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SENATE BILL NO. 3

Offered January 11, 2006

Prefiled December 6, 2005

A BILL to amend and reenact § 33.1-3 of the Code of Virginia, relating to the office of Commonwealth Transportation Commissioner; election by the Commonwealth Transportation Board; appointment of acting Commissioner by Governor in case of vacancy.

Patron—Williams

Referred to Committee on Transportation

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

**1. That § 33.1-3 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-3. Secretary to be Chairman of Commonwealth Transportation Board; Commonwealth Transportation Commissioner.

The Chairman, whose official title of the Commonwealth Transportation Board shall be the Secretary of Transportation, and who.

The Commonwealth Transportation Commissioner shall be the executive officer of the Department of Transportation. The Commissioner shall be elected by and serve at the pleasure of the Commonwealth Transportation Board for a term of four years, subject to the consent of the Governor. The Commissioner may, at the time of his appointment, be a nonresident of Virginia. He shall be an experienced administrator, able to direct and guide the Department in the establishment and achievement of the Commonwealth's long-range highway and other transportation objectives and shall be appointed at large.

The Commonwealth Transportation Commissioner, hereinafter in this title sometimes called "the Commissioner," shall devote his entire time and attention to his duties as chief executive officer of the Department and shall receive such compensation as shall be fixed by the Governor, subject to the approval of the Board, unless such salary be fixed by the General Assembly in the appropriation act determined by the Commonwealth Transportation Board. He shall also be reimbursed for his actual travel expenses while engaged in the discharge of his duties.

In the event of a vacancy due to the death, temporary disability, retirement, resignation or removal of the Commissioner, the Governor may appoint and thereafter remove at his pleasure an "Acting Commonwealth Transportation Commissioner" until such time as the vacancy may be filled as provided in § 33.1-4 by the Commonwealth Transportation Board. Such "Acting Commonwealth Transportation Commissioner" shall have all powers and perform all duties of the Commissioner as provided by law, and shall receive such compensation as may be fixed by the Governor. In the event of the temporary disability, for any reason, of the Commissioner, full effect shall be given to the provisions of § 2.2-605.

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