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HOUSE BILL NO. 119

Offered January 12, 2022

Prefiled January 7, 2022

A *BILL to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 55.5, consisting of sections numbered 2.2-5516, 2.2-5517, and 2.2-5518, and to repeal Chapter 55.2 (§§ 2.2-5512 and 2.2-5513) of Title 2.2 of the Code of Virginia, relating to the creation of the Public-Private Competition Act.*

Patron—March

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 55.5, consisting of sections numbered 2.2-5516, 2.2-5517, and 2.2-5518, as follows:

CHAPTER 55.5.**PUBLIC-PRIVATE COMPETITION ACT.****§ 2.2-5516. Definitions.**

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

"Business" means the same as that term is defined in § 2.2-4301.

"Commercial activity" means an activity that can be performed by an existing private business.

"Public body" means the same as that term is defined in § 2.2-4301.

§ 2.2-5517. Prohibition on public bodies engaging in commercial activities; exception.

A. Notwithstanding any other provision of law to the contrary, no public body shall engage in any commercial activity.

B. The provisions of this section shall not prohibit any public body from engaging in any commercial activity that it is required to perform pursuant to the Constitution of Virginia.

§ 2.2-5518. Injunction.

Any aggrieved person may institute a proceeding for injunction against any public body that has engaged in or is proposing to engage in a commercial activity in violation of this chapter. The proceeding shall be brought in the circuit court of any county or city wherein the public body is located. In the case of any successful proceeding by an aggrieved party, the public body shall be liable for the costs of the action together with reasonable attorney fees as determined by the court.

2. That Chapter 55.2 (§§ 2.2-5512 and 2.2-5513) of Title 2.2 of the Code of Virginia is repealed.

INTRODUCED

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