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HOUSE BILL NO. 499**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education
on February 5, 2020)

(Patron Prior to Substitute—Delegate Davis)

A BILL to amend and reenact § 2.2-2101 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-208.2, relating to Virginia Higher Education Funding Review Commission established; duties.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2101 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-208.2 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, 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 § 23.1-3117; to members of the Board of Trustees of the Online Virginia Network Authority, who shall be appointed as provided in § 23.1-3136; 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 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 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 and Resilient 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; to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485; ~~or~~ to members of the Henrietta Lacks Commission, who shall be appointed as provided in § 2.2-2538; *or to members of the Virginia Higher Education Funding Review Commission, who shall be appointed as provided in § 2.2-208.2.*

§ 2.2-208.2. Virginia Higher Education Funding Review Commission established; duties.

A. The Secretary of Education shall convene the Virginia Higher Education Funding Review Commission as an advisory commission within the meaning of § 2.2-2100 to provide advice and make recommendations on the matters set forth in subsection B and shall serve *ex officio* without voting privileges. The Commission shall consist of 12 members as follows: three members of the Senate of Virginia appointed by the Senate Committee on Rules; three members of the House of Delegates appointed by the Speaker of the House of Delegates; and in addition to the Secretary of Education, the Secretary of Finance, the Director of the Department of Planning and Budget, the Director of the State Council of Higher Education for Virginia, the Staff Director of the House Committee on Appropriations, and the Staff Director of the Senate Committee on Finance and Appropriations, or their designees.

B. The Commission shall review higher education costs, funding needs, and appropriations in

60 *Virginia. The review shall identify and recommend (i) methods to determine appropriate costs; (ii)*
61 *measures of efficiency and effectiveness; (iii) strategies to allocate limited public resources based on*
62 *outcomes that align with state needs related to affordability, access, completion, and workforce*
63 *alignment; (iv) the impact of funding on underrepresented student populations; (v) financial incentives*
64 *for affordability, innovation, and collaboration; and (vi) a timeline for implementation.*

65 *C. In making such recommendations, the Commission shall consult with national and state policy*
66 *experts and institutional innovators in other states and consider trends in the implementation of various*
67 *outcomes-based funding models and shall account for institutional differences. The Commission shall*
68 *also seek input from within the Commonwealth, including industry leaders, consumer advocacy groups,*
69 *and representatives of public doctoral institutions, comprehensive institutions, and comprehensive*
70 *community colleges.*

71 *The Commission shall submit a preliminary report and any related recommendations to the Governor*
72 *and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and*
73 *Appropriations by November 1, 2020, with a final report by July 1, 2021.*