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HOUSE BILL NO. 546

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Science and Technology
on February 9, 2004)

(Patrons Prior to Substitute—Delegates May and Scott, J. M. [HB 1467])

A BILL to amend and reenact §§ 2.2-205, 2.2-210, 2.2-225, 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.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-205, 2.2-210, 2.2-225, 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 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 to stimulate, encourage, and promote the development of technology in the Commonwealth.

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

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

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

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

66 10. *Monitor the trends in the availability and deployment of and access to broadband*
67 *communications services, which include, but are not limited to, competitively priced, high-speed data*
68 *services and Internet access services of general application, throughout the Commonwealth and*
69 *advancements in communications technology for deployment potential. The Secretary shall report*
70 *annually by December 1 to the Governor and General Assembly on those trends.*

71 § 2.2-2651. Council on Technology Services; purpose; membership; chairman.

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

77 B. The COTS shall consist of ~~18~~ 19 members that include 16 members to be appointed by the Chief
78 Information Officer and ~~two~~ three ex officio members as follows: one designated information technology
79 resource of an executive branch agency from each of the Secretariats of Administration, Commerce and
80 Trade, Education, Finance, Health and Human Resources, Natural Resources, Public Safety, and
81 Transportation; four designated information technology resources from public institutions of higher
82 education; one representative from an independent agency of state government; three representatives
83 from public bodies other than the Commonwealth selected from a list of names submitted by the
84 Virginia Local Government Information Technology Executives; and the *Secretary of Technology, the*
85 *Director of Information Systems of the Supreme Court of Virginia, and the Director of the Division of*
86 *Legislative Automated Systems* who shall serve as ex officio, voting members.

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

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

91 § 2.2-2669. Virginia Workforce Council; purpose; membership; terms; chairman; compensation; staff.

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

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

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

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

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

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

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

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

119 E. Compensation of members shall be as follows:

120 1. Legislative members appointed in accordance with subdivision B 1 shall receive such
121 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 business may be transacted and may form committees and advisory councils, which may include representatives who are not board members.

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

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

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

C. Legislative members and state government officials shall serve terms coincident with their terms of office. The initial appointments of the Governor shall be as follows: two members shall serve a four-year term, one member shall serve a three-year term and one member shall serve a two-year term. Thereafter, all appointments of citizen members shall be for four-year terms. Appointments to fill

183 vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and citizen
184 members may be reappointed; however, no member of the House of Delegates shall serve more than
185 four consecutive two-year terms; no member of the Senate shall serve more than two consecutive
186 four-year terms; and no citizen member shall serve more than two consecutive four-year terms. The
187 remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in
188 determining the member's term limit. Vacancies shall be filled in the same manner as the original
189 appointments. Legislative members of the Council shall receive such compensation as provided in
190 § 30-19.12, and citizen members shall receive such compensation for the discharge of their duties as
191 provided in the appropriations act. All members shall be reimbursed for reasonable and necessary
192 expenses incurred in the performance of their duties as provided in § 2.2-2825. However, all such
193 expense payments shall be paid from existing appropriations to the Council.

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