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SENATE BILL NO. 299
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Education
on _____)
(Patron Prior to Substitute—Senator Srinivasan)

A BILL to amend and reenact §§ 2.2-2101, 2.2-2905, 23.1-627.1, 23.1-1100, 23.1-1200, and 23.1-3111 through 23.1-3114 of the Code of Virginia, relating to New College Institute; name; membership and composition of board of directors.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2101, 2.2-2905, 23.1-627.1, 23.1-1100, 23.1-1200, and 23.1-3111 through 23.1-3114 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that 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 to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3126; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3121; to members of the Board of Directors of the ~~New College Institute~~ *West Piedmont Higher Education Center*, who shall be appointed as provided for in § 23.1-3112; to members of the Advisory Board on Teacher Education and Licensure, who shall be appointed as provided for in § 22.1-305.2; to members of the Virginia Interagency Coordinating Council, who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to

32 § 23.1-3117; to members of the Board of Trustees of the Online Virginia Network Authority, who shall be
33 appointed as provided in § 23.1-3136; to members of the Virginia Geographic Information Network Advisory
34 Board, who shall be appointed as provided for in § 2.2-2423; to members of the Information Technology
35 Advisory Council, who shall be appointed as provided for in § 2.2-2699.5; to members of the Board of
36 Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in
37 § 22.1-346.2; to members of the Virginia Addiction Recovery Council, who shall be appointed as provided
38 for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in
39 § 9.1-108; to members of the State Executive Council for Children's Services, who shall be appointed as
40 provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be
41 appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad
42 Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of
43 the Secure and Resilient Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to
44 members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of
45 the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; to
46 members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485;
47 to members of the Henrietta Lacks Commission, who shall be appointed as provided in § 2.2-2538; or to
48 members of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic
49 Discrimination Against African Americans, who shall be appointed as provided in § 2.2-2552.

50 **§ 2.2-2905. Certain officers and employees exempt from chapter.**

51 The provisions of this chapter shall not apply to:

- 52 1. Officers and employees for whom the Constitution specifically directs the manner of selection;
- 53 2. Officers and employees of the Supreme Court and the Court of Appeals;
- 54 3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house
55 thereof is required or not;
- 56 4. Officers elected by popular vote or by the General Assembly or either house thereof;
- 57 5. Members of boards and commissions however selected;
- 58 6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of
59 accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries
60 public;
- 61 7. Officers and employees of the General Assembly and persons employed to conduct temporary or

- 62 special inquiries, investigations, or examinations on its behalf;
- 63 8. The presidents and teaching and research staffs of state educational institutions;
- 64 9. Commissioned officers and enlisted personnel of the National Guard;
- 65 10. Student employees at institutions of higher education and patient or inmate help in other state
66 institutions;
- 67 11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees
68 compensated on an hourly or daily basis;
- 69 12. County, city, town, and district officers, deputies, assistants, and employees;
- 70 13. The employees of the Virginia Workers' Compensation Commission;
- 71 14. The officers and employees of the Virginia Retirement System;
- 72 15. Employees whose positions are identified by the State Council of Higher Education and the boards of
73 the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation,
74 the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, ~~the New College Institute,~~
75 the Southern Virginia Higher Education Center, *the West Piedmont Higher Education Center*, and The
76 Library of Virginia, and approved by the Director of the Department of Human Resource Management as
77 requiring specialized and professional training;
- 78 16. Employees of the Virginia Lottery;
- 79 17. Employees of the Department for the Blind and Vision Impaired's rehabilitative manufacturing and
80 service industries who have a human resources classification of industry worker;
- 81 18. Employees of the Virginia Commonwealth University Health System Authority;
- 82 19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such
83 employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia.
84 The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center
85 personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State
86 Grievance Procedure (§ 2.2-3000 et seq.);
- 87 20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy,
88 or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy
89 or administration. An employee serving in either one of these two positions shall be deemed to serve on an
90 employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;
- 91 21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the

