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**HOUSE BILL NO. 546**

Offered January 14, 2004

Prefiled January 13, 2004

*A BILL to amend and reenact §§ 2.2-205, 2.2-210, 2.2-225, 2.2-2600, 2.2-2651, 2.2-2669, 23-231.9, and 30-198 of the Code of Virginia, relating to duties of the Secretary of Technology.*

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 Referred to Committee on Science and Technology
 

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

**1. That §§ 2.2-205, 2.2-210, 2.2-225, 2.2-2600, 2.2-2651, 2.2-2669, 23-231.9, and 30-198 of the Code of Virginia are amended and reenacted as follows:**

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

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

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

§ 2.2-210. Annual legislative report.

Within ~~sixty~~60 days prior to the beginning of each regular legislative session, the ~~Secretary~~ Secretaries of Education, ~~and the Secretary of Commerce and Trade, and Technology~~ shall jointly present a report to the General Assembly summarizing private sector and education partnership programs and recommendations to promote efficiency and growth in business and education partnerships.

§ 2.2-225. Position established; agencies for which responsible; additional powers.

The position of Secretary of Technology (the Secretary) is created. The Secretary shall *serve as the Chief Technology Officer* and be responsible to the Governor for the following agencies and boards: Information Technology Investment Board, Innovative Technology Authority, Virginia Information Technologies Agency, Virginia Geographic Information Network Advisory Board, ~~and the Wireless E-911 Services Board, and the Virginia Research and Technology Advisory Commission.~~ The Governor, by executive order, may assign any other state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary may, with regard to strategy development, planning and budgeting for technology programs in the Commonwealth:

1. Monitor trends and advances in fundamental technologies of interest and importance to the economy of the Commonwealth and direct and approve a stakeholder-driven technology strategy development process that results in a comprehensive and coordinated view of research and development goals for industry, academia and government in the Commonwealth. This strategy shall be updated biennially and submitted to the Governor, the Speaker of the House of Delegates and the President Pro Tempore of the Senate.

2. Work closely with the appropriate federal research and development agencies and program managers to maximize the participation of Commonwealth industries and universities in these programs consistent with agreed strategy goals.

3. Direct the development of plans and programs for strengthening the technology resources of the Commonwealth's high technology industry sectors and for assisting in the strengthening and development of the Commonwealth's Regional Technology Councils.

4. Direct the development of plans and programs for improving access to capital for technology-based entrepreneurs.

5. Assist the Joint Commission on Technology and Science created pursuant to § 30-85 in its efforts

59 to stimulate, encourage, and promote the development of technology in the Commonwealth.

60 6. *Continuously monitor and analyze the technology investments and strategic initiatives of other*  
61 *states to ensure the Commonwealth remains competitive.*

62 7. *Strengthen interstate and international partnerships and relationships in the public and private*  
63 *sectors to bolster the Commonwealth's reputation as a global technology center.*

64 8. *Develop and implement strategies to accelerate and expand the commercialization of intellectual*  
65 *property created within the Commonwealth.*

66 9. *Ensure the Commonwealth remains competitive in cultivating and expanding growth industries,*  
67 *including life sciences, advanced materials and nanotechnology, biotechnology, and aerospace.*

68 § 2.2-2600. Advisory Council on the Virginia Business-Education Partnership Program; membership;  
69 terms; chairman.

70 A. The Advisory Council on the Virginia Business-Education Partnership Program (the "Council") is  
71 established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state  
72 government. The purpose of the Council shall be to assist the Secretary of Education in implementing  
73 the Virginia Business-Education Partnership Program and in facilitating the development of strategic  
74 partnerships between the public and private sectors to enhance public education and workforce training.

75 B. The Council shall be composed of ~~twenty~~21 members as follows: the ~~Secretary~~ Secretaries of  
76 Education, ~~or his designee~~, the Secretary of Commerce and Trade, and Technology, or ~~his designee~~ their  
77 ~~designees~~, and ~~eighteen~~18 members appointed by the Governor to include one representative each from  
78 the Department of Education and the Office of Volunteerism; one member each from the House of  
79 Delegates and the Senate; one representative of the Virginia Chamber of Commerce; and ~~thirteen~~13  
80 members who represent business, industry, education, and employees, including one community college  
81 president, one president of a four-year institution of higher education, one school superintendent, one  
82 public school teacher, one school board member, and at least five representatives of private business and  
83 industry. Interested organizations may submit nominations for membership to the Governor. Members  
84 appointed by the Governor shall represent the various geographical areas of the Commonwealth.

