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HOUSE BILL NO. 476

Offered January 11, 2006

Prefiled January 9, 2006

A BILL to amend and reenact §§ 2.2-106 and 2.2-200 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-1510.1, relating to announcement of severance benefits to certain state and local officials.

 Patron—Purkey

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-106 and 2.2-200 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-1510.1 as follows:

§ 2.2-106. Appointment of agency heads; severance.

A. 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.

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.

B. 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.

C. 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.

D. *Severance benefits provided to any departing agency head, whether or not appointed by the Governor, shall be publicly announced by the appointing authority at least 60 days prior to such departure.*

§ 2.2-200. Appointment of Governor's Secretaries; general powers; severance.

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

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59 succeeding session. Each Secretary shall hold office at the pleasure of the Governor for a term
60 coincident with that of the Governor making the appointment or until a successor is appointed and
61 qualified. Before entering upon the discharge of duties, each Secretary shall take an oath to faithfully
62 execute the duties of the office.

63 B. Each Secretary shall be subject to direction and supervision by the Governor. Except as provided
64 in Article 5 (§ 2.2-208 et seq.) of this chapter, the agencies assigned to each Secretary shall:

- 65 1. Exercise their respective powers and duties in accordance with the general policy established by
66 the Governor or by the Secretary acting on behalf of the Governor;
67 2. Provide such assistance to the Governor or the Secretary as may be required; and
68 3. Forward all reports to the Governor through the Secretary.

69 C. Unless the Governor expressly reserves such power to himself and except as provided in Article 5
70 (§ 2.2-208 et seq.) of this chapter, each Secretary may:

- 71 1. Resolve administrative, jurisdictional, operational, program, or policy conflicts between agencies or
72 officials assigned;
73 2. Direct the formulation of a comprehensive program budget for the functional area identified in
74 § 2.2-1508 encompassing the services of agencies assigned for consideration by the Governor;
75 3. Hold agency heads accountable for their administrative, fiscal and program actions in the conduct
76 of the respective powers and duties of the agencies;
77 4. Direct the development of goals, objectives, policies and plans that are necessary to the effective
78 and efficient operation of government;
79 5. Sign documents on behalf of the Governor that originate with agencies assigned to the Secretary;
80 and
81 6. Employ such personnel and to contract for such consulting services as may be required to perform
82 the powers and duties conferred upon the Secretary by law or executive order.

83 D. *Severance benefits provided to any departing Secretary shall be publicly announced by the*
84 *Governor at least 60 days prior to such departure.*

85 E. As used in this chapter, "Governor's Secretaries" means the Secretary of Administration, the
86 Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education,
87 the Secretary of Finance, the Secretary of Health and Human Resources, the Secretary of Natural
88 Resources, the Secretary of Public Safety, the Secretary of Technology, and the Secretary of
89 Transportation.

90 § 15.2-1510.1. *Public announcement of severance packages for certain officials.*

91 *Severance benefits provided to any departing official appointed by a local governing body shall be*
92 *publicly announced by the local governing body at least 60 days prior to such departure.*