to subsection E shall be paid into the state treasury and shall become a part of the general fund. The governing board of the institution attended by the applicant shall collect such payments and shall pay all moneys so received into the state treasury promptly. If any applicant fails to abide by the terms of such contract, such fact shall be communicated to the Attorney General by the proper officer of the institution or by the employing state agency. The Attorney General shall take such action as he deems proper.

G. The funds making up each scholarship shall be paid to the recipient or applied toward the payment of his expenses at the relevant institution in such a manner and at such a time during the academic year as the president or other proper officer determines.

H. There is appropriated to Virginia Polytechnic Institute and State University from the general fund of the state treasury the sum of \$8,000 each year of the biennium for carrying out the purpose of this section.

§ 23.1-800. Health histories and immunizations required; exemptions.

A. No full-time student who enrolls for the first time in any baccalaureate public institution of higher education is eligible to register for his second semester or quarter unless he (i) has furnished, before the beginning of the second semester or quarter of enrollment, a health history consistent with guidelines adopted by each institution's board of ~~visitors~~ *trustees* that includes documented evidence, provided by a

licensed health professional or health facility, of the diseases for which the student has been immunized, the numbers of doses given, the date on which the immunization was administered, and any further immunizations indicated or (ii) objects to such health history requirement on religious grounds, in which case he is exempt from such requirement.

B. Prior to enrollment for the first time in any baccalaureate public institution of higher education, each student shall be immunized by vaccine against diphtheria, tetanus, poliomyelitis, measles (rubeola), German measles (rubella), and mumps according to the guidelines of the American College Health Association.

C. Prior to enrollment for the first time in any baccalaureate public institution of higher education, each full-time student shall be vaccinated against meningococcal disease and hepatitis B unless the student or, if the student is a minor, the student's parent or legal guardian signs a written waiver stating that he has received and reviewed detailed information on the risks associated with meningococcal disease and hepatitis B and the availability and effectiveness of any vaccine and has chosen not to be or not to have the student vaccinated.

D. Any student is exempt from the immunization requirements set forth in subsections B and C who (i) objects on the grounds that administration of immunizing agents conflicts with his religious tenets or practices, unless the Board of Health has declared an emergency or epidemic of disease, or (ii) presents a statement from a licensed physician that states that his physical condition is such that administration of one or more of the required immunizing agents would be detrimental to his health.

E. The Board and Commissioner of Health shall cooperate with any board of ~~visitors~~ *trustees* seeking assistance in the implementation of this section.

F. The Council shall, in cooperation with the Board and Commissioner of Health, encourage private institutions of higher education to develop a procedure for providing information about the risks associated with meningococcal disease and hepatitis B and the availability and effectiveness of any vaccine against meningococcal disease and hepatitis B.

§ 23.1-802. Student mental health; policies; website resource.

A. The governing board of each public institution of higher education shall develop and implement policies that (i) advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students exhibiting suicidal tendencies or behavior and (ii) provide for training where appropriate. Such policies shall require procedures for notifying the institution's student health or counseling center for the purposes set forth in subdivision B 4 of § 23.1-1303 when a student exhibits suicidal tendencies or behavior.

B. The board of ~~visitors~~ *trustees* of each baccalaureate public institution of higher education shall establish a written memorandum of understanding with its local community services board or behavioral health authority and with local hospitals and other local mental health facilities in order to expand the scope of services available to students seeking treatment. The memorandum shall designate a contact person to be notified, to the extent allowable under state and federal privacy laws, when a student is involuntarily committed, or when a student is discharged from a facility. The memorandum shall provide for the inclusion of the institution in the post-discharge planning of a student who has been committed and intends to return to campus, to the extent allowable under state and federal privacy laws.

C. Each baccalaureate public institution of higher education shall create and feature on its website a page with information dedicated solely to the mental health resources available to students at the institution.

§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission of certain comprehensive community college graduates.

A. The board of ~~visitors~~ *trustees* of each baccalaureate public institution of higher education shall develop, consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation, dual admissions, and guaranteed admissions agreements with each associate-degree-granting public institution of higher education.

B. The Council and each public institution of higher education shall develop a one-year uniform certificate of general studies program as set forth in subdivision 20 of § 23.1-203. All credits earned in academic subject coursework by students attending an associate-degree-granting public institution of higher education who complete the one-year uniform certificate of general studies program are transferrable to a baccalaureate public institution of higher education in accordance with Council guidelines.

C. The Council shall prepare an annual report on the pertinent aspects of the pipeline of students transferring from comprehensive community colleges to baccalaureate public institutions of higher education.

D. The Council, consistent with its responsibility to facilitate the development of articulation, dual admissions, and guaranteed admissions agreements set forth in §§ 23.1-203 and 23.1-908, shall develop guidelines for such agreements.

1535 E. Each comprehensive community college shall develop agreements for postsecondary degree
1536 attainment with the public high schools in the school divisions that such comprehensive community
1537 college serves specifying the options for students to complete an associate degree or a one-year Uniform
1538 Certificate of General Studies concurrent with a high school diploma. Such agreements shall specify the
1539 credit available for dual enrollment courses and Advanced Placement courses with qualifying exam
1540 scores of three or higher.

1541 **§ 23.1-1100. Definitions.**

1542 As used in this chapter, unless the context requires a different meaning:

1543 "Board" means the members of the ~~board of visitors~~, board of trustees, or other governing board of
1544 an institution.

1545 "Bond" means any bond, note, or other evidence of indebtedness or obligation of an institution issued
1546 by an institution pursuant to this chapter.

1547 "Erect" includes building, constructing, reconstructing, erecting, demolishing, extending, bettering,
1548 equipping, installing, modifying, and improving.

1549 "Institution" means each public institution of higher education, as that term is defined in § 23.1-100;
1550 Eastern Virginia Medical School; the Institute for Advanced Learning and Research; the New College
1551 Institute; the Roanoke Higher Education Authority; the Southern Virginia Higher Education Center; the
1552 Southwest Virginia Higher Education Center; the Virginia School for the Deaf and the Blind; and the
1553 Wilson Workforce and Rehabilitation Center.

1554 "Project" means (i) any (a) building, facility, addition, extension, or improvement of a capital nature
1555 that is necessary or convenient to carry out the purposes of an institution, including administration and
1556 teaching facilities, lecture and exhibition halls, libraries, dormitories, student apartments, faculty
1557 dwellings, dining halls, cafeterias, snack bars, laundries, hospitals, laboratories, research centers,
1558 infirmaries, field houses, gymnasiums, auditoriums, student unions, recreation centers, stadiums, athletics
1559 facilities, garages, parking facilities, warehouses and storage buildings, and book and student supplies
1560 centers, or (b) building, land, appurtenance, furnishing, or equipment necessary or desirable in
1561 connection with or incidental to a project or (ii) any personal property at an institution.

1562 **§ 23.1-1300. Members of governing boards; removal; terms; nonvoting, advisory**
1563 **representatives.**

1564 A. Members appointed by the Governor to the governing boards of public institutions of higher
1565 education shall serve for terms of four years. Vacancies occurring other than by expiration of a term
1566 shall be filled for the unexpired term. No member appointed by the Governor to such a governing board
1567 shall serve for more than two consecutive four-year terms; however, a member appointed by the
1568 Governor to serve an unexpired term is eligible to serve two consecutive four-year terms immediately
1569 succeeding such unexpired term. Except as otherwise provided in § 23.1-2601, all appointments are
1570 subject to confirmation by the General Assembly. Members appointed by the Governor to the governing
1571 board of a public institution of higher education shall continue to hold office until their successors have
1572 been appointed and confirmed. Ex officio members shall serve a term coincident with their term of
1573 office.

