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SENATE BILL NO. 1141

Senate Amendments in [] — January 26, 2005

A *BILL to amend the Code of Virginia by adding in Title 10.1 a chapter numbered 21.2, consisting of sections numbered 10.1-2135 through 10.1-2139, relating to the Foundation for Virginia's Natural Resources.*

Patrons Prior to Engrossment—Senators Hanger, Quayle and Rerras; Delegates: Cosgrove, Lingamfelter, Plum and Pollard

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 10.1 a chapter numbered 21.2, consisting of sections numbered 10.1-2135 through 10.1-2139, as follows:

CHAPTER 21.2.**FOUNDATION FOR VIRGINIA'S NATURAL RESOURCES.**

§ 10.1-2135. *Foundation for Virginia's Natural Resources created.*

There is hereby created the Foundation for Virginia's Natural Resources, hereinafter referred to as the Foundation, a body politic to develop and encourage the nonregulatory conservation programs within the agencies of the Secretariats of Natural Resources and Agriculture and Forestry; to foster collaboration and partnerships among businesses, communities, and the Commonwealth's environmental enhancement programs; and to have such powers and duties as hereinafter provided.

§ 10.1-2136. *Foundation for Virginia's Natural Resources Board of Trustees; membership; terms; expenses.*

A. The Foundation shall be governed and administered by a Board of Trustees. The Board shall consist of 13 citizen members from the Commonwealth to be appointed by the Governor, and the Secretaries of Natural Resources and Agriculture and Forestry, or their designees, to serve ex officio with voting privileges. Appointments shall be made so that each of the 13 major river basins, pursuant to § 10.1-2137, is represented [insuring there is adequate representation from the agriculture and forestry industries] . Citizen 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 [~~two~~ four] members shall have terms that expire in the same year. The ex officio members shall serve a term coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. However, no citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

B. The Governor shall appoint a chairman of the Board of Trustees. The members shall elect a vice-chairman annually from among 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 least four times a year and at the call of the chairman or whenever a majority of the members so request.

C. The Board shall seek assistance in developing grant criteria and advice on grant priorities and any other appropriate issues from a task force consisting of the following agency heads or their designees: the Director of the Department of Conservation and Recreation, the Commissioner of Agriculture and Consumer Services, the State Forester, the Director of the Department of Historic Resources, the Director of the Department of Game and Inland Fisheries, and the Director of the Department of Environmental Quality [, and the Director of the Virginia Museum of Natural History] . The Board may request any other agency head, agency employee, or environmental steward to serve on the task force.

D. The chairman of the Board shall submit to the Governor and the General Assembly a biennial executive summary of the interim activity and work of the Board no later than the first day of each even-numbered year regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

E. Members shall receive no compensation for their services, but shall be reimbursed out of the Fund for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

§ 10.1-2137. *Major river basins.*

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58 *For the purposes of this chapter, the 13 major river basins shall include the: Shenandoah, Potomac,*
59 *Rappahannock, York, Blackwater/Chowan, lower James, piedmont James, upper James, Roanoke, New,*
60 *Upper Tennessee/Holston, Big Sandy Rivers and the Eastern Shore.*

61 *§ 10.1-2138. Powers and duties of Foundation.*

62 *A. The Foundation for Virginia's Natural Resources shall promote environmental education, pollution*
63 *prevention, and citizen monitoring by fostering and supporting collaborative efforts among businesses,*
64 *citizens, communities, local governments, and state agencies.*

65 *B. The Foundation shall develop goals and guidelines for submittal and evaluation of grant*
66 *applications for funds from the Foundation for Virginia's Natural Resources Trust Fund that are*
67 *consistent with the goals set out in subsection A and that may include, but not be limited to, cooperative*
68 *programs with, or project grants to, localities, state agencies, the federal government, Soil and Water*
69 *Conservation Districts, or any not-for-profit agency, institution, organization, or entity, public or private,*
70 *whose purpose is to provide environmental education, pollution prevention, or citizen monitoring.*

71 *C. The Foundation shall have the following general powers:*

72 *1. To sue and be sued in contractual matters in its own name;*

73 *2. To accept, hold, and administer gifts and bequests of money, securities, or other property from*
74 *any source, absolutely or in trust, for the purposes for which the Foundation is created. Unless*
75 *otherwise restricted by the terms of the gift or bequest, the Foundation is authorized to sell, exchange,*
76 *or otherwise dispose of and to invest or reinvest in such investments as it may determine the moneys,*
77 *securities, or other property given or bequeathed to it. The principal of such funds, together with the*
78 *income therefrom and all other revenues, shall be placed in such depositories as the Foundation shall*
79 *determine and shall constitute a special fund and be subject to expenditure by the Foundation without*
80 *further appropriation. The Foundation shall not engage in any business except in the furtherance of its*
81 *objectives;*

82 *3. To enter into contracts generally and to execute all instruments necessary or appropriate to carry*
83 *out its purposes;*

84 *4. To appoint and prescribe the duties of such officers, agents, and employees as may be necessary*
85 *to carry out its functions, and to fix and pay such compensation to them for their services as the*
86 *Foundation may determine;*

87 *5. To conduct fundraising events and activities as deemed appropriate by the Board; and*

88 *6. To perform any lawful acts necessary or appropriate to carry out the purposes of the Foundation.*

89 *§ 10.1-2139. Foundation for Virginia's Natural Resources Trust Fund.*

90 *A. The Foundation for Virginia's Natural Resources shall establish, administer, manage, including*
91 *the creation of reserves, and make expenditures and allocations from a special nonreverting fund in the*
92 *state treasury to be known as the Virginia's Natural Resources Trust Fund, hereinafter referred to as*
93 *"the Fund." The Foundation shall establish and administer the Fund solely for the purpose of carrying*
94 *out the provisions of this chapter.*

95 *B. The Fund shall consist of general fund moneys, gifts, endowments or grants from the United*
96 *States government, its agencies and instrumentalities, and funds from any other available sources, public*
97 *or private.*

98 *C. Any moneys remaining the Fund, including interest thereon, at the end of each fiscal year shall*
99 *not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for*
100 *the purposes of carrying out the provisions of this chapter, including encouraging and supporting*
101 *education and outreach strategies for environmental education, pollution prevention, or citizen*
102 *monitoring. Expenditures and disbursements from the Fund shall be made by the State Treasurer on*
103 *warrants issued by the Comptroller upon written request signed by a duly authorized member of the*
104 *Board of Trustees.*