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HOUSE BILL NO. 2262

Offered January 11, 2017

Prefiled January 11, 2017

A BILL to amend and reenact § 2.2-2101, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 31 of Title 23.1 an article numbered 9, consisting of sections numbered 23.1-3134, 23.1-3135, and 23.1-3136, relating to the establishment of the Online Virginia Network Authority.

Patrons—Cox, Cline, Anderson, Austin, Bell, Richard P., Bloxom, Byron, Campbell, Cole, Collins, Davis, Dudenhefer, Fowler, Garrett, Greason, Helsel, Hodges, Hugo, Jones, Kilgore, Landes, LaRock, Leftwich, Lingamfelter, Massie, Minchew, O'Bannon, Peace, Pillion, Poindexter, Ransone, Robinson, Rush, Villanueva, Ware, Wilt, Wright and Yancey

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2101, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 31 of Title 23.1 an article numbered 9, consisting of sections numbered 23.1-3134, 23.1-3135, and 23.1-3136, as follows:

§ 2.2-2101. (Effective until July 1, 2017) 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 who shall be appointed as provided for in § 23.1-3112; 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 § 23.1-3117; to members of the governing board of the Online Virginia Network Authority, who shall be appointed as provided in § 23.1-3134; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; or to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485.

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61 General Assembly, such portion of such law shall be void, and the Governor shall appoint another
62 person from the Commonwealth at large to fill such a position.

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69 Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans
70 Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of
71 Trustees of the Roanoke Higher Education Authority pursuant to § 23.1-3117; *to members of the*
72 *governing board of the Online Virginia Network Authority, who shall be appointed as provided in*
73 *§ 23.1-3134;* to members of the Virginia Geographic Information Network Advisory Board, who shall be
74 appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation
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79 provided in § 9.1-108; to members of the State Executive Council for Children's Services, who shall be
80 appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who
81 shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue
82 Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to
83 members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to
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86 § 2.2-2735; or to members of the Virginia Growth and Opportunity Board, who shall be appointed as
87 provided in § 2.2-2485.

88 Article 9.

89 Online Virginia Network Authority.

90 § 23.1-3134. **Online Virginia Network Authority established; purpose; governing board; staff**
91 **support.**

92 A. *The Online Virginia Network Authority (the Authority) is established as an educational institution*
93 *in the Commonwealth for the purpose of providing a means for individuals to earn competency-based*
94 *degrees and credentials by improving the quality of and expanding access to online degree and*
95 *credential programs that are beneficial to citizens, institutions of higher education, and employers in the*
96 *Commonwealth.*

97 B. *The Authority shall be governed by a board that has a total membership of 17 members that shall*
98 *consist of six members of the House of Delegates to be appointed by the Speaker of the House of*
99 *Delegates in accordance with the principles of proportional representation contained in the Rules of the*
100 *House of Delegates; four members of the Senate to be appointed by the Senate Committee on Rules;*
101 *three nonlegislative citizen members to be appointed by the Governor; two nonlegislative citizen*
102 *members to be appointed by the board of visitors of George Mason University; and two nonlegislative*
103 *citizen members to be appointed by the board of visitors of Old Dominion University. Nonlegislative*
104 *citizen members of the Authority shall be citizens of the Commonwealth.*

105 C. *Legislative members of the Authority shall serve terms coincident with their terms of office.*

106 D. *Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired*
107 *terms. Vacancies shall be filled in the same manner as the original appointments. All members may be*
108 *reappointed.*

109 E. *After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term*
110 *of four years.*

111 F. *No House member shall serve more than four consecutive two-year terms, no Senate member shall*
112 *serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more*
113 *than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill*
114 *a vacancy shall not constitute a term in determining the member's eligibility for reappointment.*

115 G. *The Authority shall elect a chairman and vice-chairman from among its membership. A majority*
116 *of the members shall constitute a quorum. The meetings of the Authority shall be held at the call of the*
117 *chairman or whenever the majority of the members so request.*

H. Legislative members of the Authority shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

I. The Council shall provide staff support to the Authority. All agencies of the Commonwealth shall provide assistance to the Authority, upon request.

§ 23.1-3135. Scope; duties; funding.

A. Each public institution of higher education and each consortium of public institutions of higher education that offers online courses, online degree programs, or online credential programs shall offer any such course, degree program, or credential program through the Authority.

B. The Authority shall:

1. Act as the coordinating and administering entity for the delivery of each online course, degree program, and credential program identified in subsection A;

2. Ensure that each online course, degree program, and credential program that it offers is (i) accredited by an accrediting agency that is recognized by the U.S. Department of Education and (ii) authorized by the Council;

3. To the extent practicable, ensure that each online course, degree program, and credential program that it offers expands access to courses, degree programs, and credential programs to underserved populations based on income, race, geography, and age; focuses on competency-based education; is responsive to the employment demands and the societal needs of the Commonwealth; and uses technology in an efficient and cost-effective manner to promote flexibility for students to complete such courses, degree programs, and credential programs in various locations and at various paces;

4. Determine tuition and fee rates for the online courses, degree programs, and credential programs that it offers and to the extent practicable, manage and reduce program costs by reducing textbook costs through open access, reducing student fees, and reducing time-to-degree and time-to-credential;

5. Maintain a public website;

6. Establish a seamless enrollment and course scheduling infrastructure that ensures articulation between the courses and programs that it offers and multiple start dates and year-round offerings for courses that it offers;

7. Offer advising and academic support services to students; and

8. Employ such personnel as it deems necessary to assist it in carrying out the provisions of this article.

C. Any moneys, including interest thereon, that have not been expended by the Authority by the end of each fiscal year shall not revert to the general fund but shall remain in the accounts of the Authority.

§ 23.1-3136. Procurement and Information Technology.

A. The Authority shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except for § 2.2-4342, which shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317, if it adopts and complies with policies for the procurement of goods and services, including professional services, that (i) are based upon competitive principles, (ii) in each instance seek competition to the maximum practical degree; (iii) implement a system of competitive negotiation for professional services pursuant to §§ 2.2-4303.1 and 2.2-4302.2; (iv) prohibit discrimination in the solicitation and award of contracts based on the bidder's or offeror's race, religion, color, sex, national origin, age, or disability or on any other basis prohibited by state or federal law; (v) incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354; (vi) consider the impact on correctional enterprises under § 53.1-47; (vii) provide that whenever solicitations are made seeking competitive procurement of goods or services, it shall be a priority of the Authority to provide for fair and reasonable consideration of small, women-owned, and minority-owned businesses and to promote and encourage a diversity of suppliers; and (viii) identify the public, educational, and operational interests served by any procurement rule that deviates from procurement rules in the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

B. The Authority shall be exempt from the provisions governing the Virginia Information Technologies Agency in Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 and the provisions governing the Information Technology Advisory Council in Article 35 (§ 2.2-2699.5 et seq.) of Chapter 26 of Title 2.2, if it adopts and complies with policies and professional best practices regarding strategic planning for information technology, project management, security, budgeting, infrastructure, and ongoing operations.

2. That the initial appointments of nonlegislative citizen members of the Online Virginia Network Authority (§ 23.1-3134 et seq. of the Code of Virginia), as created by this act, shall be staggered as follows: two members for a term of two years appointed by the board of visitors of George Mason University; two members for a term of three years appointed by the board of visitors of Old Dominion University; and three members for a term of four years appointed by the Governor.