1574 B. No member appointed by the Governor to the governing board of a public institution of higher
1575 education who has served two consecutive four-year terms on such board is eligible to serve on the
1576 same board until at least four years have passed since the end of his second consecutive four-year term.

1577 C. Notwithstanding the provisions of subsection E or any other provision of law, the Governor may
1578 remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of
1579 the board of any public institution of higher education and fill the vacancy resulting from the removal.

1580 D. The Governor shall set forth in a written public statement his reasons for removing any member
1581 pursuant to subsection C at the time the removal occurs. The Governor is the sole judge of the
1582 sufficiency of the cause for removal as set forth in subsection C.

1583 E. If any member of the governing board of a public institution of higher education fails to attend (i)
1584 the meetings of the board for one year without sufficient cause, as determined by a majority vote of the
1585 board, or (ii) the educational programs required by § 23.1-1304 in his first two years of membership
1586 without sufficient cause, as determined by a majority vote of the board, the remaining members of the
1587 board shall record such failure in the minutes at its next meeting and notify the Governor, and the office
1588 of such member shall be vacated. No member of the board of ~~visitors~~ *trustees* of a ~~four-year~~
1589 *baccalaureate* public institution of higher education or the State Board for Community Colleges who
1590 fails to attend the educational programs required by § 23.1-1304 during his first four-year term is
1591 eligible for reappointment to such board.

1592 F. The governing board of each public institution of higher education shall adopt in its bylaws
1593 policies (i) for removing members pursuant to subsection E and (ii) referencing the Governor's power to
1594 remove members described in subsection C.

1595 G. The governing board of each public institution of higher education and each local community
1596 college board may appoint one or more nonvoting, advisory faculty representatives to its respective

board. In the case of local community college boards and boards of ~~visitors~~ *trustees*, such representatives shall be chosen from individuals elected by the faculty or the institution's faculty senate or its equivalent. In the case of the State Board, such representatives shall be chosen from individuals elected by the Chancellor's Faculty Advisory Committee. Such representatives shall be appointed to serve (i) at least one term of at least 12 months, which shall be coterminous with the institution's fiscal year or (ii) for such terms as may be mutually agreed to by the State Board and the Chancellor's Faculty Advisory Committee, or by the local community college board or the board of ~~visitors~~ *trustees*, and the institution's faculty senate or its equivalent.

H. The board of ~~visitors~~ *trustees* of any baccalaureate public institution of higher education shall appoint one or more students as nonvoting, advisory representatives. Such representatives shall be appointed under such circumstances and serve for such terms as the board of ~~visitors~~ *trustees* of the institution shall prescribe.

I. Nothing in subsections G and H shall prohibit the governing board of any public institution of higher education or any local community college board from excluding such nonvoting, advisory faculty or student representatives from discussions of faculty grievances, faculty or staff disciplinary matters or salaries, or any other matter.

§ 23.1-1301. Governing boards; powers.

A. The board of ~~visitors~~ *trustees* of each baccalaureate public institution of higher education or its designee may:

1. Make regulations and policies concerning the institution;
2. Manage the funds of the institution and approve an annual budget;
3. Appoint the chief executive officer of the institution;
4. Appoint professors and fix their salaries; and
5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.

B. The governing board of each public institution of higher education or its designee may:

1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the same manner as all other gifts and bequests;

2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes on any property owned by the institution;

3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained, or controlled by the institution;

4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers, instructors, and other employees;

5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the regulations or institution policies required pursuant to § 23.1-1303;

6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such regulations or policies;

7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote (i) student compliance with state laws on the use of alcoholic beverages and (ii) the awareness and prevention of sexual crimes committed upon students;

8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in accordance with the prohibition against hazing as defined in § 18.2-56;

9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an interest, provided such assignment is in accordance with the terms of the institution's intellectual property policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of such property (i) developed wholly or predominantly through the use of state general funds, exclusive of capital assets and (ii)(a) developed by an employee of the institution acting within the scope of his assigned duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the Governor does not approve such transfer, the materials shall remain the property of the respective institutions and may be used and developed in any manner permitted by law;

10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business as a "state public body" for purposes of subsection B of § 2.2-3708; and

11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution

1658 to enforce state statutes and local ordinances with respect to offenses occurring on the property of the
1659 institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes
1660 and local ordinances with respect to offenses occurring on the property of the institution.

1661 **§ 23.1-1309. Boards of trustees; baccalaureate public institutions of higher education;**
1662 **intercollegiate athletics programs.**

1663 A. As used in this section:

1664 "Athletics revenue" means the total revenue received by an institution that is generated by any of the
1665 institution's intercollegiate athletics programs. "Athletics revenue" includes contributions; game
1666 guarantees; income received from endowments and investments; income received from the sale of food,
1667 game programs, novelties, and other concessions at an intercollegiate athletics contest; income received
1668 from intercollegiate athletics conferences for participation in bowl games, tournaments, and other
1669 intercollegiate athletics contests; income received from the provision of parking at intercollegiate
1670 athletics contests or other events associated with intercollegiate athletics; rights and licensing; school
1671 funds; student fees; support from third parties guaranteed by the institution, such as income received
1672 from athletics camps, income received from television, and housing allowances; and all other income
1673 from any other source generated by the institution's intercollegiate athletics programs.

1674 "Contributions" means any income received directly from individuals, corporations, associations,
1675 foundations, clubs, or other donors for the operation of an institution's intercollegiate athletics programs.
1676 "Contributions" includes amounts paid in excess of the face value of an admissions ticket to an
1677 intercollegiate athletics contest or any other event associated with intercollegiate athletics; cash;
1678 marketable securities; income generated from preferential seating arrangements at intercollegiate athletics
1679 contests or other events associated with intercollegiate athletics; and in-kind contributions such as cars
1680 provided to an intercollegiate athletics program by car dealers at no cost and apparel and sports drink
1681 products provided to intercollegiate athletes and coaches at no cost.

1682 "Generated revenue" means all athletics revenue with the exception of the subsidy.

1683 "Institution" means a baccalaureate public institution of higher education.

1684 "Intercollegiate athletics program" means any athletics program for a particular sport that is operated
1685 by an institution and governed by the National Collegiate Athletic Association (NCAA).

1686 "Rights and licensing" includes income from radio and television broadcasts; Internet and
1687 e-commerce rights resulting from institution-negotiated contracts; revenue-sharing agreements with the
1688 NCAA or an intercollegiate athletics conference; licensing; the sale of advertisements, trademarks, or
1689 royalties; corporate sponsorships; and the value of in-kind contributions of products and services
1690 provided to an intercollegiate athletics program at no cost as part of such corporate sponsorship, such as
1691 equipment, apparel, isotonic sports drinks, other sports drink products, or water.

1692 "School funds" means the direct and indirect financial support provided by the institution to any of
1693 its intercollegiate athletics programs. "School funds" includes state funds, tuition, tuition waivers, federal
1694 work awards for student athletes, administrative costs, facilities and grounds maintenance, security, risk
1695 management, utilities, and depreciation and debt services.

1696 "Student fees" means any fees assessed by an institution against a student that are used to support
1697 any of the institution's intercollegiate athletics programs.

1698 "Subsidy" means the sum of school funds and student fees.

