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SENATE BILL NO. 599

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 10, 2012)

(Patron Prior to Substitute—Senator Hanger)

A *BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 51, consisting of sections numbered 30-330 through 30-335, relating to the Virginia College Savings Plan Oversight Act.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 51, consisting of sections numbered 30-330 through 30-335, as follows:

CHAPTER 51.

VIRGINIA COLLEGE SAVINGS PLAN OVERSIGHT ACT.

§ 30-330. Title of chapter and purpose.

The General Assembly hereby designates the Joint Legislative Audit and Review Commission ("Commission") to oversee and evaluate the Virginia College Savings Plan on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Committee on Appropriations, or the Senate Committee on Finance.

§ 30-331. Duties and powers.

A. The areas of review and evaluation to be conducted by the Commission shall include, but are not limited to, the following: (i) structure and governance of the Virginia College Savings Plan; (ii) structure of the investment portfolio; (iii) investment practices, policies, and performance; (iv) actuarial policy; and (v) administration and management of the Virginia College Savings Plan.

B. For purposes of carrying out its duties under this chapter, the Commission shall have the following powers, including but not limited to:

1. Access to the information, records, and facilities of the Virginia College Savings Plan and any corporations or subsidiaries thereof or other entities owned, directly or indirectly, or otherwise created by or on behalf of the Plan.

2. Access to the public and executive session meetings and records of the Board of the Virginia College Savings Plan, as well as those of any advisory committees. Access shall include the right to attend such meetings.

3. Access to the Virginia College Savings Plan's employees, consultants, actuaries, investment managers, advisors, attorneys, accountants, or other contractors in the employ or hire of the Virginia College Savings Plan. Such persons shall cooperate with the Commission and upon its request shall provide specific information or opinions in the form requested.

C. The chairman of the Commission may appoint a permanent subcommittee to provide guidance and direction for oversight activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.

D. Confidential or proprietary records of the Virginia College Savings Plan or its subsidiary corporations provided to the Commission shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

§ 30-332. Required reports.

A. The Virginia College Savings Plan shall submit to the General Assembly, through the Commission, annual reports on the investment programs of the Virginia College Savings Plan. The report shall be presented in a format approved by the Commission and shall include information concerning (i) planned or actual material changes in asset allocation, (ii) investment performance of all asset classes and subclasses, and (iii) investment policies and programs.

B. The Virginia College Savings Plan shall submit an annual report on the actuarial soundness of the Plan's prepaid programs, which shall include (i) contract pricing policies and objectives, (ii) current and projected assets and actuarially estimated value of tuition obligations, and (iii) actuarial assumptions.

C. The Virginia College Savings Plan shall furnish such reports or information as may be requested by the Commission or standing committees of the General Assembly having jurisdiction over the subject matter that is the basis of such committees' inquiry.

D. The Commission shall publish the following reports concerning the Virginia College Savings Plan: (i) a biennial status report that shall include, at a minimum and where appropriate, findings and recommendations and (ii) with the assistance of an actuary, a review of the Virginia College Savings Plan's annual actuarial valuation reports once every four years.

§ 30-333. Use of consultants.

60 *The Commission may employ on a consulting basis such investment, actuarial, and other professional*
61 *or technical experts as may be reasonably necessary for the Commission to fulfill its responsibilities*
62 *under this chapter. Such consultants shall provide, upon request, assistance to the House Committee on*
63 *Appropriations and Senate Committee on Finance on matters related to the Virginia College Savings*
64 *Plan.*

65 *§ 30-334. Cooperation of other agencies.*

66 *All agencies of the Commonwealth shall cooperate as requested by the Commission in the*
67 *performance of its duties under this chapter.*

68 *§ 30-335. Funding for the Commission's oversight activities.*

69 *The Commission's reasonable and necessary expenses related to its duties under this chapter shall be*
70 *paid by the Virginia College Savings Plan. On or before September 30 of each year, the Commission*
71 *shall submit to the Board of the Virginia College Savings Plan an itemized estimate for the next fiscal*
72 *year of the amounts necessary to pay the Commission's expenses related to its duties under this chapter*
73 *and shall include the estimate as part of the agency's budget submission to the House Committee on*
74 *Appropriations and the Senate Committee on Finance.*