

980496364

HOUSE BILL NO. 1301

Offered January 26, 1998

A BILL to amend and reenact §§ 9-6.25:1 and 9-342 of the Code of Virginia and to repeal Chapter 42 (§§ 9-330 through 9-333) of Title 9 of the Code of Virginia, relating to the Virginia Competition Council; private enterprise.

Patron—Morgan_____
Referred to Committee on General Laws**Be it enacted by the General Assembly of Virginia:****1. That §§ 9-6.25:1 and 9-342 of the Code of Virginia are amended and reenacted as follows:**

§ 9-6.25:1. Advisory boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following advisory boards, commissions and councils within the executive branch:

Advisory Board for the Department for the Deaf and Hard-of-Hearing

Advisory Board for the Department for the Aging

Advisory Board on Child Abuse and Neglect

Advisory Board on Medicare and Medicaid

Advisory Board on Occupational Therapy

Advisory Board on Physical Therapy to the Board of Medicine

Advisory Board on Rehabilitation Providers

Advisory Board on Respiratory Therapy to the Board of Medicine

Advisory Board on Teacher Education and Licensure

Advisory Commission on the Virginia Schools for the Deaf and the Blind

Advisory Council on Revenue Estimates

Advisory Council on the Virginia Business-Education Partnership Program

Appomattox State Scenic River Advisory Board

Aquaculture Advisory Board

Art and Architectural Review Board

Board for the Visually Handicapped

Board of Directors, Virginia Truck and Ornamentals Research Station

Board of Forestry

Board of Military Affairs

Board of Rehabilitative Services

Board of Transportation Safety

Board of Trustees of the Family and Children's Trust Fund

Board of Visitors, Gunston Hall Plantation

Board on Veterans' Affairs

Catoctin Creek State Scenic River Advisory Board

Cave Board

Chickahominy State Scenic River Advisory Board

Clinch Scenic River Advisory Board

Coal Surface Mining Reclamation Fund Advisory Board

Coastal Land Management Advisory Council, Virginia

Commonwealth Competition Council

Council on Indians

Council on the Status of Women

Debt Capacity Advisory Committee

Emergency Medical Services Advisory Board

Falls of the James Committee

Goose Creek Scenic River Advisory Board

Governor's Council on Alcohol and Drug Abuse Problems

Governor's Mined Land Reclamation Advisory Committee

Hemophilia Advisory Board

Human Services Information and Referral Advisory Council

Interagency Coordinating Council on Housing for the Disabled

Interdepartmental Board of the State Department of Minority Business Enterprise

Litter Control and Recycling Fund Advisory Board

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- 60 Local Advisory Board to the Blue Ridge Community College
- 61 Local Advisory Board to the Central Virginia Community College
- 62 Local Advisory Board to the Dabney S. Lancaster Community College
- 63 Local Advisory Board to the Danville Community College
- 64 Local Advisory Board to the Eastern Shore Community College
- 65 Local Advisory Board to the Germanna Community College
- 66 Local Advisory Board to the J. Sargeant Reynolds Community College
- 67 Local Advisory Board to the John Tyler Community College
- 68 Local Advisory Board to the Lord Fairfax Community College
- 69 Local Advisory Board to the Mountain Empire Community College
- 70 Local Advisory Board to the New River Community College
- 71 Local Advisory Board to the Northern Virginia Community College
- 72 Local Advisory Board to the Patrick Henry Community College
- 73 Local Advisory Board to the Paul D. Camp Community College
- 74 Local Advisory Board to the Piedmont Virginia Community College
- 75 Local Advisory Board to the Rappahannock Community College
- 76 Local Advisory Board to the Southside Virginia Community College
- 77 Local Advisory Board to the Southwest Virginia Community College
- 78 Local Advisory Board to the Thomas Nelson Community College
- 79 Local Advisory Board to the Tidewater Community College
- 80 Local Advisory Board to the Virginia Highlands Community College
- 81 Local Advisory Board to the Virginia Western Community College
- 82 Local Advisory Board to the Wytheville Community College
- 83 Maternal and Child Health Council
- 84 Medical Advisory Board, Department of Motor Vehicles
- 85 Migrant and Seasonal Farmworkers Board
- 86 Motor Vehicle Dealer's Advisory Board
- 87 North Meherrin State Scenic River Advisory Board
- 88 Nottoway State Scenic River Advisory Board
- 89 Personnel Advisory Board
- 90 Plant Pollination Advisory Board
- 91 Private College Advisory Board
- 92 ~~Private Enterprise Commission~~
- 93 Private Security Services Advisory Board
- 94 Psychiatric Advisory Board
- 95 Radiation Advisory Board
- 96 Rappahannock Scenic River Advisory Board
- 97 Recreational Fishing Advisory Board, Virginia
- 98 Reforestation Board
- 99 Rockfish State Scenic River Advisory Board
- 100 Shenandoah State Scenic River Advisory Board
- 101 Small Business Advisory Board
- 102 Small Business Environmental Compliance Advisory Board
- 103 St. Mary's Scenic River Advisory Committee
- 104 State Advisory Board on Air Pollution
- 105 State Advisory Board for the Virginia Employment Commission
- 106 State Building Code Technical Review Board
- 107 State Health Benefits Advisory Council
- 108 State Land Evaluation Advisory Council
- 109 State Networking Users Advisory Board
- 110 State Public Records Advisory Council
- 111 Statewide Independent Living Council
- 112 Statewide Rehabilitation Advisory Council
- 113 Statewide Rehabilitation Advisory Council for the Blind
- 114 Staunton Scenic River Advisory Committee
- 115 Telecommunications Relay Service Advisory Board
- 116 Virginia-Israel Advisory Board
- 117 Virginia Advisory Commission on Intergovernmental Relations
- 118 Virginia Advisory Council for Adult Education and Literacy
- 119 Virginia Coal Mine Safety Board
- 120 Virginia Coal Research and Development Advisory Board
- 121 Virginia Commission for the Arts

