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**SENATE BILL NO. 348**

Offered January 11, 2012

Prefiled January 10, 2012

A *BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 51, consisting of sections numbered 30-330 through 30-339 relating to the Agency Effectiveness Review Commission.*

Patron—McWaters

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 51, consisting of sections numbered 30-330 through 30-339, as follows:**

**CHAPTER 51.****AGENCY EFFECTIVENESS REVIEW COMMISSION.****§ 30-330. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Agency" means any agency, authority, board, department, division, commission, institution, bureau, or like governmental entity of the Commonwealth and includes any entity, public or private, with which any of the foregoing has entered into a contractual relationship to accomplish an agency program.*

*"Commission" means the Agency Effectiveness Review Commission.*

**§ 30-331. Agency Effectiveness Review Commission established; purpose.**

*The Agency Effectiveness Review Commission is established as an advisory commission in the legislative branch. The purpose of the Commission is to conduct a review of agency effectiveness on a five-year cycle and advise the General Assembly on the elimination of waste, duplication, and inefficiency on the part of such agencies.*

**§ 30-332. Membership; terms; vacancies; chairman and vice-chairman.**

*A. The Commission shall consist of 16 members that include 12 legislative members, three nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: seven members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; five members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members to be appointed by the Governor; and the Lieutenant Governor or his designee to serve ex officio with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.*

*B. Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.*

*C. The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.*

**§ 30-333. Quorum; meetings; voting on recommendations.**

*A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.*

*No recommendation of the Commission shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.*

**§ 30-334. Compensation; expenses.**

*Legislative members of the Commission 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 reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such compensation and expenses shall be paid from existing appropriations to the Commission or, if*

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59 unfunded, shall be approved by the Joint Rules Committee.

60 § 30-335. Review of agency effectiveness; Commission recommendations to the General Assembly.

61 A. The Commission shall review the efficiency and effectiveness of an agency's operation in relation  
62 to the agency's statutory authority, mission, goals, and objectives. In addition, the review shall determine  
63 whether the statutory purpose and overall benefits provided by the agency are outweighed by the costs,  
64 monetary and nonmonetary, associated with supporting the operations and achieving the regulatory or  
65 administrative purpose of the agency. The schedule for agency review shall comply with the schedule  
66 established pursuant to § 30-336.

67 B. At the conclusion of each agency review, the Commission shall make one of the following  
68 recommendations to the General Assembly:

69 1. The agency should be continued without modification;

70 2. The agency should be continued with modifications to the agency's statutory authority, including,  
71 but not limited to (i) changing the structure of the agency or its governing or oversight board, (ii)  
72 consolidating programs or functions from other agencies, or (iii) transferring programs or functions to  
73 another agency or other agencies; or

74 3. The agency should be abolished.

75 C. The Commission shall consult with the Joint Legislative Audit and Review Commission, the  
76 Auditor of Public Accounts, and the Department of Planning and Budget in carrying out the  
77 responsibilities pursuant to this section.

78 § 30-336. Schedule of agencies to be reviewed.

79 The Senate and House of Delegates shall by joint resolution establish a schedule for the  
80 Commission's review of agencies on a five-year cycle. In the absence of a resolution, the Commission  
81 may establish an interim schedule of state agencies for review.

82 § 30-337. Staffing.

83 The Commission may appoint and employ and, at its pleasure, remove an executive director and  
84 such other persons as it deems necessary to assist it in carrying out its duties as set forth in this  
85 chapter. The Commission may determine the duties of such staff and fix their salaries or compensation  
86 within the amounts appropriated therefor. If funds are not appropriated for staffing, the Joint Rules  
87 Committee shall determine the staffing support for the Commission. All agencies of the Commonwealth  
88 shall provide assistance to the Commission, upon request.

89 § 30-338. Chairman's executive summary of activity and work of the Commission.

90 The chairman shall submit to the General Assembly and the Governor an annual executive summary  
91 of the interim activity and work of the Commission no later than the first day of each regular session of  
92 the General Assembly. The executive summary shall be submitted as provided in the procedures of the  
93 Division of Legislative Automated Systems for the processing of legislative documents and reports and  
94 shall be posted on the General Assembly's website.

95 § 30-339. Operation and construction of chapter; subcommittees.

96 A. The operation of this chapter shall not restrict the power of the General Assembly to study or act  
97 on any matter at any time.

98 B. The operation of this chapter shall not imply or require the termination of any state agency or  
99 program.

100 C. Nothing in this chapter shall be construed to restrict the Joint Legislative Audit and Review  
101 Commission or the standing committees from holding hearings on any subject as may be required nor  
102 shall operation of this chapter limit the Commission or committees from such other activities as may be  
103 authorized by law or custom.