

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 488

By Senator Rucker

[Introduced January 19, 2026; referred
to the Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §1-9-1, §1-9-2, §1-9-3, §1-9-4, §1-9-5, §1-9-6, §1-9-7, §1-9-8, and §1-9-9,
3 relating to creating the West Virginia Council on Competitive Government; setting
4 requirements for who is appointed to the council; listing meeting frequency; assigning
5 duties to the council; and exempting the contracts entered into by the council from state
6 purchasing requirements.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. WEST VIRGINIA COUNCIL ON COMPETITIVE GOVERNMENT.

§1-9-1. Definitions.

1 In this chapter:

2 (1) "Council" means the State Council on Competitive Government.

3 (2) "Local government" means a county, municipality, special district, school district, junior
4 college district, or other legally constituted political subdivision of the state.

§1-9-2. Competition, innovation, and creativity in state services.

1 The state shall encourage competition, innovation, and creativity among service providers
2 to improve the quality of the state's services.

§1-9-3. Composition of Council.

1 (a) The State Council on Competitive Government consists of the following individuals or
2 the individuals they designate:

3 (1) The Governor;

4 (2) The President of the Senate

5 (3) The State Treasurer

6 (4) The Speaker of the House of Delegates;

7 (5) The Director of the Department of Administration

8 (6) The Chief Information Officer within the Office of Technology; and

9 (7) The Director of the WorkForce West Virginia.

10 **(b) The governor is the presiding officer of the council.**

§1-9-4.

Meetings.

1 **(a) The council shall meet as often as necessary to perform its duties.**

2 **(b) The council is subject to:**

3 **(1) The West Virginia Open Governmental Proceedings Act, §6-9A-1 et seq., of this code;**

4 **and**

5 **(2) The West Virginia Freedom of Information Act, §29B-1-1 et seq., of this code.**

§1-9-5.

General

powers.

1 **In performing its duties under this chapter, the council may:**

2 **(a) Adopt a rule governing any aspect of the council's duties or responsibilities;**

3 **(b) Hold a public hearing or conduct a study; and**

4 **(c) Consult a private commercial source.**

§1-9-6. Selection of service provider through competition.

1 **(a) The council shall identify commercially available services being performed by state**
2 **agencies and study the services to determine if they may be better provided by selecting the**
3 **service providers through competition with other state agency providers of the services or private**
4 **commercial sources.**

5 **(b) If the council determines that a service identified under subsection (a) may be better**
6 **provided by selecting the service provider through competition, the council shall require the state**
7 **agency providing the service to engage in any process, including competitive bidding, developed**
8 **by the council to select a service provider through competition with other state agency providers of**
9 **the service or private commercial sources.**

10 **(c) In performing its duties under this chapter, the council may:**

11 **(1) Require a state agency to conduct a hearing, study, review, or cost estimate, including**
12 **an agency in-house cost estimate or a management study, concerning any aspect of a service**
13 **identified under subsection (a) of this section;**

14 (2) Develop and require state agencies to use methods to accurately and fairly estimate
15 and account for the cost of providing a service identified under subsection (a) of this section;

16 (3) Require that a service identified under subsection (a) of this section be submitted to
17 competitive bidding or another process that creates competition with private commercial sources;

18 (4) Prescribe, after consulting affected state agencies, the specifications and conditions of
19 purchase procedures that must be followed by the comptroller and a state agency or a private
20 commercial source engaged in competitive bidding to provide a service identified under
21 subsection (a);

22 (5) Award a contract to a state agency providing the service, another state agency, a
23 private commercial source, or a combination of those entities, if the bidder presents the best and
24 most reasonable bid, which is not necessarily the lowest bid; and

25 (6) Determine the terms of a contract for service or interagency contract to provide a
26 service identified under subsection (a) of this section.

27 (d) To the extent the council determines is feasible, a local government may voluntarily
28 participate in a contract awarded by the council or a state agency under this chapter. A local
29 government that purchases a good or a service under a contract awarded under this chapter is
30 considered to have satisfied any state law requiring the local government to follow a competitive
31 purchasing procedure for the purchase.

§1-9-7. Cost comparison and contract considerations.

1 (a) In comparing the cost of providing a service, the council shall consider the:

2 (1) Cost of supervising the work of a private contractor; and

3 (2) Cost of a state agency's performance of the service, including:

4 (A) The costs of the comptroller, attorney general, and other support agencies; and

5 (B) Other indirect costs related to the agency's performance of the service.

6 (b) A bid or contract that the Council determines will be likely to result in staff reduction
7 must include an analysis of health care benefits, retirement, and workers' compensation insurance

8 for a contractor's employees that are reasonably comparable to the health care benefits,
9 retirement, and workers' compensation insurance of the state.

§1-9-8. Duties of affected state agencies.

1 A state agency shall perform an activity required by the council in performing its duties or
2 exercising its powers under this chapter.

§1-9-9. Exemption from state purchasing laws.

1 A contract by the council or a decision regarding whether a state agency is required to
2 engage in competitive bidding is exempt from another state law regulating or limiting state
3 purchasing or a purchasing decision.

NOTE: The purpose of this bill is to create the West Virginia Council on Competitive Government.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.