92 provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

93 22. Officers and employees of the Virginia Port Authority;

94 23. Employees of the Commonwealth Savers Plan;

95 24. Directors of state facilities operated by the Department of Behavioral Health and Developmental
96 Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to
97 § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure
98 (§ 2.2-3000 et seq.);

99 25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state
100 employees for purposes of participation in the Virginia Retirement System, health insurance, and all other
101 employee benefits offered by the Commonwealth to its classified employees;

102 26. Employees of the Virginia Indigent Defense Commission;

103 27. Any chief of a campus police department that has been designated by the governing body of a public
104 institution of higher education as exempt, pursuant to § 23.1-809;

105 28. The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage
106 Control Authority; and

107 29. Officers and employees of the Fort Monroe Authority.

108 **§ 23.1-627.1. Definitions.**

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

110 "Board" means the Virginia Board of Workforce Development.

111 "Competency-based" means awarded on the basis of demonstrated knowledge and skills rather than
112 completion of instructional hours or participation in an instructional course or program.

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

114 "Eligible institution" means a comprehensive community college, the Institute for Advanced Learning and
115 Research, ~~New College Institute~~, Richard Bland College, Roanoke Higher Education Center, Southern
116 Virginia Higher Education Center, ~~or~~ Southwest Virginia Higher Education Center, *and West Piedmont*
117 *Higher Education Center.*

118 "Eligible student" means any Virginia student enrolled at an eligible institution who is domiciled in the
119 Commonwealth as provided in § 23.1-500, as determined by the eligible institution.

120 "Fund" means the New Economy Workforce Credential Grant Fund.

121 "Grant" means a New Economy Workforce Credential Grant.

122 "High-demand field" means a discipline or field in which there is a shortage of skilled workers to fill
123 current job vacancies or anticipated additional job openings.

124 "Industry-recognized" means demonstrating competency or proficiency in the technical and occupational
125 skills identified as necessary for performing functions of an occupation based on standards developed or
126 endorsed by employers and industry organizations.

127 "Noncredit workforce credential" means a competency-based, industry-recognized, portable, and third-
128 party-validated certification or occupational license in a high-demand field.

129 "Noncredit workforce training program" means a program at an eligible institution that leads to an
130 occupation or a cluster of occupations in a high-demand field, which program may include the attainment of a
131 noncredit workforce credential. "Noncredit workforce training program" may include a program that receives
132 funding pursuant to the Carl D. Perkins Career and Technical Education Improvement Act of 2006, P.L.
133 109-270. "Noncredit workforce training program" shall not include certificates of completion.

134 "Portable" means recognized by multiple employers or educational institutions and, where appropriate,
135 across geographic areas.

136 "Program" means the New Economy Workforce Credential Grant Program.

137 "Third-party-validated" means having an external process in place for determining validity and relevance
138 in the workplace and for continuous alignment of demonstrated knowledge and skills with industry workforce
139 needs.

140 § 23.1-1100. Definitions.

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

142 "Board" means the members of the board of visitors, board of trustees, or other governing board of an
143 institution.

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

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

148 "Institution" means each public institution of higher education, as that term is defined in § 23.1-100, the
149 Institute for Advanced Learning and Research, ~~the New College Institute~~, the Roanoke Higher Education
150 Authority, the Southern Virginia Higher Education Center, the Southwest Virginia Higher Education Center,
151 the Virginia School for the Deaf and the Blind, *the West Piedmont Higher Education Center*, and the Wilson

152 Workforce and Rehabilitation Center.

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

161 **§ 23.1-1200. Definitions; findings.**

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

163 "Authority" means the Virginia College Building Authority.

164 "Bond" means any bond, note, or other evidences of indebtedness or obligation of the Authority pursuant
165 to this article.

166 "Eligible institution" means public institutions of higher education, as that term is defined in § 23.1-100,
167 the Institute for Advanced Learning and Research, ~~the New College Institute~~, the Roanoke Higher Education
168 Authority, the Southern Virginia Higher Education Center, the Southwest Virginia Higher Education Center,
169 the Virginia School for the Deaf and the Blind, *the West Piedmont Higher Education Center*, and the Wilson
170 Workforce and Rehabilitation Center.

