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**SENATE BILL NO. 1061**

Offered January 8, 2003

Prefiled January 8, 2003

*A BILL to amend and reenact §§ 2.2-215 and 2.2-2905 of the Code of Virginia and to repeal Chapter 20 (§§ 10.1-2000 through 10.1-2012) of the Code of Virginia, relating to the consolidation of the Virginia Museum of Natural History and The Science Museum of Virginia.*

Patrons—O'Brien; Delegates: Hugo and Wardrup

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That §§ 2.2-215 and 2.2-2905 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-215. Position established; agencies for which responsible.

The position of Secretary of Natural Resources (the "Secretary") is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Conservation and Recreation, Department of Historic Resources, Marine Resources Commission, Department of Game and Inland Fisheries, Chippokes Plantation Farm Foundation, Chesapeake Bay Local Assistance Department, Virginia Museum of Natural History and the Department of Environmental Quality. The Governor may, by executive order, assign any state executive agency to the Secretary of Natural Resources, or reassign any agency listed above to another Secretary.

§ 2.2-2905. Certain officers and employees exempt from chapter.

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents, and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the National Guard and the naval militia;
10. Student employees in institutions of learning, and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees and employees compensated on an hourly or daily basis;
12. County, city, town and district officers, deputies, assistants and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The officers and employees of the Virginia Retirement System;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;
16. Employees of the State Lottery Department;
17. Production workers for the Virginia Industries for the Blind Sheltered Workshop programs;
18. Employees of the Virginia Commonwealth University Health System Authority;
19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be

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59 deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve  
60 in this exempt capacity;

61 21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the  
62 provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

63 22. Officers and employees of the Virginia Port Authority;

64 23. Employees of the Virginia College Savings Plan;

65 24. Directors of state facilities operated by the Department of Mental Health, Mental Retardation and  
66 Substance Abuse Services employed or reemployed by the Commissioner after July 1, 1999, under a  
67 contract pursuant to § 37.1-42.2. Such employees shall remain subject to the provisions of the State  
68 Grievance Procedure (§ 2.2-3000 et seq.); and

69 25. The Director of the Virginia Office for Protection and Advocacy.

70 **2. The administration and operations of the Virginia Museum of Natural History, including, but**  
71 **not limited to, the staffing and management of the facilities and collections are transferred and**  
72 **assumed by the board of trustees of The Science Museum of Virginia.**

73 **3. That Chapter 20 (§§ 10.1-2000 through 10.1-2012) of Title 10.1 is repealed.**