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**SENATE BILL NO. 411**

Offered January 10, 2018

Prefiled January 9, 2018

*A BILL to amend and reenact §§ 23.1-200 and 23.1-3002 of the Code of Virginia, relating to higher education; governing boards; appointment.*

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Patron—McDougle

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Referred to Committee on Education and Health

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

**1. That §§ 23.1-200 and 23.1-3002 of the Code of Virginia are amended and reenacted as follows:**

**§ 23.1-200. State Council of Higher Education for Virginia established; purpose; membership; terms; officers.**

A. The State Council of Higher Education for Virginia is established to advocate for and promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the Commonwealth and lead state-level strategic planning and policy development and implementation based on research and analysis and in accordance with § 23.1-301 and subsection A of § 23.1-1002. The Council shall seek to facilitate collaboration among institutions of higher education that will enhance quality and create operational efficiencies and work with institutions of higher education and their governing boards on board development.

B. The Council shall be composed of individuals selected from the Commonwealth at large without regard to political affiliation but with due consideration of geographical representation. Nonlegislative citizen members shall have demonstrated experience, knowledge, and understanding of higher education and workforce needs. Nonlegislative citizen members shall be selected for their ability and all appointments shall be of such nature as to aid the work of the Council and inspire the highest degree of cooperation and confidence. No officer, employee, trustee, or member of the governing board of any institution of higher education, employee of the Commonwealth, member of the General Assembly, or member of the Board of Education is eligible for appointment to the Council except as specified in this section. All members of the Council are members at large who shall serve the best interests of the whole Commonwealth. No member shall act as the representative of any particular region or of any particular institution of higher education.

C. The Council shall consist of 13 members: 12 nonlegislative citizen members appointed by the Governor and one ex officio member. At least one nonlegislative citizen member shall have served as a chief executive officer of a public institution of higher education. At least one nonlegislative citizen member shall be a division superintendent or the Superintendent of Public Instruction. The President of the Virginia Economic Development Partnership Authority shall serve ex officio with voting privileges.

D. All terms shall begin July 1.

E. Nonlegislative citizen members shall serve for terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No nonlegislative citizen member shall serve for more than two consecutive terms; however, a nonlegislative citizen member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms. No nonlegislative citizen member who has served two consecutive four-year terms is eligible to serve on the Council until at least two years have passed since the end of his second consecutive four-year term. All appointments are subject to confirmation by the General Assembly. Nonlegislative citizen members shall continue to hold office until their successors have been appointed and ~~confirmed~~ *qualified*. Ex officio members shall serve terms coincident with their terms of office.

F. The Council shall elect a chairman and a vice-chairman from its membership. The Council shall appoint a secretary and such other officers as it deems necessary and prescribe their duties and terms of office.

G. At each meeting, the Council shall involve the chief executive officer of each public institution of higher education in its agenda. The chief executive officers shall present information and comment on issues of common interest and choose presenters to the Council from among themselves who reflect the diversity of the institutions.

H. At each meeting, the Council may involve other groups, including the presidents of private institutions of higher education, in its agenda.

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

A. The Medical School shall be governed by a board of visitors composed of 17 members as follows: two nonlegislative citizen members appointed by the Governor; two nonlegislative citizen

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59 members appointed by the Senate Committee on Rules; three nonlegislative citizen members appointed  
60 by the Speaker of the House of Delegates; six nonlegislative citizen members appointed by the Eastern  
61 Virginia Medical School Foundation; and four nonlegislative citizen members appointed by their  
62 respective city councils as follows: two members for the City of Norfolk, one member for the City of  
63 Virginia Beach, and one member appointed by the following city councils in a rotating manner: the City  
64 of Chesapeake, the City of Hampton, the City of Portsmouth, the City of Suffolk, and the City of  
65 Newport News.

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

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

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

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

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

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