171 "Equipment" means any personal property, including computer hardware and software, and any other
172 improvements, including infrastructure improvements relating to equipment, used to support academic
173 instruction and research at eligible institutions.

174 "Project" has the same meaning as set forth in § 23.1-1100.

175 B. Providing funds for the construction of projects at eligible institutions is or may be hindered, impeded,
176 and delayed by the high financing costs resulting from the sale of bonds of such eligible institutions in the
177 open market, and it is desirable that the Authority may (i) serve the purposes of eligible institutions by
178 purchasing such bonds and financing the construction of projects at a lower cost, which facilitates such
179 construction and (ii) issue its own revenue bonds for the purpose of paying the costs of such projects.

180 C. There is an urgent need to provide substantial amounts of new scientific, technical, and other

181 equipment for academic instruction, research, and related activities at eligible institutions so that they may
182 remain competitive in attracting high-quality faculty and obtaining research grants, and it is desirable that the
183 Authority may finance the purchase of such equipment to provide eligible institutions with such equipment at
184 the lowest possible cost, which facilitates the acquisition and supply of such equipment to eligible institutions
185 and increases the purchasing power of their funds, including funds provided by tuition and fees and
186 appropriations from the General Assembly.

187 Article 4.

188 ~~New College Institute~~ *West Piedmont Higher Education Center.*

189 **§ 23.1-3111. West Piedmont Higher Education Center established; duties.**

190 A. ~~New College Institute~~ (~~New College~~) *West Piedmont Higher Education Center (the Center)* is
191 established as an educational institution of the Commonwealth in the area of Henry County and the City of
192 Martinsville.

193 B. ~~New College~~ *The Center* shall:

194 1. Seek to diversify the region's economy by engaging the resources of other institutions of higher
195 education, public and private bodies, and organizations of the region and Commonwealth;

196 2. Serve as a catalyst for economic and community transformation by leveraging and brokering resources
197 that support economic diversity;

198 3. Facilitate development of the technology and trained workforce necessary for new economic enterprises
199 to flourish, using the resources available from collaborating educational institutions;

200 4. Expand educational opportunities in the region by providing access to degree-granting programs,
201 including undergraduate, graduate, and professional programs, through partnerships with private institutions
202 of higher education and public institutions of higher education, the public schools, and the public and private
203 sectors;

204 5. Encourage and coordinate the development and delivery of degree programs and other credit and
205 noncredit courses with a focus on statewide and regional critical shortage areas and the needs of industry.

206 Such programs and courses shall include needed adult education and workforce training; and

207 6. Serve as a resource and referral center by maintaining and disseminating information on existing
208 educational programs, research, and university outreach and technology resources.

209 **§ 23.1-3112. Board of directors.**

210 A. ~~New College~~ *The Center* shall be governed by a ~~15-member~~ board of directors (the board) ~~that shall~~

211 consist of five legislative members and 10 nonlegislative citizen members. Members shall be appointed,
212 consisting of 20 members as follows: three members of the House of Delegates, to be appointed by the
213 Speaker of the House of Delegates in accordance with the rules of proportional representation contained in
214 the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee
215 on Rules; *the Executive Director of the Council or his designee; the Chancellor of the System or his*
216 *designee; the presidents of George Mason University, Longwood University, Radford University, Virginia*
217 *Polytechnic Institute and State University, and Virginia State University or their designees; and 10 seven*
218 nonlegislative citizen members, ~~three of whom shall be representatives of business and industry from the~~
219 ~~Commonwealth~~, to be appointed by the Governor, subject to confirmation by the General Assembly, *five of*
220 *whom shall be representatives of West Piedmont public education and area business and industry, including*
221 *one division superintendent, one public school teacher, and three business and industry leaders. The*
222 *president of Patrick & Henry Community College or his designee shall serve ex officio without voting*
223 *privileges. At least 13 members shall be residents of the Commonwealth.*

224 Legislative members shall serve terms coincident with their terms of office.

225 B. Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill
226 vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the
227 same manner as the original appointments. All members may be reappointed.