1699 "Subsidy percentage" means the subsidy divided by the athletics revenue, provided that revenues
1700 allocated to (i) support spirit groups associated with any intercollegiate athletics program, (ii) meet any
1701 indirect cost policy requirements, or (iii) debt service for previously approved intercollegiate athletics
1702 capital outlay projects may be excluded from the subsidy for the purposes of such calculation.

1703 "Ticket sales" means the sale of the right to gain admission to an intercollegiate athletics contest or
1704 any other event associated with intercollegiate athletics. "Ticket sales" includes sums received from any
1705 associated shipping and handling charges and includes sales to the public, faculty, and students. "Ticket
1706 sales" does not include (i) amounts paid in excess of the face value of an admissions ticket to an
1707 intercollegiate athletics contest or any other event associated with intercollegiate athletics such as
1708 preferential seating arrangements or (ii) pass-through sales transactions such as sales for admission
1709 tickets to bowl games and conference and national tournaments.

1710 B. The Auditor of Public Accounts, in collaboration with the Council, State Comptroller, Department
1711 of Planning and Budget, and each institution, shall develop and implement a standardized reporting
1712 format for each institution to annually report its intercollegiate athletics revenue and expenses to the
1713 Auditor of Public Accounts that shall include treatment of student fees and classification of specific
1714 intercollegiate athletics programs and shall require expenses for spirit groups, indirect cost policy
1715 requirements, and debt service for previously approved intercollegiate athletics capital outlay projects
1716 and other intercollegiate athletics capital outlay projects to be reported on separate lines.

1717 C. The subsidy percentage shall not exceed:

1718 1. 20 percent for NCAA Division I-A institutions affiliated with the Atlantic Coast Conference, Big
1719 Ten Conference, Big 12 Conference, Pac-12 Conference, or Southeastern Conference;

2. 55 percent for NCAA Division I-A institutions affiliated with conferences other than the Atlantic Coast Conference, Big Ten Conference, Big 12 Conference, Pac-12 Conference, or Southeastern Conference;

3. 70 percent for NCAA Division I-AA institutions;

4. 78 percent for NCAA Division I-AAA institutions;

5. 81 percent for NCAA Division II institutions that operate intercollegiate football programs;

6. 85 percent for NCAA Division II institutions that do not operate intercollegiate football programs;

7. 89 percent for NCAA Division III institutions that operate intercollegiate football programs; and

8. 92 percent for NCAA Division III institutions that do not operate intercollegiate football programs.

D. Each fiscal year, any percentage increase in the subsidy at an institution that complies with subsection C shall be matched by a like percentage increase in generated revenue, except that each such institution shall utilize a rolling average of the change in generated revenue and student fees over the immediately preceding five years for the purposes of such calculation.

E. When necessary, each institution shall submit to the Governor and the General Assembly for approval a plan that reduces the subsidy in accordance with targets outlined in the plan over a five-year period until the subsidy percentage complies with the requirements of subsection C.

F. The Auditor of Public Accounts shall annually review each institution's progress towards meeting the requirements of each plan approved pursuant to subsection E as part of his annual audit pursuant to § 30-133.

G. Failure to meet the progress requirements of each plan approved pursuant to subsection E for one year, as determined by the Auditor of Public Accounts, shall result in such reduction of the financial and administrative operations authority granted to the institution pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.) as the Governor or General Assembly determines.

H. Failure to meet the progress requirements of each plan approved pursuant to subsection E for two consecutive years, as determined by the Auditor of Public Accounts, shall result in revocation of all financial and administrative operations authority granted to the institution pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).

I. The board of ~~visitors~~ *trustees* of any institution that seeks to add a major intercollegiate athletics program such as football or basketball or change the division level of any of its existing intercollegiate athletics programs shall first submit to the Intercollegiate Athletics Review Commission (Commission) established pursuant to Chapter 57 (§ 30-359 et seq.) of Title 30 a plan and recommendations for financing the addition or change. The institution shall not in any way undertake any such addition or agree or commit to any such change until it has received the findings and recommendations of the Commission pursuant to § 30-360. Any such addition or change is subject to the approval of the General Assembly expressed in the general appropriation act. The board of ~~visitors~~ *trustees* of any institution that adds a non-major intercollegiate athletics program shall report such decision within 15 days of the board's action.

§ 23.1-1310. Boards of trustees; baccalaureate public institutions of higher education; property of predecessor institutions.

All real estate and personal property standing in the name of any predecessor institution of a baccalaureate public institution of higher education shall be transferred to, known and taken as standing in the name of, and controlled by the board of ~~visitors~~ *trustees* of such public institution of higher education. All such real estate and personal property is the property of the Commonwealth.

§ 23.1-1400. Corporate name; name of the University.

A. The board of ~~visitors~~ *trustees* of Christopher Newport University (the board) is a corporation under the name and style of "The Rector and ~~Visitors~~ *Trustees* of Christopher Newport University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Christopher Newport University (the University).

§ 23.1-1500. Corporate name; name of the University.

A. The board of ~~visitors~~ *trustees* of George Mason University (the board) is a corporation under the name and style of "The Rector and ~~Visitors~~ *Trustees* of George Mason University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as George Mason University (the University).

§ 23.1-1600. Corporate name; name of the University.

A. The board of ~~visitors~~ *trustees* of James Madison University (the board) is a corporation under the name and style of "The ~~Visitors~~ *Trustees* of James Madison University" and has, in addition to its other

1781 powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those
1782 powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be
1783 under the control of the General Assembly.

1784 B. The institution shall be known as James Madison University (the University).

1785 C. All laws relating to Madison College or the board of ~~visitors~~ *trustees* of Madison College shall be
1786 construed as relating to the University or the board, respectively.

1787 **§ 23.1-1700. Corporate name; name of the University.**

1788 A. The board of ~~visitors~~ *trustees* of Longwood University (the board) is a corporation under the
1789 name and style of "The ~~Visitors~~ *Trustees* of Longwood University" and has, in addition to its other
1790 powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those
1791 powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be
1792 under the control of the General Assembly.

1793 B. The institution shall be known as Longwood University (the University).

1794 **§ 23.1-1800. Corporate name; name of the University.**

1795 A. The board of ~~visitors~~ *trustees* of the University of Mary Washington (the board) is a corporation
1796 under the name and style of "The Rector and ~~Visitors~~ *Trustees* of the University of Mary Washington"
1797 and has, in addition to its other powers, all the corporate powers given to corporations by the provisions
1798 of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The
1799 board shall at all times be under the control of the General Assembly.

1800 B. The institution shall be known as the University of Mary Washington (the University).

1801 **§ 23.1-1900. Corporate name; name of the University.**

1802 A. The board of ~~visitors~~ *trustees* of Norfolk State University (the board) is a corporation under the
1803 name and style of "The ~~Visitors~~ *Trustees* of Norfolk State University" and has, in addition to its other
1804 powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those
1805 powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be
1806 under the control of the General Assembly.

1807 B. The institution shall be known as Norfolk State University (the University).

1808 C. All laws relating to Norfolk State College or the board of ~~visitors~~ *trustees* of Norfolk State
1809 College shall be construed as relating to the University or the board, respectively.

1810 **§ 23.1-1901. Membership; executive committee.**

1811 A. The board of ~~visitors~~ *trustees* shall consist of 13 members appointed by the Governor, of whom at
1812 least four shall be alumni of the University. Of the alumni appointed, at least one shall be a resident of
1813 the Commonwealth.

1814 B. The alumni association of the University may submit to the Governor a list of four nominees for
1815 each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The
1816 Governor may appoint a member from the list of nominees.

1817 C. The board may appoint at least three and not more than five of its members to an executive
1818 committee that has and may exercise such powers as the board may prescribe.

