

**Department of Planning and Budget**  
**2026 General Assembly Session**  
**State Fiscal Impact Statement**

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**ORIGINAL**

**Bill Number:** HB1385

**Patron:** Franklin

**Bill Title:** Gubernatorial appointments; confirmation process; Virginia Commission on Higher Education Board Appointments; legal counsel for public institutions of higher education.

**Bill Summary:** Amends the membership of the Virginia Commission on Higher Education Board Appointments to allow for the appointment of up to 15 nonlegislative citizen members; currently the Commission consists of six nonlegislative citizen members. The bill also amends several provisions relating to the employment, oversight, and management of the legal counsel for each public institution of higher education. Finally, the bill clarifies that the rejection of a gubernatorial appointment by the House or Senate Committee on Privileges and Elections or a subcommittee thereof or other standing committee made responsible by the rules of the applicable house for confirming gubernatorial appointments shall be deemed a refusal to confirm by the General Assembly for purposes of the constitutional prohibition on an appointee serving after such refusal.

**Budget Amendment Necessary:** No

**Items Impacted:** None

**Explanation:** Any fiscal impact is expected to be supported by existing resources.

**Fiscal Summary:** Some public institutions of higher education (IHEs) anticipate additional costs to hire or retain legal counsel, as the changes would end current arrangements with the Office of the Attorney General (OAG). The bill allows certain institutions to delegate all authority for legal services to the OAG and allows remaining institutions to request services from the OAG; however, it is unknown if the OAG would maintain the staff and resources needed to provide services on demand to those remaining institutions. Other public IHEs anticipate no fiscal impact from these changes. It is anticipated that public IHEs would absorb any fiscal impact from these changes to legal counsel.

As of the date of publication, the OAG was unable to provide feedback on this bill; however, previously, the OAG anticipated the provisions of similar bills would result in overall reduced utilization of OAG legal services, which could reduce billings and revenue that support attorneys and staff who serve the public IHEs. At this time, any actual fiscal impact to the OAG or changes to IHE legal counsel as a result of this bill cannot be determined.

**Other:** This bill is similar to HB780 and SB381.