

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 23-38.76 of the Code of Virginia, relating to the Virginia College*  
3 *Savings Plan; incorporated government agency.*

4  
5 Approved

[H 203]

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

7 **1. That § 23-38.76 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 23-38.76. Virginia College Savings Plan established; governing board; terms.**

9 A. To enhance the accessibility and affordability of higher education for all citizens of the  
10 Commonwealth, there is hereby established as *a body politic and corporate* and an independent agency  
11 of the Commonwealth, the Virginia College Savings Plan (the Plan). Moneys of the Plan shall be held  
12 in the state treasury in a special nonreverting fund (the Fund), which shall consist of payments received  
13 pursuant to prepaid tuition contracts or contributions to savings trust accounts made pursuant to this  
14 chapter, bequests, endowments or grants from the United States government, its agencies and  
15 instrumentalities, and any other available sources of funds, public or private. Any moneys remaining in  
16 the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund.  
17 Interest and income earned from the investment of such funds shall remain in the Fund and be credited  
18 to it.

19 B. The Plan shall be administered by an 11-member Board, as follows: the Director of the State  
20 Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community  
21 College System or his designee; the State Treasurer or his designee; the State Comptroller or his  
22 designee; and seven nonlegislative citizen members, four to be appointed by the Governor, one to be  
23 appointed by the Senate Committee on Rules and two to be appointed by the Speaker of the House of  
24 Delegates, with significant experience in finance, accounting, law, or investment management.

25 Appointments shall be for terms of four years, except that appointments to fill vacancies shall be for  
26 the unexpired terms. No person shall be appointed to serve for or during more than two successive  
27 four-year terms, but after the expiration of a term of three years or less, or after the expiration of the  
28 remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such  
29 member if appointed thereto. Ex officio members of the Board shall serve terms coincident with their  
30 terms of office.

31 C. Members of the Board shall receive no compensation but shall be reimbursed for actual expenses  
32 incurred in the performance of their duties. The Board shall elect from its membership a chairman and a  
33 vice-chairman annually. A majority of the members of the Board shall constitute a quorum.

34 **2. That an emergency exists and this act is in force from its passage.**

ENROLLED

HB203ER