1819 **§ 23.1-2000. Corporate name; name of the University.**

1820 A. The board of ~~visitors~~ *trustees* of Old Dominion University (the board) is a corporation under the
1821 name and style of "Old Dominion University" and has, in addition to its other powers, all the corporate
1822 powers given to corporations by the provisions of Title 13.1 except those powers that are confined to
1823 corporations created pursuant to Title 13.1. The board shall at all times be under the control of the
1824 General Assembly.

1825 B. The institution shall be known as Old Dominion University (the University).

1826 C. All laws relating to Norfolk College or the board of ~~visitors~~ *trustees* of Norfolk College shall be
1827 construed as relating to the University or the board, respectively.

1828 **§ 23.1-2100. Corporate name; name of the University.**

1829 A. The board of ~~visitors~~ *trustees* of Radford University (the board) is a corporation under the name
1830 and style of "The ~~Visitors~~ *Trustees* of Radford University" and has, in addition to its other powers, all
1831 the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are
1832 confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control
1833 of the General Assembly.

1834 B. The institution shall be known as Radford University (the University).

1835 C. All laws relating to Radford College or the board of ~~visitors~~ *trustees* of Radford College shall be
1836 construed as relating to the University or the board, respectively.

1837 **§ 23.1-2200. Corporate name; name of the University.**

1838 A. The board of ~~visitors~~ *trustees* of the University of Virginia (the board) is a corporation under the
1839 name and style of "the Rector and ~~Visitors~~ *Trustees* of the University of Virginia" and has, in addition
1840 to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except
1841 those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all
1842 times be under the control of the General Assembly.

B. The institution shall be known as the University of Virginia (the University).

§ 23.1-2300. Corporate name; name of the University.

A. The board of ~~visitors~~ *trustees* of Virginia Commonwealth University (the board) is a corporation under the name and style of "Virginia Commonwealth University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Virginia Commonwealth University (the University).

§ 23.1-2400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Authority" means the Virginia Commonwealth University Health System Authority.

"Board" means the board of directors of the Authority.

"Bonds" means bonds, notes, revenue certificates, lease participation certificates, or other evidences of indebtedness or deferred purchase financing arrangements.

"Chief executive officer" means the chief executive officer of the Virginia Commonwealth University Health System Authority.

"Costs" means (i) costs of (a) construction, reconstruction, renovation, site work, and acquisition of lands, structures, rights-of-way, franchises, easements, and other property rights and interests; (b) demolition, removal, or relocation of buildings or structures; (c) labor, materials, machinery, and all other kinds of equipment; (d) engineering and inspections; (e) financial, legal, and accounting services; (f) plans, specifications, studies, and surveys; (g) estimates of costs and of revenues; (h) feasibility studies; and (i) issuance of bonds, including printing, engraving, advertising, legal, and other similar expenses; (ii) financing charges; (iii) administrative expenses, including administrative expenses during the start-up of any project; (iv) credit enhancement and liquidity facility fees; (v) fees for interest rate caps, collars, swaps, or other financial derivative products; (vi) interest on bonds in connection with a project prior to and during construction or acquisition thereof and for a period not exceeding one year thereafter; (vii) provisions for working capital to be used in connection with any project; (viii) redemption premiums, obligations purchased to provide for the payment of bonds being refunded, and other costs necessary or incident to refunding of bonds; (ix) operating and maintenance reserve funds, debt reserve funds, and other reserves for the payment of principal and interest on bonds; (x) all other expenses necessary, desirable, or incidental to the operation of the Authority's facilities or the construction, reconstruction, renovation, acquisition, or financing of projects, other facilities, or equipment appropriate for carrying out the purposes of this chapter and the placing of the same in operation; or (xi) the refunding of bonds.

"Hospital facilities" means all property or rights in property, real and personal, tangible and intangible, including all facilities suitable for providing hospital and health care services and all structures, buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in land, furnishings, landscaping, approaches, roadways, and other related and supporting facilities owned, leased, operated, or used, in whole or in part, by Virginia Commonwealth University as part of, or in connection with, MCV Hospitals in the normal course of its operations as a teaching, research, and medical treatment facility.

"Hospital obligations" means all debts or other obligations, contingent or certain, owing to any person or other entity on the transfer date, arising out of the operation of MCV Hospitals as a medical treatment facility or the financing or refinancing of hospital facilities and including all bonds and other debts for the purchase of goods and services, whether or not delivered, and obligations for the delivery of services, whether or not performed.

"Project" means any health care, research, or educational facility or equipment necessary or convenient to or consistent with the purposes of the Authority, whether owned by the Authority, including hospitals; nursing homes; continuing care facilities; self-care facilities; wellness and health maintenance centers; medical office facilities; clinics; outpatient clinics; surgical centers; alcohol, substance abuse, and drug treatment centers; laboratories; sanitariums; hospices; facilities for the residence or care of the elderly, the handicapped, or the chronically ill; residential facilities for nurses, interns, and physicians; other kinds of facilities for the treatment of sick, disturbed, or infirm individuals, the prevention of disease, or maintenance of health; colleges, schools, or divisions offering undergraduate or graduate programs for the health professions and sciences and such other courses of study as may be appropriate, together with research, training, and teaching facilities; all necessary or desirable related and supporting facilities and equipment or equipment alone, including (i) parking, kitchen, laundry, laboratory, wellness, pharmaceutical, administrative, communications, computer, and recreational facilities; (ii) power plants and equipment; (iii) storage space; (iv) mobile medical facilities; (v) vehicles; (vi) air transport equipment; and (vii) other equipment necessary or desirable for the transportation of medical equipment, medical personnel, or patients; and all lands, buildings,

1904 improvements, approaches, and appurtenances necessary or desirable in connection with or incidental to
1905 any project.

1906 "Transfer date" means a date or dates agreed to by the board of ~~visitors~~ trustees of Virginia
1907 Commonwealth University and the Authority for the transfer of employees to the Authority and for the
1908 transfer of hospital facilities, or any parts thereof, to and the assumption, directly or indirectly, of
1909 hospital obligations by the Authority, which dates for the various transfers and the various assumptions
1910 may be different, but in no event shall any date be later than June 30, 1997.

1911 "University" means Virginia Commonwealth University.

1912 **§ 23.1-2402. Board of directors; membership; meetings; officers; employees.**

1913 A. The Authority shall be governed by a board of directors with a total of 21 members that consists
1914 of 19 appointed members and two ex officio members. The 19 appointed members shall consist of six
1915 nonlegislative citizen members to be appointed by the Governor, of whom two shall be physician-faculty
1916 members; five members to be appointed by the Speaker of the House of Delegates, of whom two shall
1917 be physician-faculty members; three members to be appointed by the Senate Committee on Rules, of
1918 whom one shall be a physician-faculty member; and five nonlegislative citizen members of the board of
1919 ~~visitors~~ trustees of the University to be appointed by the rector of the board of ~~visitors~~ trustees of the
1920 University, all of whom shall be members of the board of ~~visitors~~ trustees of the University at all times
1921 while serving on the board. The President of the University and the Vice-President for Health Sciences
1922 of the University, or the individual who holds such other title as subsequently may be established by the
1923 board of ~~visitors~~ trustees of the University for the chief academic and administrative officer for the
1924 Health Sciences Schools of the University, shall serve ex officio with voting privileges.

1925 All appointed members except those who are members of the board of ~~visitors~~ trustees of the
1926 University shall have demonstrated experience or expertise in business, health care management, or legal
1927 affairs.