228 No nonlegislative citizen member is eligible to serve more than two consecutive four-year terms;
229 however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms
230 immediately succeeding such unexpired term.

231 C. The board shall elect a chairman and vice-chairman from among its membership and may establish
232 bylaws as necessary. The meetings of the board shall be held at the call of the chairman or whenever the
233 majority of the members so request.

234 D. Nonlegislative citizen members are not entitled to compensation for their services. Legislative
235 members of the board shall be compensated as provided in § 30-19.12. All members shall be reimbursed for
236 all reasonable and necessary expenses incurred in the performance of their duties in the work of ~~New College~~
237 *the Center* as provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses
238 of the members shall be provided by ~~New College~~ *the Center*.

239 **§ 23.1-3113. Powers and duties of the board.**

240 A. The board has, in addition to its other powers, all the corporate powers given to corporations by the

241 provisions of Title 13.1, except in those cases where, by the express terms of its provisions, the law is
242 confined to corporations created under that title. The board shall have the power to accept, execute, and
243 administer any trust in which it may have an interest under the terms of the instrument creating the trust.

244 B. The board shall oversee the educational programs of ~~New College~~ *the Center* and may enter into and
245 administer agreements with institutions of higher education for such institutions to provide continuing
246 education, instructional programs, and degree programs at ~~New College~~ *the Center*. The board shall seek
247 opportunities to collaborate with local comprehensive community colleges to meet specialized noncredit
248 workforce training needs identified by industry. However, if local comprehensive community colleges are
249 unable to meet identified industry needs, then the board may seek to collaborate with other education
250 providers or other public and private organizations to provide or itself may provide specialized noncredit
251 workforce training independent of local comprehensive community colleges.

252 C. The board, with the prior approval of the Governor, may lease, sell, and convey any and all real estate
253 to which ~~New College~~ *the Center* has acquired title by gift, devise, or purchase. The proceeds derived from
254 any such lease, sale, or conveyance shall be held by ~~New College~~ *the Center* upon the identical trusts, and
255 subject to the same uses, limitations, and conditions, if any, that are expressed in the original deed or will
256 under which its title has derived. If no such trusts, uses, limitations, or conditions are expressed in such
257 original deed or will, then such funds shall be applied by the board to such purposes as it may deem best for
258 ~~New College~~ *the Center*.

259 D. The board may, on behalf of ~~New College~~ *the Center*, apply for, accept, and expend gifts, grants, or
260 donations from public or private sources to enable it to carry out the purposes of this article.

261 E. The board may request and accept the cooperation of agencies of the Commonwealth or the local
262 governing bodies in Southside Virginia, or the agencies of the Commonwealth or such local governing bodies
263 in the performance of its duties.

264 F. The board shall direct the development and focus of ~~New College's~~ *the Center's* curriculum to include
265 appropriate degree and nondegree programs offered by other educational institutions.

266 **§ 23.1-3114. Executive director.**

267 The board shall appoint an executive director of ~~New College~~ *the Center* who shall supervise and manage
268 ~~New College~~ *the Center*. The executive director may, with the oversight of the board, employ such staff and
269 faculty as are necessary to enable ~~New College~~ *the Center* to perform its duties as set forth in this article and
270 the bylaws established by the board.

271 **2. That the provisions of this act shall not affect any existing appointments to the board of directors of**
272 **the New College Institute for which the terms have not expired, provided, however, that any new**
273 **appointments or appointments to fill vacancies to the board of directors of the West Piedmont Higher**
274 **Education Center, to which the New College Institute is renamed as set forth in the first enactment of**
275 **this act, on or after the effective date of this act shall be made in accordance with the provisions of this**
276 **act.**