

# VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 963

*An Act to amend and reenact §§ 2.2-200 and 2.2-204 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 2 of Title 2.2 an article numbered 2.1, consisting of a section numbered 2.2-203.3, relating to establishment of a Secretary of Agriculture and Forestry.*

[H 1212]

Approved April 15, 2004

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-200 and 2.2-204 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended by adding in Chapter 2 of Title 2.2 an article numbered 2.1, consisting of a section numbered 2.2-203.3, 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 Agriculture and Forestry*, 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.

### *Article 2.1.*

#### *Secretary of Agriculture and Forestry.*

§ 2.2-203.3. *Position established; agencies for which responsible; additional duties.*

*The position of Secretary of Agriculture and Forestry (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Forestry, Department of Agriculture and Consumer Services, Virginia Agricultural Council, and Virginia Marine Products Board. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.*

§ 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, Tobacco Indemnification and Community Revitalization Commission, ~~Virginia Agricultural Council, and Board of Accountancy; and Virginia Marine Products Board.~~ The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

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

**2. That except as provided in the third enactment of this act, the provisions of this act shall become effective no later than the beginning of the term of the Governor elected November 8, 2005.**

**3. That if funding for the position and expenses of the Secretary of Agriculture and Forestry created by this act is included in the 2004 Appropriation Act passed by the General Assembly, the provisions of this act shall become effective beginning on the date set out in the appropriation act.**

**4. That notwithstanding the provisions of the second or third enactments of this act, effective July 1, 2004, the Governor shall appoint a Deputy Secretary of Agriculture and Forestry within the Secretariat of Commerce and Trade to administer the policies affecting the Commonwealth's agricultural and forestry interests. Such Deputy Secretary of Agriculture and Forestry shall serve until the position of Secretary of Agriculture and Forestry is filled.**