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**HOUSE BILL NO. 1545**

Offered January 20, 2006

*A BILL to amend and reenact §§ 2.2-106 and 32.1-358 of the Code of Virginia, relating to Tobacco Settlement Foundation; appointment of executive director.*

Patrons—O'Bannon and Janis; Senator: Hanger

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That §§ 2.2-106 and 32.1-358 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-106. Appointment of agency heads.

Notwithstanding any provision of law to the contrary, the Governor shall appoint the administrative head of each agency of the executive branch of state government except the:

1. Executive Director of the Virginia Port Authority;
2. Director of the State Council of Higher Education for Virginia;
3. Executive Director of the Department of Game and Inland Fisheries;
4. Executive Director of the Jamestown-Yorktown Foundation;
5. Executive Director of the Motor Vehicle Dealer Board;
6. Librarian of Virginia;
7. Administrator of the Commonwealth's Attorneys' Services Council;
8. Executive Director of the Virginia Housing Development Authority;
9. Executive Director of the Board of Accountancy; and
10. Chief Information Officer of the Commonwealth; and
11. *Executive Director of the Tobacco Settlement Foundation.*

However, the manner of selection of those heads of agencies chosen as set forth in the Constitution of Virginia shall continue without change. Each administrative head and Secretary appointed by the Governor pursuant to this section shall (i) be subject to confirmation by the General Assembly, (ii) have the professional qualifications prescribed by law, and (iii) serve at the pleasure of the Governor.

As part of the confirmation process for each administrative head and Secretary, the Secretary of the Commonwealth shall provide copies of the resumes and statements of economic interests filed pursuant to § 2.2-3117 to the chairs of the House of Delegates and Senate Committees on Privileges and Elections. For appointments made before January 1, copies shall be provided to the chairs within 30 days of the appointment or by January 7 whichever time is earlier; and for appointments made after January 1 through the regular session of that year, copies shall be provided to the chairs within seven days of the appointment. Each appointee shall be available for interviews by the Committees on Privileges and Elections or other applicable standing committee. For the purposes of this section and § 2.2-107, there shall be a joint subcommittee of the House of Delegates and Senate Committees on Privileges and Elections consisting of five members of the House Committee and three members of the Senate Committee appointed by the respective chairs of the committees to review the resumes and statements of economic interests of gubernatorial appointees. The members of the House of Delegates shall be appointed in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. No appointment confirmed by the General Assembly shall be subject to challenge by reason of a failure to comply with the provisions of this paragraph pertaining to the confirmation process.

For the purpose of this section, "agency" includes all administrative units established by law or by executive order that are not (i) arms of the legislative or judicial branches of government; (ii) institutions of higher education as classified under §§ 23-253.7, 22.1-346, 23-14, 23-252, and; (iii) regional planning districts, regional transportation authorities or districts, or regional sanitation districts; and (iv) assigned by law to other departments or agencies, not including assignments to secretaries under Article 7 (§ 2.2-215 et seq.) of Chapter 2 of this title.

§ 32.1-358. Appointment of director; counsel to the Board and Foundation.

A. ~~Subject to confirmation by the General Assembly, the Governor shall appoint a director, whose compensation shall be determined by the Board, subject to approval by the Governor, and who shall also be the secretary of the Board. The Board shall appoint a director who shall serve at its pleasure. The compensation shall be determined by the Board, subject to approval by the Governor.~~ The director shall be the secretary of the Board and administer, manage and direct the affairs and business of the Foundation in accordance with the provisions of this chapter, subject to the policies, control and direction of the Board. The Board may employ technical experts and such other officers, agents and

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59 employees, permanent and temporary, as it may require, and shall determine their qualifications, duties  
60 and compensation. The Board may delegate to one or more of its agents or employees such  
61 administrative duties as it may deem proper. The actual expenses incurred in the performance of such  
62 duties shall be paid from the Fund.

63 B. The Office of the Attorney General shall provide counsel to the Board and the Foundation.