85 C. Initial appointments by the Governor shall be as follows: nine members for two-year terms and  
86 nine members for one-year terms. Thereafter, all appointments shall be for terms of two years, except  
87 that appointments to fill vacancies shall be for the unexpired terms. No appointed member shall be  
88 eligible to serve for or during more than four successive two-year terms, but after the expiration of a  
89 term of one year or less, or after the expiration of the remainder of a term to which appointed to fill a  
90 vacancy, four additional two-year terms may be served by such member if appointed thereto.

91 D. The Governor shall select a chairman and a vice-chairman from among Council members. A  
92 majority of the members of the Council shall constitute a quorum.

93 § 2.2-2651. Council on Technology Services; purpose; membership; chairman.

94 A. The Council on Technology Services (the COTS) is established as an advisory council, within the  
95 meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be  
96 to advise the Chief Information Officer on the services provided by the Virginia Information  
97 Technologies Agency and the development and use of applications in state agencies and public  
98 institutions of higher education.

99 B. The COTS shall consist of ~~48~~ 19 members that include 16 members to be appointed by the Chief  
100 Information Officer and ~~two~~ three ex officio members as follows: one designated information technology  
101 resource of an executive branch agency from each of the Secretariats of Administration, Commerce and  
102 Trade, Education, Finance, Health and Human Resources, Natural Resources, Public Safety, and  
103 Transportation; four designated information technology resources from public institutions of higher  
104 education; one representative from an independent agency of state government; three representatives  
105 from public bodies other than the Commonwealth selected from a list of names submitted by the  
106 Virginia Local Government Information Technology Executives; and the *Secretary of Technology, the*  
107 *Director of Information Systems of the Supreme Court of Virginia, and the Director of the Division of*  
108 *Legislative Automated Systems* who shall serve as ex officio, voting members.

109 Ex officio members shall serve terms coincident with their terms of office. Other members shall be  
110 appointed for a term of two years and shall be eligible for reappointment.

111 C. The Chief Information Officer shall be the chairman of the COTS. The COTS shall meet quarterly  
112 and at such other times as may be called by the chairman.

113 § 2.2-2669. Virginia Workforce Council; purpose; membership; terms; chairman; compensation; staff.

114 A. The Virginia Workforce Council (the Council) is established as a policy council, within the  
115 meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be  
116 to assist the Governor in meeting workforce training needs in the Commonwealth.

117 B. The Council shall consist of not more than 29 30 members as follows:

118 1. The Council shall include two members of the House of Delegates to be appointed by the Speaker  
119 of the House; and two members of the Senate to be appointed by the Senate Committee on Privileges  
120 and Elections. Legislative members shall serve terms coincident with their terms of office.

2. The Governor; the Secretaries of Commerce and Trade, *Technology*, Education, and Health and Human Resources; the Chancellor of the Virginia Community College System; the Commissioner of the Virginia Employment Commission; and the president of the Virginia AFL-CIO shall serve as members.

3. The Governor shall appoint members as follows: one mayor and one chairperson of a county board of supervisors; one representative of labor in addition to the president of the Virginia AFL-CIO; and not more than 15 members representing the business community, to include the presidents of the Virginia Chamber of Commerce and the Virginia Manufacturer's Association, one representative of proprietary employment training schools, one representative of health care employers, and the remaining members who are business owners, chief executive officers, chief operating officers, chief financial officers, senior managers or other business executives or employers with optimum policy-making or hiring authority and who shall represent diverse regions of the state, to include urban, suburban, and rural areas, at least two of whom shall be members of local workforce investment boards.

Members appointed in accordance with this subdivision shall serve four-year terms, subject to the pleasure of the Governor, and may be reappointed.

C. If one person appointed to fill one of the enumerated positions in subsection B also qualifies to fill any other of the enumerated positions, such person may, at the discretion of the Governor, be deemed to fill any or all of the enumerated positions for which such person qualifies.

D. The Governor shall select a chairman and vice chairman from among the 15 members representing the business community appointed in accordance with subdivision 3 of subsection B. The Council shall meet upon the call of the chair or the Governor.

E. Compensation of members shall be as follows:

1. Legislative members appointed in accordance with subdivision B 1 shall receive such compensation as provided in §§ 2.2-2813 and 30-19.12.

2. Members of the Council appointed in accordance with subdivision B 2 shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

3. Members of the Council appointed in accordance with subdivision B 3 shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2813.

F. The Virginia Employment Commission, the Virginia Community College System, and the Department of Business Assistance shall serve as staff to the Council as directed by the Secretary of Commerce and Trade. The Virginia Employment Commission shall act as fiscal agent for the Council and the WIA.