1928 B. The five appointed physician-faculty members shall be faculty members of the University with
1929 hospital privileges at MCV Hospitals at all times while serving on the board.

1930 C. The Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules shall
1931 appoint physician-faculty members after consideration of names from lists submitted by the faculty
1932 physicians of the School of Medicine of the University through the Vice-President for Health Sciences
1933 of the University. The list shall contain at least two names for each vacancy.

1934 D. Members shall serve for terms of three years. Vacancies occurring other than by expiration of a
1935 term shall be filled for the unexpired term. No member shall serve for more than two consecutive
1936 three-year terms; however, a member appointed to serve an unexpired term is eligible to serve two
1937 consecutive three-year terms. Members who serve two consecutive three-year terms are eligible for
1938 reappointment one year after the expiration of their second term. All appointments are subject to
1939 confirmation by the General Assembly. Members shall continue to hold office until their successors have
1940 been appointed and confirmed. Ex officio members shall serve a term coincident with their term of
1941 office.

1942 E. Neither the board members appointed from the board of ~~visitors~~ trustees of the University nor the
1943 ex officio members shall vote on matters that require them to breach their fiduciary duties to the
1944 University or to the Authority.

1945 F. Any member may be removed for malfeasance, misfeasance, incompetence, or gross neglect of
1946 duty by the individual or entity that appointed him or, if such appointing individual no longer holds the
1947 office creating the right of appointment, by the current holder of that office.

1948 G. The president of the University shall serve as the chairman of the board. The board shall elect
1949 annually a vice-chairman from among its membership. The board shall also elect a secretary and
1950 treasurer and such assistant secretaries and assistant treasurers as the board may authorize for terms
1951 determined by the board, each of whom may or may not be a member of the board. The same
1952 individual may serve as both secretary and treasurer.

1953 H. The board may appoint an executive committee and other standing or special committees and
1954 prescribe their duties and powers, and any executive committee may exercise all such powers and duties
1955 of the board under this chapter as the board may delegate.

1956 I. The board may provide for the appointment, employment, term, compensation, and removal of
1957 officers, employees, and agents of the Authority, including engineers, consultants, lawyers, and
1958 accountants, as the board deems appropriate.

1959 J. The board shall meet at least four times each year and may hold such special meetings as it deems
1960 appropriate.

1961 K. The board may adopt, amend, and repeal such policies, regulations, procedures, and bylaws not
1962 contrary to law or inconsistent with this chapter as it deems expedient for its own governance and for
1963 the governance and management of the Authority.

1964 L. A majority of the board shall constitute a quorum for meetings, and the board may act by a
1965 majority of those present at any meeting.

M. Legislative board members are entitled to such compensation as provided in § 30-19.12 and nonlegislative citizen board members are entitled to such compensation for the performance of their duties as provided in § 2.2-2813. All members are entitled to reimbursement 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 Authority.

N. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall apply to the members of the board and the employees of the Authority.

§ 23.1-2403. Chief executive officer of the Authority.

A. The Authority shall be under the immediate supervision and direction of a chief executive officer, subject to the policies and direction established by the board. The chief executive officer shall be the individual who holds the title of Vice-President for Health Sciences of Virginia Commonwealth University, or such other title as subsequently may be established by the board of ~~visitors~~ *trustees* of the University for the chief academic and administrative officer for the Health Sciences Schools of the University. Notwithstanding any other provision of law to the contrary, the selection and removal of the chief executive officer, and the conditions of appointment, including salary, shall be made jointly by the board and the board of ~~visitors~~ *trustees* of the University at a joint meeting of the board and the board of ~~visitors~~ *trustees* of the University upon a vote of a majority of the members of each board present and voting at the aforementioned joint meeting, acting separately in accordance with applicable provisions of law.

B. In the event that a majority of the members of each board do not agree upon the selection, removal, or conditions of appointment, including salary, of the chief executive officer as provided in subsection A, then each board shall appoint a committee of three members of its respective board to consider the matter upon which the boards disagree. The selection, removal, or conditions of appointment shall be made jointly by the two committees at a joint meeting of the committees upon a vote by a majority of the members of each committee present and voting at the joint meeting. In the event that a majority of the members of each committee agree upon the selection, removal, or conditions of appointment of the chief executive officer, then the decision shall be reported to the board and the board of ~~visitors~~ *trustees* of the University, each of which shall be bound by the decision of the committees. In the event that a majority of the members of each committee do not agree on the selection, removal, or conditions of appointment of the chief executive officer within 30 days of the appointment of the committees by each board, then the president of the University shall decide upon the matter upon which the committees disagree. The president of the University shall report his decision to both boards, each of which shall be bound by the decision of the president.

C. The chief executive officer shall devote his full time to the performance of his official duties and shall not be engaged in any other profession or occupation.

D. The chief executive officer shall supervise and administer the operation of the Authority in accordance with the provisions of this chapter.

§ 23.1-2425. Confidential and public information.

A. The Authority is subject to the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.), including the exclusions set forth in subdivision 15 of § 2.2-3705.7 and subdivision A 23 of § 2.2-3711.

B. For purposes of the Freedom of Information Act (§ 2.2-3700 et seq.), meetings of the board are not considered meetings of the board of ~~visitors~~ *trustees* of the University. Meetings of the board may be conducted through telephonic or video means as provided in § 2.2-3708.

§ 23.1-2500. Corporate name; name of the Institute.

A. The board of ~~visitors~~ *trustees* of Virginia Military Institute (the board) is a corporation under the name and style of "Virginia Military Institute" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Virginia Military Institute (the Institute).

C. There shall be paid out of the public treasury such sums as shall be appropriated by the General Assembly for the support of the school.

§ 23.1-2600. Corporate name; name of the University.

A. The board of ~~visitors~~ *trustees* of Virginia Polytechnic Institute and State University (the board) is a corporation under the name and style of "Virginia Polytechnic Institute and State University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Virginia Polytechnic Institute and State University (the University).

C. All laws relating to Virginia Polytechnic Institute, its predecessors, its board of ~~visitors~~ *trustees*,

2027 or the board of ~~visitors~~ *trustees* of each of its predecessors shall be construed as relating to the
 2028 University.

2029 **§ 23.1-2640. Experimental farms.**

2030 A. A portion of the fund, not exceeding 10 percent of each sum assigned to Virginia State University
 2031 and the University, may be expended, in the discretion of the board of ~~visitors~~ *trustees* of each
 2032 institution, in the purchase of lands for experimental farms.

2033 B. The respective boards of ~~visitors~~ *trustees* may use a portion of the accruing interest from such
 2034 fund to purchase suitable and appropriate laboratories.

2035 **§ 23.1-2700. Corporate name; name of the University.**

2036 A. The board of ~~visitors~~ *trustees* of Virginia State University (the board) is a corporation under the
 2037 name and style of "The ~~Visitors Trustees~~ *Trustees* of Virginia State University" and has, in addition to its other
 2038 powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those
 2039 powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be
 2040 under the control of the General Assembly.

2041 B. The institution shall be known as Virginia State University (the University).

2042 C. All laws relating to Virginia State College or the board of ~~visitors~~ *trustees* of Virginia State
 2043 College shall be construed as relating to the University or the board, respectively.

2044 **§ 23.1-2800. Corporate name; name of the University.**

2045 A. The board of ~~visitors~~ *trustees* of The College of William and Mary in Virginia (the board) is a
 2046 corporation under the name and style of "The College of William and Mary in Virginia" and has, in
 2047 addition to its other powers, (i) all the corporate powers given to corporations by the provisions of Title
 2048 13.1 except those powers that are confined to corporations created pursuant to Title 13.1 and (ii) all
 2049 powers conferred by the ancient royal charter of The College of William and Mary in Virginia. The
 2050 board shall at all times be under the control of the General Assembly.

