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**HOUSE BILL NO. 706**

Offered January 11, 2006

Prefiled January 10, 2006

*A BILL to amend and reenact §§ 2.2-106 and 3.1-1110 of the Code of Virginia, relating to the Tobacco Indemnification and Community Revitalization Commission; appointment of executive director.*

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 Referred to Committee on General Laws
 

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**Be it enacted by the General Assembly of Virginia:****1. That §§ 2.2-106 and 3.1-1110 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. Tobacco Indemnification and Community Revitalization Commission.*

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.

§ 3.1-1110. Appointment of director; Commission employees; counsel to the Commission.

A. The ~~Governor~~ Commission shall appoint an executive director ~~subject to confirmation by the General Assembly who shall serve at its pleasure~~. The compensation shall be determined by the Commission, subject to approval by the Governor. The executive director shall serve as the secretary to the Commission and shall administer the affairs and business of the Commission in accordance with the provisions of this chapter and subject to the policies, control and direction of the Commission. The Commission may employ technical experts and other officers, agents and employees, permanent and

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

62 B. Employees of the Commission shall be treated as state employees for purposes of participation in  
63 the Virginia Retirement System, health insurance, and all other employee benefits offered by the  
64 Commonwealth to its classified employees. Employees of the Commission shall not be subject to the  
65 provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

66 C. The Office of the Attorney General shall provide counsel to the Commission.