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HOUSE BILL NO. 459

Offered January 14, 2004

Prefiled January 13, 2004

A BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 34, consisting of sections numbered 30-226 through 30-235, relating to creation of the Joint Commission on Reduction of Nonessential State Expenditures.

Patrons—Athey, Albo and Frederick

Referred to Committee on Rules

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 34, consisting of sections numbered 30-226 through 30-235, as follows:

CHAPTER 34.**JOINT COMMISSION ON REDUCTION OF NONESSENTIAL STATE EXPENDITURES.**

§ 30-226. *Commission created; purpose; composition; compensation and expenses; office space.*

There is hereby created the Joint Commission on Reduction of Nonessential State Expenditures in the legislative branch of state government. The purpose of the Commission is to review the operations of state agencies and state-funded programs with a view toward the reduction of nonessential programs and expenditures. The Commission shall consist of nine members of the House of Delegates appointed by the Speaker thereof, of whom at least five shall be members of the House Appropriations Committee, and five members from the Senate appointed by the Privileges and Elections Committee of the Senate, of whom at least two shall be members of the Finance Committee, and the Auditor of Public Accounts, ex officio, who shall have no vote. Members of the Commission shall serve terms coincident with their terms of office. Members of the Commission shall receive compensation as provided in § 30-19.12 and their necessary expenses incident to their work upon the Commission. Adequate office space shall be provided by the Commonwealth.

§ 30-227. *Director, executive staff and personnel.*

The Commission shall appoint, subject to confirmation by a majority of the members of the General Assembly, a Director and fix his duties and compensation. The Director may with prior approval of the Commission employ and fix the duties and compensation of an adequate executive staff as may be requisite to make the studies and research and budget analyses required by this chapter. The Director and the executive staff shall be appointed for a term of six years and shall consist of professional persons having experience and training in legislative budgetary procedures, management analyses and cost accounting. The Director and any executive staff member may be removed from office for cause by a majority vote of the Commission. Such other professional personnel, consultants and secretarial and clerical employees may be engaged upon such terms and conditions as set forth by the Commission.

§ 30-228. *Powers and duties of Commission.*

The Commission shall have the following powers and duties:

- 1. Review operations of state agencies and state-funded programs to evaluate whether such programs are essential to the operation of state government;*
- 2. Study on a continuing basis the operations of state agencies and state-funded programs, as they relate to the performance of essential state government functions;*
- 3. Make such special studies and reports of the operations and functions of state agencies as it deems appropriate and as may be requested by the General Assembly;*
- 4. Upon a majority vote of the Commission, make such special studies and reports of the operations and functions of state agencies as may be requested by any member of the General Assembly; and*
- 5. Make such reports on its findings and recommendations at such time and in such manner as the Commission deems proper submitting same to the agencies concerned, to the Governor and to the General Assembly. Such reports as are submitted shall relate to areas in which functions of state agencies are duplicative, overlapping, or for any other reason should be redefined or redistributed.*

§ 30-229. *Supplementary studies and reports.*

The Commission shall prepare supplementary studies and reports of the program reviews and evaluations called for in § 30-228 in the following manner:

- 1. At least once in each biennium and at such other times as the Commission deems necessary, a report shall be made to the General Assembly that includes: (i) annotations of reports previously issued; (ii) a summary of significant actions taken by executive agencies in response to reports and recommendations previously issued; and (iii) matters pertaining to the report topics that may require*

59 additional legislative attention and consideration.

60 2. From time to time, agencies involved in matters that have been studied under the provisions of
61 § 30-228 may be required to communicate to the Commission at a hearing called for such purpose or in
62 writing, the status of actions completed or being taken in response to reports and recommendations
63 previously issued.

64 3. In the event a report of the Commission cites waste, extravagance, unauthorized activities, or
65 other significant deficiencies that result in the use of public funds for nonessential programs, a
66 supplementary report shall be made at such time as the Commission deems appropriate, which provides
67 the General Assembly: (i) a review of the problem; (ii) recommendations made by the Commission or
68 other legislative committee to correct the problem; (iii) actions taken or planned by the agency to
69 correct the problem; and (iv) such other matters as may require additional legislative attention to
70 correct the problem.

71 Supplementary reports published by the Commission shall be issued to the Governor, agencies
72 concerned, and members of the General Assembly.

73 § 30-230. Annual report on state spending.

74 A. No later than November 15 of each year, the Commission shall provide to the Governor and the
75 General Assembly an annual report on its identification of nonessential programs that shall include,
76 among other things, (i) an identification and analysis of spending functions and programs that could be
77 consolidated with other programs without diminishing the quality of the services provided to the citizens
78 of the Commonwealth; (ii) an identification and analysis of those spending functions or programs which
79 no longer have a distinct and discernible mission; and (iii) such other related issues as it deems
80 appropriate.

81 B. All agencies of the Commonwealth shall provide assistance to the Commission in the preparation
82 of this report, upon request.

83 § 30-231. State agencies to furnish information and assistance.

84 All agencies of the Commonwealth, their staff and employees shall provide the Commission with
85 necessary information for the performance of its duties, and to afford the Commission's staff ample
86 opportunity to observe agency operations.

87 § 30-232. State agency defined.

88 For the purposes of §§ 30-228 and 30-231, the terms "state agency," "state agencies," "agency," and
89 "agencies" means all executive, judicial, and legislative entities of the Commonwealth as well as all
90 constitutionally or statutorily created state entities.

91 § 30-233. Auditor of Public Accounts to render assistance upon request; his relationship to
92 Commission.

93 The Commission may request and receive the assistance of the staff of the Auditor of Public
94 Accounts in making desired special studies and fiscal reviews within the manpower limitations of his
95 office. The Commission may serve as an advisory and contact agency for the Auditor of Public Accounts
96 to make such special reports as he may be required by law to submit to the General Assembly.

97 § 30-234. Advisory committees.

98 The Commission may associate with itself such advisory committees of businessmen and others as it
99 may deem necessary to advise it. The expenses of the members of such committees shall be paid from
100 the funds of the Commission.

101 § 30-235. Payment of expenses of Commission.

102 Commission expenses shall be payable from funds appropriated to the Commission.