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**HOUSE BILL NO. 2433**

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Rules on January 27, 2009)

(Patron Prior to Substitute—Delegate Joannou)

*A BILL to amend and reenact § 2 of Chapter 471 of the Acts of Assembly of 1964, as amended by Chapter 87 of the Acts of Assembly of 2002 and Chapter 658 of the Acts of Assembly of 2008, relating to Eastern Virginia Medical School.*

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

**1. That § 2 of Chapter 471 of the Acts of Assembly of 1964, as amended by Chapter 87 of the Acts of Assembly of 2002 and Chapter 658 of the Acts of Assembly of 2008, is amended and reenacted as follows:**

§ 2. The Medical School shall be governed by a Board of Visitors (the "Board") composed of ~~seventeen~~ *17* members~~, six of whom shall be appointed by the Eastern Virginia Medical School Foundation and eleven of whom shall be appointed by their respective city councils as follows: one member for the City of Chesapeake, one member for the City of Hampton, one member for the City of Portsmouth, one member for the City of Suffolk, one member for the City of Newport News, two members for the City of Virginia Beach, and four members for the City of Norfolk~~ *as follows: two nonlegislative citizen members to be appointed by the Governor; three nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; two nonlegislative citizen members to be appointed by the Senate Committee on Rules; six nonlegislative citizen members to be appointed by the Eastern Virginia Medical School Foundation; and four nonlegislative citizen members to be appointed by the region's city councils from nominees submitted by the Board*.

*Effective July 1, 2009, and as vacancies on the Board occur among those members previously appointed by the region's city councils, the Commonwealth's three appointing bodies shall make appointments in a rotating manner until such time as their initial appointments are all made. Thereafter, all Board appointments will be made by the initial appointing body for each vacancy that occurs.*

Appointments by the Eastern Virginia Medical School Foundation (the "Foundation") shall represent the broad involvement of the Medical School in the Commonwealth at large. All appointments shall be for terms of three years, commencing on the first day of July of the appointment year. However, appointments to fill vacancies shall be made by the ~~Foundation and each council~~ *appropriate appointing authority*, as the case may be, to commence on appropriate dates for the unexpired terms.

No person shall be eligible to serve for more than two successive full three-year terms; however, after the expiration of a term of two years or less, or after the expiration of the remainder of a term to which the member was appointed to fill a vacancy, or after one year following the expiration of a second full three-year term, two additional three-year terms may be served by a member, if appointed. In addition, an officer of the Board may serve up to three additional one-year terms.

Members shall receive no salaries but shall be entitled to reimbursement for necessary traveling and other expenses incurred while engaged in the performance of their duties. Each member shall continue to hold office until his successor has been appointed and qualified.

~~The Foundation and each city council~~ *Each appointing authority* shall have the right to remove any member *it* appointed ~~by them,~~ for malfeasance or misfeasance, incompetence, or gross neglect of duty.

~~Members shall take an appropriate oath of office before the clerk of the circuit court of the municipality that they represent or the clerk of an appropriate circuit court, and the oaths shall be filed with the relevant clerks. Members appointed by the Foundation shall take an appropriate oath of office before the clerk of the Norfolk Circuit Court, which shall be filed with the city clerk of Norfolk.~~ *Each member shall take an appropriate oath of office before the clerk of any circuit court of the Commonwealth, and the oath shall be filed with such clerk.*

Members of the Board shall elect, on an annual basis, one of their number as rector and another as vice-rector and shall also elect a secretary and treasurer and such assistant secretaries and treasurers as the Board may authorize for terms to be determined by them, who may or may not be one of the members. The same person may serve as both secretary and treasurer.

The Board shall appoint a President, who shall be the chief executive officer, with such duties as may be prescribed by the Board. The Board shall also appoint a dean, a provost, such vice presidents, and other administrative and academic officers as the Board may authorize, and such professors, teachers, staff members, and agents as ~~they deem~~ *it deems* proper. The Board may prescribe the duties of such staff and faculty, and provide for the employment of other personnel as may be necessary. The Board shall generally direct the affairs of the Medical School.

The Board shall make such rules, regulations and bylaws for its own government and procedures as

it shall determine. The Board may generally, in respect to the government and management of the Medical School adopt such rules and regulations as it may deem expedient, which are not contrary to law. The Board shall meet at least six 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. The Board may appoint an executive committee composed of at least three and no more than five members for the transaction of business in the recess of the Board.

The Board shall have the right to confer degrees, including honorary degrees, consistent with the approval authority of the State Council of Higher Education pursuant to Title 23 of the Code of Virginia.