2051 B. The institution shall be known as The College of William and Mary in Virginia (the University).

2052 **§ 23.1-3000. Definitions.**

2053 As used in this chapter, unless the context requires a different meaning:

2054 "Board" means the board of ~~visitors~~ *trustees* of Eastern Virginia Medical School.

2055 "Bonds" includes bonds, notes, revenue certificates, lease participation certificates, and other
 2056 evidences of indebtedness, payment obligations, or deferred purchase financing arrangements.

2057 "Costs" means (i) costs of construction, reconstruction, renovation, site work, and acquisition of
 2058 lands, structures, rights-of-way, franchises, easements, and other property rights and interests; (ii) costs
 2059 of demolition, removal, or relocation of buildings or structures; (iii) costs of labor; (iv) costs of
 2060 materials, machinery, and all other kinds of equipment; (v) financing charges; (vi) costs of issuance of
 2061 bonds, including printing, engraving, advertising, legal, and other similar expenses; (vii) credit
 2062 enhancement and liquidity facility fees; (viii) fees for interest rate caps, collars, and swaps; (ix) interest
 2063 on bonds and other borrowing in connection with a project prior to and during construction of the
 2064 project and for a period not exceeding one year after the completion of such construction; (x) costs of
 2065 engineering, inspection, financial, legal, and accounting services, plans, specifications, studies, surveys,
 2066 estimates of costs and revenues, and feasibility studies; (xi) administrative expenses, including
 2067 administrative expenses during the start-up of any project; (xii) working capital to be used in connection
 2068 with any project; (xiii) reserve funds and other reserves for the payment of principal of and interest on
 2069 bonds; and (xiv) all other expenses necessary, desirable, or incidental to the construction, reconstruction,
 2070 renovation, acquisition, financing, refinancing, or placing in operation of projects.

2071 "Medical School" means the Eastern Virginia Medical School.

2072 "Operating project" means any project (i) owned, in whole or in part; (ii) controlled, directly or
 2073 indirectly, in whole or in part; or (iii) operated, directly or indirectly, by the Medical School, including
 2074 parking, utility, and similar essential and related facilities operated by the Medical School or its agents
 2075 either for itself or for itself and other health-related entities and institutions on a shared-support basis.

2076 "Project" means any medical educational institution and medical facility, including colleges, schools,
 2077 and divisions offering undergraduate and graduate programs for the health professions and sciences and
 2078 such other courses of study as may be appropriate; medical and paramedical facilities; such other
 2079 facilities deemed by the board as consistent with the powers and purposes of Eastern Virginia Medical
 2080 School; all related and supporting facilities; and all necessary, desirable, or incidental lands, buildings,
 2081 improvements, and other appurtenances and equipment.

2082 **§ 23.1-3002. Board; membership; officers; meetings; committees.**

2083 A. The Medical School shall be governed by a board of ~~visitors~~ *trustees* composed of 17 members as
 2084 follows: two nonlegislative citizen members appointed by the Governor; two nonlegislative citizen
 2085 members appointed by the Senate Committee on Rules; three nonlegislative citizen members appointed
 2086 by the Speaker of the House of Delegates; six nonlegislative citizen members appointed by the Eastern
 2087 Virginia Medical School Foundation; and four nonlegislative citizen members appointed by their
 2088 respective city councils as follows: two members for the City of Norfolk, one member for the City of

Virginia Beach, and one member appointed by the following city councils in a rotating manner: the City of Chesapeake, the City of Hampton, the City of Portsmouth, the City of Suffolk, and the City of Newport News.

B. Members shall serve for terms of three years, commencing on July 1 of the appointment year. Vacancies occurring other than by expiration of a term shall be filled by the original appointing authority for the unexpired term. No member shall serve for more than two consecutive three-year terms; however, (i) a member appointed to serve an unexpired term is eligible to serve two consecutive three-year terms immediately succeeding such unexpired term and (ii) an officer is eligible to serve up to three additional one-year terms. Except as otherwise provided in this subsection, no member who has served two consecutive three-year terms is eligible to serve on the board until at least one year has passed since the end of his second consecutive three-year term. Members shall continue to hold office until their successors have been appointed and confirmed.

C. Members shall receive no salaries but are entitled to reimbursement for necessary traveling and other expenses incurred while engaged in the performance of their duties.

D. Each appointing authority has the right to remove any member it appointed for malfeasance, misfeasance, incompetence, or gross neglect of duty.

E. The board shall annually elect a rector, vice-rector, treasurer, and secretary from among its membership and may elect assistant secretaries and treasurers who are not required to be members of the board. The same member may serve as both secretary and treasurer.

F. The board shall meet at least four times each year and may hold such special meetings as it deems necessary. The rector or any three members may call special meetings of the board.

G. The board may appoint an executive committee composed of at least three but no more than five members for the transaction of business in the recess of the board.

§ 23.1-3204. Board of Regents of Gunston Hall and Board of Trustees of Gunston Hall established.

The Board of Regents of Gunston Hall (Board of Regents) is established as an educational institution to manage, maintain, and operate Gunston Hall and accept and administer gifts of real and personal property made for the benefit of Gunston Hall. The Board of ~~Visitors~~ *Trustees* of Gunston Hall is established. Membership of both collegial bodies shall be pursuant to the terms and conditions of the deed of gift of Gunston Hall from Louis Hertle to the Commonwealth. The duties of the two boards are prescribed in Chapter 138 of the Acts of Assembly of 1932 and Chapter 175 of the Acts of Assembly of 1948.

§ 30-133.1. Additional certifications for public institutions of higher education.

In addition to all other responsibilities and duties required under law, the Auditor of Public Accounts shall, promptly upon completion of the annual audit for each public institution of higher education, certify in writing to the ~~Chairman~~ *chairman* of the ~~Board~~ *board* of ~~Visitors~~ *trustees* or other governing body of the institution, the Secretaries of Education, Finance, and Administration, and the Chairmen of the House Committee on Appropriations, the House Committee on Finance, and the Senate Committee on Finance whether or not the institution meets all of the financial and administrative management standards currently in effect for public institutions of higher education pursuant to § 23.1-1001 and as may be included in the appropriation act currently in effect. In addition, for any public institution of higher education required to develop and implement a plan of corrective action under § 23.1-1001, the Auditor shall at the time of making the certification provide a written evaluation of the institution's progress in implementation of the plan and in meeting all of the financial and administrative management standards currently in effect.

For purposes of this section "public institution of higher education" means the same as that term is defined in § 23.1-100.

§ 30-359. Intercollegiate Athletics Review Commission; purpose; membership; terms; compensation and expenses.

A. As used in this chapter, "Commission" means the Intercollegiate Athletics Review Commission.

B. The Commission is established as an advisory commission in the legislative branch of state government. The purpose of the Commission is to review the plan and financing recommendations of the board of ~~visitors~~ *trustees* of any public institution of higher education in the Commonwealth relating to the institution adding a major intercollegiate athletics program such as football or basketball or changing the division level of any of its existing intercollegiate athletics programs as set forth in subsection I of § 23.1-1309.

