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SENATE BILL NO. 348

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules)

(Patron Prior to Substitute—Senator McWaters)

Senate Amendments in [] - February 14, 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.

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 provide recommendations to the General Assembly and Governor.

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

A. The Commission shall consist of eleven members that include eight legislative members and three nonlegislative citizen members. Members shall be appointed as follows: five 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; three members of the Senate to be appointed by the Senate Committee on Rules; and three nonlegislative citizen members at large to be appointed by the Governor. 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 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 []; however, the Commission shall meet no more than two times each year [].

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 unfunded, shall be approved by the Joint Rules Committee.

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

A. The Commission shall review the efficiency and effectiveness of an agency's operation in relation to the agency's statutory authority, mission, goals, and objectives. In addition, the review shall determine

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60 *whether the statutory purpose and overall benefits provided by the agency are outweighed by the costs,*
61 *monetary and nonmonetary, associated with supporting the operations and achieving the regulatory or*
62 *administrative purpose of the agency. The schedule for agency review shall comply with the schedule*
63 *established pursuant to § 30-336.*

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

66 *1. The agency should be continued without modification;*

67 *2. The agency should be continued with modifications to the agency's statutory authority, including,*
68 *but not limited to, (i) changing the structure of the agency or its oversight, if applicable; (ii)*
69 *consolidating programs or functions from other agencies; or (iii) transferring programs or functions to*
70 *another agency or other agencies; or*

71 *3. The agency should be abolished.*

72 *C. The Commission shall consult with the Joint Legislative Audit and Review Commission, the*
73 *Auditor of Public Accounts, the Council on Virginia's Future, the Inspector General, and the*
74 *Department of Planning and Budget in carrying out the responsibilities pursuant to this section.*

75 *§ 30-336. Schedule of agencies to be reviewed.*

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

79 *§ 30-337. Staffing.*

80 *Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office*
81 *of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of*
82 *the Commission serves. The Division of Legislative Services shall provide legal, research, policy*
83 *analysis, and other services as requested by the Commission. All agencies of the Commonwealth shall*
84 *provide assistance to the Commission, upon request.*

85 *§ 30-338. Chairman's executive summary of activity and work of the Commission.*

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

91 *§ 30-339. Operation and construction of chapter; subcommittees.*

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

94 *B. The operation of this chapter shall not imply or require the termination of any state agency or*
95 *program.*

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

100 **2. That the provisions of this act shall not become effective unless an appropriation effectuating**
101 **the purposes of this act is included in the 2012-2014 Appropriation Act passed during the 2012**
102 **Regular Session of the General Assembly and signed into law by the Governor.**