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HOUSE BILL NO. 1164

Offered January 24, 2000

A BILL to amend and reenact §§ 10.1-1018 and 10.1-1021 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-1021.1, relating to the Virginia Land Conservation Foundation.

Patrons—Albo, Black, Blevins, Bolvin, Callahan, Devolites, Drake, Landes and O'Brien

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1018 and 10.1-1021 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-1021.1 as follows:

§ 10.1-1018. Virginia Land Conservation Board of Trustees.

A. The Foundation shall be governed and administered by a Board of Trustees, consisting of the Secretary of Natural Resources, the State Treasurer or his designee, and seven trustees from the Commonwealth at large. Three of the trustees-at-large shall be appointed by the Governor, subject to confirmation by the General Assembly; two shall be appointed by the Speaker of the House of Delegates; and two shall be appointed by the Senate Committee on Privileges and Elections. The trustees-at-large. The Board shall include one member from each congressional district, appointed by the Governor, and four members appointed from the Commonwealth at large, two by the Speaker of the House of Delegates and two by the Senate Committee on Privileges and Elections. Such members shall be appointed for four-year terms, except that initial appointments shall be made for terms of one to four years in a manner whereby no more than three members shall have terms which expire in the same year. Such members shall have experience or expertise, professional or personal, in one or more of the following areas: natural resource protection and conservation, construction and real estate development, natural habitat protection, environmental resource inventory and identification, forestry management, farming, farmland preservation, fish and wildlife management, historic preservation, and outdoor recreation. The trustees-at-large shall initially be appointed for terms of office as follows: two for a term of two years, two for a term of three years, and three for a term of four years. Appointments thereafter shall be made for four-year terms. No trustee-at-large No such member shall be eligible to serve more than two consecutive four-year terms. All trustees-at-large Such members shall post bond in the penalty of \$5,000 with the State Comptroller prior to entering upon the functions of office. Appointments to fill vacancies shall be made for the unexpired term.

B. The Secretary of Natural Resources and the State Treasurer or his designee shall also serve on the Board of Trustees. The terms of the Secretary of Natural Resources and the State Treasurer or their designees shall be coincident with that of the Governor. Appointments to fill vacancies shall be made for the unexpired term.

B. The Secretary of Natural Resources shall serve as the chairman of the Board of Trustees. The chairman shall serve until his successor is appointed. The trustees-at-large members appointed as provided in subsection A shall elect a vice-chairman annually from the members of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The board shall meet at the call of the chairman.

C. Trustees of the Foundation shall receive no compensation for their services but shall receive reimbursement for actual expenses incurred in the performance of their duties on behalf of the Foundation.

D. The chairman of the Board, the State Treasurer, and any other person designated by the Board to handle the funds of the Foundation shall give bond, with corporate surety, in such penalty as is fixed by the Governor, conditioned upon the faithful discharge of his duties. The premium on the bonds shall be paid from funds available to the Foundation for such purpose.

§ 10.1-1021. Powers of the Foundation.

In order to carry out its purposes, the Foundation shall have the following powers and duties:

1. To prepare a comprehensive plan that recognizes and seeks to implement all of the purposes for which the Foundation is created. In preparing this plan, the Foundation shall:

a. Develop a strategic plan for the expenditure of unrestricted moneys received by the Fund. In developing a strategic plan for expending unrestricted moneys from the Fund, the Board of Trustees shall establish criteria for the expenditure of such moneys. The plan shall take into account the purposes for which restricted funds have been expended or earmarked. Such criteria may include shall give priority to uses of Fund moneys that will:

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60 (i) ~~The~~ *Protect properties of extraordinary ecological, outdoor recreational, historic, agricultural and*
61 *or forestal value of the property;*
62 (ii) ~~An assessment of~~ *Allow purchases to be made at below-market values;*
63 (iii) ~~Consistency~~ *Be consistent with local comprehensive plans;*
64 (iv) ~~Geographical balance of properties and interests in properties to be purchased;~~
65 (v) ~~Availability of~~ *Take advantage of public and private matching funds to assist in the purchase*
66 *purchases;*
67 (vi) ~~Imminent~~ (v) *Protect properties that are in imminent danger of loss of losing a significant*
68 *portion of their natural, outdoor, recreational or historic attributes of a significant portion of the land;*
69 *and*
70 (vii) ~~Economic~~ (vi) *Protect properties that are of economic value to the locality and region*
71 *attributable to the purchase in which they are located; and*
72 (viii) ~~Advisory opinions from local governments, state agencies or others;~~
73 *The criteria may also provide for consideration of advisory opinions from local governments, state*
74 *agencies or others.*
75 b. Develop an inventory of those properties in which the Commonwealth holds a legal interest for
76 the purpose set forth in subsection A of § 10.1-1020;
77 c. Develop a needs assessment for future expenditures from the Fund. In developing the needs
78 assessment, the Board of Trustees shall consider among others the properties identified in the following:
79 (i) Virginia Outdoors Plan, (ii) Virginia Natural Heritage Plan, (iii) Virginia Institute of Marine Science
80 Inventory, (iv) Virginia Joint Venture Board of the North American Waterfowl Management Plan, and
81 (v) Virginia Board of Historic Resources Inventory; and
82 d. Maintain the inventory and needs assessment on an annual basis.
83 2. To expend directly or allocate the funds received by the Foundation to the appropriate state
84 agencies for the purpose of acquiring those properties or property interests selected by the Board of
85 Trustees. In the case of restricted funds the Board's powers shall be limited by the provisions of
86 § 10.1-1022.
87 3. To submit a report biennially on the status of the Fund to the Governor and the General Assembly
88 including, but not limited to, (i) implementation of its strategic plan, (ii) projects under consideration for
89 acquisition with Fund moneys and (iii) expenditures from the Fund.
90 4. To enter into contracts and agreements, as approved by the Attorney General, to accomplish the
91 purposes of the Foundation.
92 5. To receive and expend gifts, grants and donations from whatever source to further the purposes set
93 forth in subsection B of § 10.1-1020.
94 6. To do any and all lawful acts necessary or appropriate to carry out the purposes for which the
95 Foundation and Fund are established.
96 § 10.1-1021.1. *Geographic distribution of land protected.*
97 *The Foundation shall seek to achieve a fair distribution of land protected throughout the*
98 *Commonwealth, based upon the following:*
99 1. *The importance of conserving land in all regions of the Commonwealth;*
100 2. *The importance of protecting specific properties that can benefit all Virginia citizens; and*
101 3. *The importance of addressing the particular land conservation needs of areas of the state where*
102 *Fund moneys are generated.*
103 *The Board of Trustees shall submit a report to the General Assembly every five years describing the*
104 *extent to which its expenditures have achieved such a distribution.*
105 **2. That the provisions of this act shall not affect current members of the Virginia Land**
106 **Conservation Board of Trustees whose terms have not expired as of July 1, 2000.**