C. The Commission shall consist of eleven members as follows: the chair of the House Committee on Appropriations, or his designee, and three members of the House Committee on Appropriations appointed by the chair and the chair of the Senate Committee on Finance, or his designee, and two members of the Senate Committee on Finance appointed by the chair. In addition, the Auditor of Public Accounts, the Secretary of Education, the Secretary of Finance, and the Director of the State Council of

2150 Higher Education for Virginia shall serve as ex officio, nonvoting members of the Commission.

2151 D. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms
2152 shall be filled in the same manner as the original appointments.

2153 E. The members of the Commission shall elect a chairman and vice-chairman annually. A majority
2154 of the voting members of the Commission shall constitute a quorum. The meetings of the Commission
2155 shall be held at the call of the chairman or whenever the majority of the members so request.

2156 F. Members of the Commission shall receive such compensation and reimbursement of expenses as
2157 provided in the general appropriation act.

2158 **§ 30-360. Review of plans to add a major intercollegiate athletics program or change the**
2159 **division level of an existing intercollegiate athletics program.**

2160 A. Within two business days of receipt of a plan and financing recommendations for changing the
2161 division level of any existing intercollegiate athletics program pursuant to subsection I of § 23.1-1309,
2162 the Commission shall review the plan and notify the board of ~~visitors~~ *trustees* of the public institution of
2163 higher education of its findings and recommendations.

2164 B. Within 45 business days of receipt of a plan and financing recommendations for adding a major
2165 intercollegiate athletics program such as football or basketball pursuant to subsection I of § 23.1-1309,
2166 the Commission shall review the plan and notify the board of ~~visitors~~ *trustees* of the public institution of
2167 higher education of its findings and recommendations.

2168 C. Findings and recommendations of the Commission may relate to (i) the potential financial impact
2169 of the addition of a major intercollegiate athletics program or a change in the division level of an
2170 existing intercollegiate athletics program upon the Commonwealth and students, (ii) the potential impact
2171 on the subsidy percentage, as that term is defined in § 23.1-1309, or (iii) the policy aspects of such an
2172 addition or change. Review by the Commission shall not be construed to constitute approval of any
2173 appropriations necessary to implement any portion of the plan.

2174 D. Findings and recommendations of the Commission shall require an affirmative vote by three of
2175 the five members from the House Committee on Appropriations and two of the three members from the
2176 Senate Committee on Finance.

2177 **§ 32.1-127.1:05. Breach of medical information notification.**

2178 A. As used in this section:

2179 "Breach of the security of the system" means unauthorized access and acquisition of unencrypted and
2180 unredacted computerized data that compromises the security, confidentiality, or integrity of medical
2181 information maintained by an entity. Good faith acquisition of medical information by an employee or
2182 agent of an entity for the purposes of the entity is not a breach of the security of the system, provided
2183 that the medical information is not used for a purpose other than a lawful purpose of the entity or
2184 subject to further unauthorized disclosure.

2185 "Encrypted" means the transformation of data through the use of an algorithmic process into a form
2186 in which there is a low probability of assigning meaning without the use of a confidential process or
2187 key, or the securing of the information by another method that renders the data elements unreadable or
2188 unusable.

2189 "Entity" means any authority, board, bureau, commission, district or agency of the Commonwealth or
2190 of any political subdivision of the Commonwealth, including cities, towns and counties, municipal
2191 councils, governing bodies of counties, school boards and planning commissions; boards of ~~visitors~~
2192 *trustees* of public institutions of higher education; and other organizations, corporations, or agencies in
2193 the Commonwealth supported wholly or principally by public funds.

2194 "Medical information" means the first name or first initial and last name in combination with and
2195 linked to any one or more of the following data elements that relate to a resident of the Commonwealth,
2196 when the data elements are neither encrypted nor redacted:

2197 1. Any information regarding an individual's medical or mental health history, mental or physical
2198 condition, or medical treatment or diagnosis by a health care professional; or

2199 2. An individual's health insurance policy number or subscriber identification number, any unique
2200 identifier used by a health insurer to identify the individual, or any information in an individual's
2201 application and claims history, including any appeals records.

2202 The term does not include information that is lawfully obtained from publicly available information,
2203 or from federal, state, or local government records lawfully made available to the general public.

2204 "Notice" means:

2205 1. Written notice to the last known postal address in the records of the entity;

2206 2. Telephone notice;

2207 3. Electronic notice; or

2208 4. Substitute notice, if the entity required to provide notice demonstrates that the cost of providing
2209 notice will exceed \$50,000, the affected class of Virginia residents to be notified exceeds 100,000
2210 residents, or the entity does not have sufficient contact information or consent to provide notice as
2211 described in subdivisions 1, 2, or 3 of this definition. Substitute notice consists of the following:

a. E-mail notice if the entity has e-mail addresses for the members of the affected class of residents;
 b. Conspicuous posting of the notice on the website of the entity if the entity maintains a website;
 and

c. Notice to major statewide media.

Notice required by this section shall include a description of the following:

- (1) The incident in general terms;
- (2) The type of medical information that was subject to the unauthorized access and acquisition;
- (3) The general acts of the entity to protect the personal information from further unauthorized access; and

(4) A telephone number that the person may call for further information and assistance, if one exists.

"Redact" means alteration or truncation of data such that no information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis or no more than four digits of a health insurance policy number, subscriber number, or other unique identifier are accessible as part of the medical information.

B. If unencrypted or unredacted medical information was or is reasonably believed to have been accessed and acquired by an unauthorized person, an entity that owns or licenses computerized data that includes medical information shall disclose any breach of the security of the system following discovery or notification of the breach of the security of the system to the Office of the Attorney General, the Commissioner of Health, the subject of the medical information, and any affected resident of the Commonwealth without unreasonable delay. Notice required by this section may be reasonably delayed to allow the entity to determine the scope of the breach of the security of the system and restore the reasonable integrity of the system. Notice required by this section may be delayed if, after the entity notifies a law-enforcement agency, the law-enforcement agency determines and advises the entity that the notice will impede a criminal or civil investigation, or homeland or national security. Notice shall be made without unreasonable delay after the law-enforcement agency determines that the notification will no longer impede the investigation or jeopardize national or homeland security.

C. An entity shall disclose the breach of the security of the system if encrypted information is accessed and acquired in an unencrypted form, or if the security breach involves a person with access to the encryption key.

D. An entity that maintains computerized data that includes medical information that the entity does not own or license shall notify the owner or licensee of the information of any breach of the security of the system without unreasonable delay following discovery of the breach of the security of the system, if the medical information was accessed and acquired by an unauthorized person or the entity reasonably believes the medical information was accessed and acquired by an unauthorized person.

E. In the event an entity provides notice to more than 1,000 persons at one time, pursuant to this section, the entity shall notify, without unreasonable delay, the Office of the Attorney General and the Commissioner of Health of the timing, distribution, and content of the notice.

F. This section shall not apply to (i) a person or entity who is a "covered entity" or "business associate" under the Health Insurance Portability and Accountability Act of 1996 (42 USC § 1320d et seq.) and is subject to requirements for notification in the case of a breach of protected health information (42 USC 17932 et seq.) or (ii) a person or entity who is a non-HIPAA-covered entity subject to the Health Breach Notification Rule promulgated by the Federal Trade Commission pursuant to 42 USC § 17937 et seq.

G. An entity that complies with the notification requirements or procedures pursuant to the rules, regulations, procedures, and guidelines established by the entity's primary or functional state or federal regulator shall be in compliance with this section.

§ 46.2-1228. Enforcement of parking regulations of boards of trustees of educational institutions.

