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SENATE BILL NO. 95

Offered January 12, 2022

Prefiled January 5, 2022

A *BILL to amend and reenact §§ 2.2-100 and 2.2-200 of the Code of Virginia, relating to the Governor; chief of staff and Governor's Secretaries.*

Patron—Norment

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-100 and 2.2-200 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-100. Salaries of Governor and other officers; administrative assistants.

A. The Governor and all officers of the Commonwealth shall receive annually for their services such salaries as are fixed by law.

B. The Governor may employ the necessary administrative assistants, including a chief of staff, and fix their salaries within the limitation of funds appropriated for executive control of the Commonwealth. Any chief of staff appointed by the Governor shall be confirmed by a majority of the members in each house of the General Assembly. *No chief of staff appointed by the Governor shall be a member of the immediate family of any Secretary appointed by the Governor if such chief of staff is serving in his appointed capacity at the same time that such immediate family member is serving in his appointed capacity.*

C. The Governor may employ the staff required to perform necessary services in the operation of the Executive Mansion.

D. For purposes of this section, "immediate family" has the same meaning as set forth in § 2.2-3101.

§ 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. No Secretary appointed by the Governor shall be a member of the immediate family of another Secretary of the Governor or of the Governor's chief of staff if such Secretary is serving in his appointed capacity at the same time that such immediate family member is serving in his appointed capacity. For purposes of this subsection, "immediate family" has the same meaning as set forth in § 2.2-3101.~~

B. Each Secretary shall be subject to direction and supervision by the Governor. ~~Before entering upon the discharge of duties, each Secretary shall take an oath to faithfully execute the duties of the office.~~ 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.

INTRODUCED

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59 E. As used in this chapter, "Governor's Secretaries" means the Secretary of Administration, the
60 Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education,
61 the Secretary of Finance, the Secretary of Health and Human Resources, the Secretary of Labor, the
62 Secretary of Natural and Historic Resources, the Secretary of Public Safety and Homeland Security, the
63 Secretary of Transportation, and the Secretary of Veterans and Defense Affairs.