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HOUSE BILL NO. 737

Offered January 9, 2002

Prefiled January 9, 2002

A BILL to amend and reenact §§ 2.2-200, 2.2-204, 2.2-205 and 10.1-1100 of the Code of Virginia, and to amend the Code of Virginia by adding in Chapter 2 of Subtitle I of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-229, 2.2-230 and 2.2-231, relating to the Secretary of Agriculture and Forestry.

Patron—Putney

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-200, 2.2-204, 2.2-205 and 10.1-1100 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Subtitle I of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-229, 2.2-230 and 2.2-231 as follows:

§ 2.2-200. Appointment of Governor's Secretaries; general powers.

A. The Governor's Secretaries shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. Each Secretary shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until a successor is appointed and qualified. Before entering upon the discharge of duties, each Secretary shall take an oath to faithfully execute the duties of the office.

B. Each Secretary shall be subject to direction and supervision by the Governor. Except as provided in Article 5 (§ 2.2-208 et seq.) of this chapter, the agencies assigned to each Secretary shall:

1. Exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor;

2. Provide such assistance to the Governor or the Secretary as may be required; and

3. Forward all reports to the Governor through the Secretary.

C. Unless the Governor expressly reserves such power to himself and except as provided in Article 5 (§ 2.2-208 et seq.) of this chapter, each Secretary may:

1. Resolve administrative, jurisdictional, operational, program, or policy conflicts between agencies or officials assigned;

2. Direct the formulation of a comprehensive program budget for the functional area identified in § 2.2-1508 encompassing the services of agencies assigned for consideration by the Governor;

3. Hold agency heads accountable for their administrative, fiscal and program actions in the conduct of the respective powers and duties of the agencies;

4. Direct the development of goals, objectives, policies and plans that are necessary to the effective and efficient operation of government;

5. Sign documents on behalf of the Governor that originate with agencies assigned to the Secretary; and

6. Employ such personnel and to contract for such consulting services as may be required to perform the powers and duties conferred upon the Secretary by law or executive order.

D. As used in this chapter, "Governor's Secretaries" means the Secretary of Administration, the Secretary of Commerce and Trade, the Secretary of Education, the Secretary of Finance, the Secretary of Health and Human Resources, the Secretary of Natural Resources, the Secretary of Public Safety, the Secretary of Technology, and the Secretary of Transportation and the Secretary of Agriculture and Forestry.

§ 2.2-204. Position established; agencies for which responsible; additional duties.

The position of Secretary of Commerce and Trade (the "Secretary") is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Business Assistance, Department of Forestry, Virginia Economic Development Partnership Authority, Virginia Tourism Authority, Department of Labor and Industry, Department of Mines, Minerals and Energy, Virginia Employment Commission, Department of Professional and Occupational Regulation, Milk Commission, Department of Agriculture and Consumer Services, Department of Housing and Community Development, Department of Minority Business Enterprise, Virginia Housing Development Authority, Virginia Resources Authority, Virginia Racing Commission, and Tobacco Indemnification and Community Revitalization Commission, Virginia Agricultural Council, Board of Accountancy, and Virginia Marine Products Board.

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59 The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign
60 any agency listed in this section to another Secretary.

61 The Secretary shall implement the provisions of the Virginia Biotechnology Research Act (§ 2.2-5500
62 et seq.).

63 § 2.2-205. Economic development policy for the Commonwealth.

64 A. During the first year of each new gubernatorial administration, the Secretary, with the assistance
65 of a cabinet-level committee appointed in accordance with subsection B, shall develop and implement a
66 written comprehensive economic development policy for the Commonwealth. In developing this policy,
67 the Secretary and the committee shall review the economic development policy in effect at the
68 commencement of the Governor's term of office. The Secretary shall make such revisions to the existing
69 policy as the Secretary deems necessary to ensure that it is appropriate for the Commonwealth. Once the
70 policy has been adopted by the Secretary and the committee and approved by the Governor, it shall be
71 submitted to the General Assembly for its consideration.

72 B. During the first year of each new gubernatorial administration, the Governor shall issue an
73 executive order creating a cabinet-level committee to assist the Secretary in the development of the
74 comprehensive economic development policy for the Commonwealth. The Secretary shall be the
75 chairman of the committee, and the Secretaries of Administration, *Agriculture and Forestry*, Education,
76 Health and Human Resources, Natural Resources and Transportation shall serve as committee members.
77 The Governor may also appoint members of regional and local economic development groups and
78 members of the business community to serve on the committee.

79 *Article 11.*

80 *Secretary of Agriculture and Forestry.*

81 § 2.2-229. *Position established; agencies for which responsible.*

82 *The position of Secretary of Agriculture and Forestry (the "Secretary") is created. The Secretary*
83 *shall be responsible to the Governor for the following agencies and boards: Department of Forestry,*
84 *Milk Commission, Department of Agriculture and Consumer Services, Tobacco Indemnification and*
85 *Community Revitalization Commission, Virginia Agricultural Council, and Virginia Marine Products*
86 *Board. The Governor may, by executive order, assign any other state executive agency to the Secretary,*
87 *or reassign any agency listed above to another Secretary.*

88 § 2.2-230. *Responsibilities of the Secretary.*

89 *Unless the Governor expressly reserves such power to himself, the Secretary shall (i) coordinate the*
90 *work of state agencies to facilitate the growth and viability of the agriculture and forestry industries, (ii)*
91 *ensure that these industries contribute to the revitalization of Virginia's rural economies, (iii) enhance*
92 *the opportunities for global promotion of agriculture and forestry products, (iv) participate in federal*
93 *and state programs that benefit the Commonwealth's agriculture and forestry industries, and (v) promote*
94 *the development and marketing of agriculture and forestry specialty products.*

95 § 2.2-231. *Annual report.*

96 A. *In order to evaluate and promote the economic conditions, potential, and development of the*
97 *agriculture and forestry industries in the Commonwealth, the Secretary shall submit annually to the*
98 *Governor and the General Assembly a report summarizing the major state programs and policies*
99 *affecting economic growth and stability in these industries. The report shall include recommendations to*
100 *meet responsibilities of the Secretariat.*

101 B. *The Secretary, with the support of the Virginia Liaison Office, shall identify and provide*
102 *information in the annual report on federal and private sector sources of funding for projects and*
103 *programs directed to conditions and opportunities for the agriculture and forestry industries.*

104 § 10.1-1100. Department of Forestry; appointment of the State Forester.

105 The Department of Forestry, hereinafter referred to in this chapter as the Department, is continued as
106 an agency under the supervision of the Secretary of ~~Commerce and Trade~~ *Agriculture and Forestry*. The
107 Department shall be headed by the State Forester, who shall be appointed by the Governor to serve at
108 his pleasure for a term coincident with his own.

109 Any vacancy in the office of the State Forester shall be filled by appointment by the Governor
110 pursuant to the provisions of Article V, Section 10 of the Constitution of Virginia.

111 The State Forester shall be a technically trained forester and shall have both a practical and
112 theoretical knowledge of forestry.