122 Virginia Commission on the Bicentennial of the United States Constitution
 123 Virginia Correctional Enterprises Advisory Board
 124 Virginia Council on Coordinating Prevention
 125 Virginia Equal Employment Opportunity Council
 126 Virginia Geographic Information Network Advisory Board
 127 Virginia Interagency Coordinating Council
 128 Virginia Military Advisory Council
 129 Virginia Public Buildings Board
 130 Virginia Recycling Markets Development Council
 131 Virginia Technology Council
 132 Virginia Transplant Council
 133 Virginia Veterans Cemetery Board
 134 Virginia Water Resources Research Center, Statewide Advisory Board
 135 Virginia Winegrowers Advisory Board.

136 § 9-342. Commonwealth Competition Council created; duties.

137 There is hereby created in the executive branch the Commonwealth Competition Council. The
 138 Council shall:

139 1. Examine and promote methods of providing a portion or all of select government-provided or
 140 government-produced programs and services through the private sector by a competitive contracting
 141 program, and advise the Governor, the General Assembly, and executive branch agencies of the
 142 Council's findings and recommendations.

143 2. Develop an institutional framework for a statewide competitive program to encourage innovation
 144 and competition within state government.

145 3. Establish a system to encourage the use of feasibility studies and innovation to determine where
 146 competition could reduce government costs without harming the public.

147 4. Monitor the products and services of state agencies to bring an element of competition and to
 148 ensure a spirit of innovation and entrepreneurship to compete with the private sector.

149 5. Advocate, develop and accelerate implementation of a competitive program for state entities to
 150 ensure competition for the provision or production of government services, or both, from both public
 151 and private sector entities.

152 6. Establish approval, planning, and reporting processes required to carry out the functions of the
 153 Council.

154 7. Determine the privatization potential of a program or activity; perform cost/benefit analyses; and
 155 conduct public and private performance analyses. The Secretary of Finance shall independently certify
 156 the results of the comparison.

157 8. Devise, in consultation with the Secretary of Finance, evaluation criteria to be used in conducting
 158 performance reviews of any program or activity which is subject to a privatization recommendation.

159 9. To the extent practicable and to the extent that resources are available, make its services available
 160 for a fair compensation to any political subdivision of the Commonwealth.

161 10. *Review the practices of government agencies and nonprofit organizations, not including public*
 162 *and private colleges and universities, which may constitute inappropriate competition with private*
 163 *enterprise, including exemption from personal property, business and license taxes; reduced postage and*
 164 *interest rates; and volunteer labor and financial contributions. The Council shall develop proposals for*
 165 *(i) preserving the traditional role of private enterprise; (ii) encouraging the expansion of existing, and*
 166 *the creation of new, private enterprise; and (iii) monitoring inappropriate competition by nonprofit*
 167 *organizations. However, the Council shall not review the practices of nonprofit organizations which are*
 168 *the subject of review or study by an entity established under Chapters 26 (§ 9-156 et seq.) and 38*
 169 *(§ 9-311 et seq.) of Title 9.*

170 2. That Chapter 42 (§§ 9-330 through 9-333) of Title 9 of the Code of Virginia is repealed.