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**HOUSE BILL NO. 1791****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education  
on February 2, 2015)

(Patron Prior to Substitute—Delegate Massie)

*A BILL to amend and reenact §§ 23-49.16 and 23-91.28 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 23-2.06, and to repeal §§ 23-49.27, 23-73, 23-91.39, 23-120, 23-155.6 and 23-186.1 of the Code of Virginia, relating to governing boards of public institutions of higher education; members; removal.*

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

**1. That §§ 23-49.16 and 23-91.28 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 23-2.06 as follows:**

**§ 23-2.06. Members of governing boards; removal; terms.**

*A. If any member of the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges fails to attend (i) the meetings of the board for one year without sufficient cause, as determined by a majority vote of the board, or (ii) the educational programs required by § 23-9.14:1 in his first two years of membership, the remaining members of the board shall record such failure in the minutes at its next meeting and notify the Governor, and the office of such member shall be vacated. However, no member serving as of January 1, 2015 shall be removed for failing to attend the educational programs required by § 23-9.14:1 if he attends such training by January 1, 2016.*

*B. The board of visitors of each four-year public institution of higher education and the State Board for Community Colleges shall adopt in its bylaws policies (i) for removing members pursuant to subsection A and (ii) referencing the Governor's power to remove members described in § 2.2-108.*

*C. No person who has served two consecutive four-year terms on the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges shall be eligible to serve on the same board until at least four years have passed since the end of his second consecutive four-year term.*

**§ 23-49.16. Visitor ineligible for more than two successive terms.**

*No person shall be eligible to serve for or during more than two successive four-year terms.*

*If any visitor fails to perform the duties of his office for one year, without sufficient cause shown to the board, the board of visitors shall, at their next meeting after the end of such year, cause the fact of such failure to be recorded in the minutes of their proceedings, and certify the same to the Governor; and the office of such visitor shall be thereupon vacant. If so many of such visitors fail to perform their duties that a quorum thereof do not attend for a year, upon a certificate thereof being made to the Governor by the rector or any member of the board, or by the president of the University, the offices of all visitors so failing to attend shall be vacated.*

**§ 23-91.28. No person eligible to serve more than two successive terms.**

*No person shall be eligible to serve for more than two full four-year terms two successive terms; however, a member appointed to serve an unexpired term shall be eligible to serve two successive four-year terms.*

*If any visitor fails to perform the duties of his office for one year, without sufficient cause shown to the board, the board of visitors shall, at their next meeting after the end of such year, cause the fact of such failure to be recorded in the minutes of their proceedings, and certify the same to the Governor; and the office of such visitor shall be thereupon vacant. If so many of such visitors fail to perform their duties that a quorum thereof do not attend for a year, upon a certificate thereof being made to the Governor by the rector or any member of the board, or by the president of the University, the offices of all visitors so failing to attend shall be vacated.*

**2. That §§ 23-49.27, 23-73, 23-91.39, 23-120, 23-155.6 and 23-186.1 of the Code of Virginia are repealed.**