

# 1997 RECONVENED SESSION

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## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact § 9-6.23 of the Code of Virginia and to amend the Code of Virginia by adding in Title 23 a chapter numbered 16.3, consisting of sections numbered 23-231.13 through 23-231.18, relating to the Roanoke Higher Education Authority.*

[S 1180]

Approved

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

**1. That § 9-6.23 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 23 a chapter numbered 16.3, consisting of sections numbered 23-231.13 through 23-231.18, as follows:**

§ 9-6.23. Prohibition against service by legislators on boards and commissions within the executive branch.

Members of the General Assembly shall be ineligible to serve on boards and commissions within the executive branch which are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards and commissions engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board or commission in the executive branch which is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position. The provisions of this section shall not apply, however, to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who shall be appointed as provided for in § 2.1-741; to members of the Council on Indians, who shall be appointed as provided for in § 9-138.1; to members of the Virginia Technology Council, who shall be appointed as provided for in § 9-145.51; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided in § 23-231.3; to members of the Maternal and Child Health Council, who shall be appointed as provided for in § 9-318; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided in § 2.1-750; to members of the Advisory Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided in § 9-326; to members of the Advisory Commission on Welfare Reform, who shall be appointed as provided in § 63.1-133.44; to members of the Virginia Correctional Enterprises Advisory Board, who shall be appointed as provided in § 2.1-451.2; to members appointed to the Virginia Veterans Cemetery Board pursuant to § 2.1-739.2; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; or to members of the Commonwealth Competition Commission, who shall be appointed as provided in § 9-343.

### CHAPTER 16.3.

#### ROANOKE HIGHER EDUCATION AUTHORITY.

§ 23-231.13. Authority created.

With such funds as are appropriated or made available for this purpose, there is hereby created and constituted a political subdivision of the Commonwealth to be known as the Roanoke Higher Education Authority, hereinafter referred to as the "Authority."

§ 23-231.14. Responsibilities of the Authority.

The Authority shall:

1. Expand access to higher education in the Roanoke Valley by providing for adult and continuing education and degree-granting programs, including undergraduate, graduate and professional programs, through partnerships with the Commonwealth's public and private institutions of higher education;

2. Serve as a resource and referral center on existing educational programs and resources by maintaining and disseminating information; and

3. Develop, in coordination with the State Council of Higher Education for Virginia, specific goals for higher education access and availability in the Roanoke Valley.

§ 23-231.15. Board of Trustees; appointments; terms; compensation; officers.

A. The Authority shall be governed by a Board of Trustees consisting of seventeen members as follows: the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; and the presidents or their designees of Averett College, Bluefield College, Mary Baldwin College, Old Dominion University, Radford University, University of Virginia, Virginia Polytechnic Institute and State University, and Virginia Western Community College; five citizen members from the Roanoke Valley representing

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57 business and industry in the area to be appointed by the Governor; and two members of the General  
 58 Assembly, one to be appointed from the Senate by the Senate Committee on Privileges and Elections and  
 59 one to be appointed from the House of Delegates by the Speaker of the House. Citizen members of the  
 60 Board shall be residents of the Roanoke Valley.

61 B. The legislative members, the Director of the State Council of Higher Education for Virginia, and  
 62 the Chancellor of the Virginia Community College System and the presidents or their designees of the  
 63 named institutions of higher education shall serve on the Board until the expiration of their terms of  
 64 office or until their successors shall qualify. Of the five citizen members to be appointed in 1997, two  
 65 shall be appointed for three-year terms, and three shall be appointed for four-year terms. Thereafter, all  
 66 such citizen members shall be appointed for terms of four years, except that appointments to fill  
 67 vacancies shall be for the unexpired terms. No citizen member of the Board shall be eligible to serve for  
 68 or during more than two successive four-year terms; however, after the expiration of a term of three  
 69 years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy,  
 70 two additional four-year terms may be served by such member, if appointed thereto.

71 C. Legislative members of the Board shall be compensated as specified in § 14.1-18, and all  
 72 members of the Board shall be reimbursed for their actual expenses incurred in the performance of their  
 73 duties in the work of the Authority.

74 D. The Board shall elect a chairman and a vice chairman from among its members and may  
 75 establish by-laws as necessary.

76 § 23-231.16. Powers and duties of Board of Trustees.

77 A. The Board of Trustees shall have, in addition to such other powers, all the corporate powers  
 78 given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms  
 79 of its provisions, this law is confined to corporations created under that title. The Board shall have the  
 80 power to issue bonds upon the advice of bond counsel and a financial institution with expertise in bonds  
 81 and investments. Bonds issued under the provisions of this section shall not be deemed to constitute a  
 82 debt or a pledge of the faith and credit of the Commonwealth or of any political subdivision thereof  
 83 other than the Authority. The Board may accept, execute, and administer any trust in which it may have  
 84 an interest under the terms of any instrument creating the trust.

85 B. The Board shall have the authority to lease property or to hold any property for which it may  
 86 acquire the title and to dispose of such property in a manner which will benefit the Authority. The  
 87 Board may also enter into agreements with public and private institutions of higher education in the  
 88 Commonwealth to provide adult education, continuing education, undergraduate level education, and  
 89 graduate level instructional programs.

90 C. The Board may establish, with such funds as are appropriated for this purpose or made available  
 91 to it, the Roanoke Higher Education Center.

92 § 23-231.17. Executive director; staff.

93 A. From funds available for this purpose, the Board may appoint an executive director for the  
 94 Roanoke Higher Education Center who shall supervise and manage the Center and shall prepare and  
 95 submit, upon direction and approval by the Board, all requests for appropriations. The Executive  
 96 Director of the Center shall be authorized to employ such staff as necessary to enable the Center to  
 97 perform its duties as set forth in the by-laws of the Board of Trustees and this chapter. The Board may  
 98 determine the duties of the staff and fix salaries and compensation from such funds as may be  
 99 appropriated or received.

100 B. Additional staff support for the functions of the Center may be provided upon agreement by  
 101 Averett College, Bluefield College, Mary Baldwin College, Old Dominion University, Radford University,  
 102 University of Virginia, Virginia Polytechnic Institute and State University, and Virginia Western  
 103 Community College.

104 § 23-231.18. Gifts, grants, and donations.

105 The Board may, on behalf of the Authority or the Center, apply for, accept, and direct the  
 106 expenditure of gifts, grants, or donations from public or private sources to enable it to carry out the  
 107 purposes of this chapter.

108 2. That the provisions of this act shall be effective on July 1, 1998.

109 3. That the State Council of Higher Education for Virginia shall conduct, in consultation with the  
 110 institutional representatives named in this act as members of the Roanoke Higher Education  
 111 Authority, a programmatic assessment of the need for the Roanoke Higher Education Center, and  
 112 shall report the findings of such assessment to the General Assembly by October 15, 1997.