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HOUSE BILL NO. 286

Offered January 8, 2014

Prefiled December 31, 2013

A *BILL to amend and reenact §§ 2.2-106 and 2.2-308 of the Code of Virginia, relating to the State Inspector General; appointment.*

Patrons—Landes and Loupassi

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-106 and 2.2-308 of the Code of Virginia are amended and reenacted 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; and
9. Executive Director of the Board of Accountancy; and
10. *State Inspector General.*

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 subsection 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, and 23-252; (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 prior to such departure.

§ 2.2-308. Office created; appointment of State Inspector General.

A. There is hereby created the Office of the State Inspector General, which shall be headed by a State Inspector General appointed by the Governor, ~~subject to confirmation by the General Assembly.~~ The State Inspector General shall be appointed for a four-year term. The State Inspector General shall have at least five years of demonstrated experience or expertise in accounting, public administration, or audit investigations as a certified public accountant or a certified internal auditor. ~~Vacancies shall be~~

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59 filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after
60 the next session of the ensuing General Assembly and, if confirmed, thereafter for the remainder of such
61 term. Whenever a vacancy occurs when the General Assembly is in session, the General Assembly shall
62 elect a successor for the unexpired term. If the General Assembly is not in session, the Governor shall
63 appoint *pro tempore* a qualified person to fill the vacancy for a term ending 30 days after the
64 commencement of the next regular session of the General Assembly, and the General Assembly shall
65 appoint a successor for the unexpired term. The Governor General Assembly may remove the State
66 Inspector General from office for malfeasance, misfeasance, incompetence, misconduct, neglect of duty,
67 absenteeism, conflict of interests, or failure to carry out the policies of the Commonwealth as established
68 in the Constitution or by the General Assembly. The Governor General Assembly shall set forth in a
69 written public statement ~~his~~ *its* reasons for removing the State Inspector General at the time the removal
70 occurs.

71 B. The State Inspector General shall exercise the powers and perform the duties conferred or
72 imposed upon him by law. The State Inspector General shall be responsible for the overall supervision
73 of the Office.

74 C. Nothing in this chapter shall be construed to limit or prevent the General Assembly from
75 reviewing the operations of any state agency or directing such review or audit by the Joint Legislative
76 Audit and Review Commission or the Auditor of Public Accounts or to otherwise limit the statutory
77 responsibilities of either the Joint Legislative Audit and Review Commission or the Auditor of Public
78 Accounts.

79 **2. That the provisions of this act shall not be construed to affect the State Inspector General**
80 **currently serving as of July 1, 2014, except (i) for his removal from office by the Governor for**
81 **malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflict of**
82 **interests, or failure to carry out the policies of the Commonwealth as established in the**
83 **Constitution or by the General Assembly; (ii) for the expiration of his term of office; or (iii)**
84 **whenever a vacancy otherwise occurs in such position. The appointment of a new State Inspector**
85 **General shall be made in accordance with this act.**