

# VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

## CHAPTER 892

*An Act to amend and reenact § 2.1-20.01:1 of the Code of Virginia, relating to authority of agency directors.*

[S 1095]

Approved March 29, 1999

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

**1. That § 2.1-20.01:1 of the Code of Virginia is amended and reenacted as follows:**

§ 2.1-20.01:1. Authority of agency directors.

A. Notwithstanding any provision of law to the contrary, the agency director of each executive branch agency shall have the following powers and duties:

1. To supervise and manage the department or agency.

2. To prepare, approve, and submit to the Governor all requests for appropriations and to be responsible for all expenditures pursuant to appropriations.

B. The agency director of each executive branch agency, except those that by law are appointed by their respective boards, shall not proscribe any agency employee from discussing the functions and policies of the agency, without prior approval from his supervisor or superior, with any person unless the information to be discussed is protected from disclosure by the Virginia Freedom of Information Act (§ 2.1-340 et seq.) or any other provision of state or federal law.

C. No provision in subsection A shall be construed to restrict any other specific or general powers and duties of executive branch boards granted by law.

D. This section shall not apply to those agency directors that are appointed by their respective boards or by the Board of Education. Directors appointed in this manner shall have the powers and duties assigned by law or by the board.

E. In addition to the requirements of subsection C of § 2.1-799, the director of each agency in any branch of state government shall, at the end of each fiscal year, report to (i) the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees a listing and general description of any federal contract, grant, or money in excess of \$1,000,000 for which the agency was eligible, whether or not the agency applied for, accepted, and received such contract, grant, or money, and, if not, the reasons therefore, and a listing and cost of any federal mandate or regulation affecting the agency, and the dollar amount and corresponding percentage of the agency's total annual budget that was supplied by funds from the federal government and (ii) the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees any amounts owed to the agency from any source that are more than six months' delinquent, the length of such delinquencies, and the total of all such delinquent amounts in each six-month interval; however, clause (i) shall not be required of institutions of higher education.

*F. On or before December 1, 1999, the director of every department listed in § 2.1-1.1 shall appoint an agency information officer from among the department's employees to (i) ensure the coordinated planning, practical acquisition, effective development, and efficient use of information technology resources and communications services to meet the department's needs and (ii) serve as the department's liaison to the Office of the Secretary of Technology created pursuant to Executive Order Nine (1998), as amended by Executive Order Thirty-Three (1998).*