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SENATE BILL NO. 265

Offered January 10, 2018

Prefiled January 5, 2018

A BILL to amend and reenact § 2.2-200 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 2 of Title 2.2 an article numbered 2.2, consisting of a section numbered 2.2-203.4, relating to the creation of the Secretary for Coastal Protection and Flooding Adaptation.

Patrons—Lewis and Mason; Delegates: Convirs-Fowler, Helsel, Lindsey, Mullin and Turpin

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-200 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Title 2.2 an article numbered 2.2, consisting of a section numbered 2.2-203.4, as follows:

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

B. Each Secretary shall be subject to direction and supervision by the Governor. Except as provided in Article 4 (§ 2.2-208 et seq.), the agencies assigned to each Secretary shall:

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

C. Unless the Governor expressly reserves such power to himself and except as provided in Article 4 (§ 2.2-208 et seq.), each Secretary may:

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

D. Severance benefits provided to any departing Secretary shall be publicly announced by the Governor prior to such departure.

E. As used in this chapter, "Governor's Secretaries" means the Secretary of Administration, the Secretary of Agriculture and Forestry, the Secretary of Coastal Protection and Flooding Adaptation, the Secretary of Commerce and Trade, the Secretary of Education, the Secretary of Finance, the Secretary of Health and Human Resources, the Secretary of Natural Resources, the Secretary of Public Safety and Homeland Security, the Secretary of Technology, the Secretary of Transportation, and the Secretary of Veterans and Defense Affairs.

Article 2.2.**Secretary of Coastal Protection and Flooding Adaptation.****§ 2.2-203.4. Position established; additional powers.**

The position of Secretary of Coastal Protection and Flooding Adaptation (the Secretary) is created. The Secretary shall be responsible for consolidating into a single office the resources for protection against coastal flooding threats and flooding adaptation. The Secretary shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy. The Secretary, in cooperation with the Secretary of Natural Resources, shall identify sources of funding for implementation of strategies for coastal protection and flooding adaptation. The Governor

59 *may, by executive order, assign any state executive agency to the Secretary.*