§ 23-231.9. Membership of governing board; terms; compensation; officers; bylaws.

A. The Extension Partnership shall be governed by a ~~twenty-three-member~~ 24-member board of trustees consisting of three presidents of community colleges; two presidents of public four-year institutions of higher education, and one president of a private four-year institution of higher education; ~~fifteen~~ 15 citizen members, representing manufacturing industries, to be appointed by the Governor; the director of the Center for Innovative Technology; ~~and~~ the Secretary of Commerce and Trade; ~~and the~~ *Secretary of Technology*.

B. Initial appointments in 1992 shall be as follows: the three community college presidents shall be appointed for two-year, three-year, and four-year terms, respectively; the two presidents of the public four-year institutions shall be appointed for two-year and four-year terms, respectively; the president of a private four-year institution shall be appointed for a three-year term; two citizen members shall be appointed for two-year terms, and two citizen members shall be appointed for three-year and four-year terms, respectively. Of the five citizen members to be appointed in 1994, two shall be appointed for two-year terms, two shall be appointed for three-year terms, and one shall be appointed for a four-year term. Of the six citizen members to be appointed in 1997, two shall be appointed for two-year terms, two shall be appointed for three-year terms, and two shall be appointed for four-year terms. Thereafter, all appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. With the exceptions of the director of the Center for Innovative Technology, ~~and~~ the Secretary of Commerce and Trade, ~~and the Secretary of Technology, no person shall be eligible to serve for more than two successive four-year terms; however, upon the expiration of a term of less than four years, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.~~

C. The board shall elect a chairman and a vice chairman from among its members and shall also elect a secretary and a treasurer, who may or may not be members of the board. The board may also elect other subordinate officers, who may or may not be members of the board. All members shall be reimbursed for their actual expenses incurred in the performance of their duties in the work of the Extension Partnership.

D. The board may adopt, alter, or repeal its own bylaws that govern the manner in which its

182 business may be transacted and may form committees and advisory councils, which may include  
183 representatives who are not board members.

184 § 30-198. (Effective until July 1, 2007) Advisory Council on Career and Technical Education;  
185 purpose; membership; compensation.

186 A. The Advisory Council on Career and Technical Education (Council) is established as an advisory  
187 council in the legislative branch to recommend an integrated and coordinated multi-agency approach for  
188 the delivery of quality career and technical education programs and services in the public schools.

189 B. The Council shall consist of ~~seventeen~~ 18 members, to be appointed as follows: one member each  
190 of the House Committees on Finance, Education, and Appropriations, and two members of the House of  
191 Delegates at-large, to be appointed by the Speaker of the House of Delegates in accordance with the  
192 principles of proportional representation contained in the Rules of the House of Delegates; one each of  
193 the Senate Committees on Finance and Education and Health, and one member of the Senate at-large, to  
194 be appointed by the Senate Committee on Privileges and Elections; four representatives of business and  
195 industry from companies of varying size, geographically distributed from among the eight  
196 superintendents' regions of the Commonwealth, to be appointed by the Governor; and the President of  
197 the Board of Education, the Chancellor of the Virginia Community College System, the Chairman of the  
198 Board of Correctional Education, the Secretary of Commerce and Trade, ~~and~~ the Secretary of Education,  
199 *and the Secretary of Technology* or their designees shall serve as ex officio members with full voting  
200 privileges.

201 C. Legislative members and state government officials shall serve terms coincident with their terms  
202 of office. The initial appointments of the Governor shall be as follows: two members shall serve a  
203 four-year term, one member shall serve a three-year term and one member shall serve a two-year term.  
204 Thereafter, all appointments of citizen members shall be for four-year terms. Appointments to fill  
205 vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and citizen  
206 members may be reappointed; however, no member of the House of Delegates shall serve more than  
207 four consecutive two-year terms; no member of the Senate shall serve more than two consecutive  
208 four-year terms; and no citizen member shall serve more than two consecutive four-year terms. The  
209 remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in  
210 determining the member's term limit. Vacancies shall be filled in the same manner as the original  
211 appointments. Legislative members of the Council shall receive such compensation as provided in  
212 § 30-19.12, and citizen members shall receive such compensation for the discharge of their duties as  
213 provided in the appropriations act. All members shall be reimbursed for reasonable and necessary  
214 expenses incurred in the performance of their duties as provided in § 2.2-2825. However, all such  
215 expense payments shall be paid from existing appropriations to the Council.

216 D. The Council shall elect a chairman annually from among its legislative members. A majority of  
217 the members of the Council shall constitute a quorum. The Council shall meet at least four times a year,  
218 upon the call of the chairman.