Any regulation of any board of ~~visitors~~ *trustees* or other governing body of an educational institution pursuant to the provisions of § 23.1-1301 relating to parking on property owned by the institution shall provide:

1. That uncontested citations issued thereunder shall be paid to the administrative official or officials appointed under the provisions of this section in the city or county in which the property of the institution lies, who shall promptly deposit such sums into the state treasury as a special revenue of the institution; and

2. That contested or delinquent citations shall be certified or complaint, summons, or warrant shall be issued as provided in § 46.2-1225 to the general district court in whose jurisdiction the institution lies. Any sum collected by the court, minus court costs, shall be promptly deposited by the clerk into the state treasury as a special revenue of the institution. However, nothing in this section shall prevent any educational institution which adopts, or has adopted, regulations pursuant to § 23.1-1301 providing for administrative disposition of contested, uncontested, or delinquent citations from disposing of those

2273 citations in accordance with those regulations, and all moneys collected under those regulations shall be
2274 deposited promptly into the state treasury as a special revenue of the institution.

2275 **§ 51.1-126.3. Employees of the University of Virginia Medical Center.**

2276 A. The University of Virginia Medical Center, hereafter referred to as the Medical Center, may
2277 establish one or more retirement plans covering in whole or in part its employees. The Medical Center
2278 is authorized to make contributions for the benefit of its employees who are covered by any plan
2279 established pursuant to this section. Any such alternative retirement plans for Medical Center employees
2280 shall not become effective until such time as the ~~Board~~ *board of visitors trustees* of the University of
2281 Virginia may determine. Except as provided herein, all employees of the Medical Center who are
2282 employed by the Medical Center on or after July 1, 2000, shall be participants in a Medical Center
2283 retirement plan established pursuant to this section, with a contribution by the Medical Center at a rate
2284 to be determined by the *board of trustees of the University of Virginia* ~~Board of Visitors~~. However, an
2285 employee hired by the Medical Center on or after July 1, 2003, who, as of the first day of such
2286 employment, is a current member of the Virginia Retirement System defined benefit retirement plan
2287 established by this chapter shall elect to either: (i) continue to participate in such defined benefit
2288 retirement plan or (ii) choose the plan provided by the Medical Center with a contribution by the
2289 Medical Center at a rate to be determined by the *board of trustees of the University of Virginia* ~~Board~~
2290 ~~of Visitors~~. Such election shall be exercised not later than 60 days from the time of the employee's entry
2291 into the performance of his duties for the Medical Center, and the election shall be irrevocable. During
2292 such 60-day period, to the time of such election, such employee shall participate in the Virginia
2293 Retirement System defined benefit retirement plan established by this chapter. If such election is not
2294 made within the time period provided in this subsection, such employee shall be deemed to have elected
2295 to participate in the retirement plan established by the Medical Center.

2296 B. With respect to any employee of the Medical Center who elects to continue to participate in the
2297 Virginia Retirement System defined benefit retirement plan, the Medical Center shall collect and pay all
2298 employee and employer contributions due to the Virginia Retirement System for retirement and group
2299 life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) of this title for such
2300 employees. For Medical Center employees who elect or who are required pursuant to subsection A to
2301 become members of the retirement program established by the Medical Center, the Virginia Retirement
2302 System or other such authorized plan shall transfer to the retirement plan established by the Medical
2303 Center assets equal to the actuarially determined present value of the accrued basic benefit as of the
2304 transfer date. For purposes hereof, the basic benefit shall be the benefit accrued under the Virginia
2305 Retirement System or other such authorized retirement plan, based on creditable service and average
2306 final compensation, as defined in § 51.1-124.3 and determined as of the transfer date. The actuarial
2307 present value shall be determined on the same basis, using the same actuarial factors and assumptions
2308 used in determining the funding needs of the Virginia Retirement System or other such authorized
2309 retirement plan, so that the transfer of assets to the retirement plan established by the Medical Center
2310 will have no effect on the funded status and financial stability of the Virginia Retirement System or
2311 other such authorized retirement plan.

2312 C. No employee of the Medical Center who is an active member of any plan established under this
2313 section shall also be an active member of the retirement system established by this chapter or a
2314 beneficiary of such other plan other than as a contingent annuitant.

2315 D. The *board of trustees of the University of Virginia* ~~Board of Visitors~~ shall adopt guidelines for
2316 the implementation of the provisions of this section, including guidelines for the administration of any
2317 retirement plan established pursuant to this section. The ~~Board~~ *board of trustees* shall have no duties and
2318 responsibilities with respect to such plan. The guidelines adopted by the *Board board of Visitors trustees*
2319 shall be filed with the Board of Trustees of the Virginia Retirement System.

2320 **§ 51.1-1100. Definitions.**

2321 As used in this chapter, unless the context requires a different meaning:

2322 "Act" means the Virginia Workers' Compensation Act (§ 65.2-100 et seq.).

2323 "Company" means an insurance company issuing a long-term disability insurance policy purchased
2324 by the Board pursuant to this chapter.

2325 "Disability" means a partial disability or total disability.

2326 "Disability benefit" means income replacement payments payable to a participating employee under a
2327 short-term or long-term disability benefit program pursuant to this chapter. Disability benefits do not
2328 include benefits payable under the Act.

2329 "Eligible employee" means (i) a state employee as defined in § 51.1-124.3 who is a member of the
2330 retirement system, including the hybrid retirement program described in § 51.1-169; (ii) an employee as
2331 defined in § 51.1-201; (iii) an employee as defined in § 51.1-212; or (iv) a qualifying part-time
2332 employee. Any person participating in a plan established pursuant to § 51.1-126, 51.1-126.1, 51.1-126.4,
2333 51.1-126.5, 51.1-502.1, or 51.1-502.3 shall not be an eligible employee. Employees of the University of
2334 Virginia Medical Center covered under the basic insurance policies purchased by the Medical Center

shall not be considered eligible employees under this chapter, unless *the board of trustees of the University of Virginia Board of Visitors*, or a duly authorized agent or representative of the *Board board of Visitors trustees*, purchases such insurance policies from the Virginia Retirement System.

"Existing employee" means an employee who elected to participate in the Virginia Sickness and Disability Program.

"Partial disability" exists during the first 24 months following the occurrence or commencement of an illness or injury when an employee is earning less than 80 percent of his predisability earnings and, as a result of an injury or illness, is (i) able to perform one or more, but not all, of the essential job functions of his own job on an active employment or a part-time basis; or (ii) able to perform all of the essential job functions of his own job only on a part-time basis.

"Participating employee" means any eligible employee required or electing to participate in the program.

"Program" means the program providing sick leave, family and personal leave, short-term disability, and long-term disability benefits for participating employees established pursuant to this chapter.

"Qualifying part-time employee" means any person who would qualify as a state employee as defined in § 51.1-124.3 but, rather than being regularly employed full time on a salaried basis, is regularly employed part time for at least 20 hours but less than 40 hours per week on a salaried basis.

"State service" means the employee's total period of state service as an eligible employee, including all periods of classified full-time and classified part-time service and periods of leave without pay, but not including periods during which the employee did not meet the definition of an eligible employee.

"Total disability" exists (i) during the first 24 months following the occurrence or commencement of an illness or injury if an employee is unable to perform all of his essential job functions or (ii) after 24 months following the occurrence or commencement of an illness or injury if an employee is unable to perform any job for which he is reasonably qualified based on his training or experience and earning less than 80 percent of his predisability earnings.

"Work-related injury" means an injury, as such term is defined in § 65.2-101, to a participating employee for which benefits are payable under the Act and the Commonwealth is the employer for purposes of the Act.

In addition to the definitions listed above, the definitions listed in § 51.1-124.3 shall apply to this chapter except as otherwise provided.