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**HOUSE BILL NO. 362**

Offered January 11, 2006

Prefiled January 6, 2006

*A BILL to amend and reenact §§ 2.2-107, 29.1-108 and 29.1-109 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 29.1-102.1, and to repeal § 29.1-102 of the Code of Virginia, relating to the composition of the Board of Game and Inland Fisheries.*

Patrons—Lingamfelter, Athey, Cosgrove, Gear, Gilbert, Jones, S.C., Kilgore, Landes, Morgan, O'Bannon, Peace, Saxman, Suit and Wittman

Referred to Committee on General Laws

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

**1. That §§ 2.2-107, 29.1-108 and 29.1-109 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 29.1-102.1 as follows:**

§ 2.2-107. Appointment of members of commissions, boards, and other collegial bodies.

Except as provided in the Constitution of Virginia, or where the manner of selection of members of boards and commissions is by election by the General Assembly, or as provided in Title 3.1, § 29.1-102.1, or § 54.1-901, but notwithstanding any other provision of law to the contrary, the Governor shall appoint all members of boards, commissions, councils or other collegial bodies created by the General Assembly in the executive branch of state government to terms of office as prescribed by law. Each member appointed pursuant to this section shall be subject to confirmation by the General Assembly and shall have the professional qualifications prescribed by law.

As part of the confirmation process for each gubernatorial appointee, the Secretary of the Commonwealth shall provide copies of the resume and statement of economic interests filed pursuant to § 2.2-3117 or 2.2-3118, as appropriate, to the chairs of the House of Delegates and Senate Committees on Privileges and Elections. For the purposes of this section and § 2.2-106, there shall be a joint subcommittee of the House of Delegates and Senate Committees on Privileges and Elections consisting of five members of the House Committee and three members of the Senate Committee appointed by the respective chairs of the committees to review the resumes and statements of economic interests of gubernatorial appointees. The members of the House of Delegates shall be appointed in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. No appointment confirmed by the General Assembly shall be subject to challenge by reason of a failure to comply with the provisions of this paragraph pertaining to the confirmation process.

§ 29.1-102.1. *Board of Game and Inland Fisheries reconstituted and reestablished; composition.*

*A. The Board of Game and Inland Fisheries holding office on the effective date of this section is dissolved and the members are discharged from any further duties and shall exercise no further powers or authority by virtue of their office.*

*B. The Board is hereby reestablished and reconstituted as a supervisory board within the executive branch of state government. The Board shall have a total membership of 13 nonlegislative citizen members. Members shall be appointed as follows: four nonlegislative citizen members, of whom three shall be associated with hunting and fishing interests, and one shall be a marine biologist, to be appointed by the Speaker of the House of Delegates; three nonlegislative citizen members, of whom two shall be associated with hunting and fishing interests, and one shall be a wildlife biologist, to be appointed by the Senate Committee on Rules; and six nonlegislative citizen members, of whom one shall be a resident of Northern Virginia and associated with hunting and fishing interests, one shall be a resident of Central Virginia and associated with hunting and fishing interests, one shall be a resident of Hampton Roads and associated with hunting and fishing interests, one shall be a resident of Southwestern Virginia and associated with hunting and fishing interests, one shall be a resident of Western Virginia and associated with hunting and fishing interests, and one shall represent wildlife conservation interests, to be appointed by the Governor. All of the appointees shall be subject to confirmation by the General Assembly.*

*After the initial staggering of terms, nonlegislative citizen members shall be appointed for terms of four years.*

*Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.*

*C. The Board shall adopt rules and procedures for the conduct of its business.*

*D. The Board shall elect one of its members as its chairman, who shall preside at all regular and*

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58 *called meetings of the Board.*

59 *E. The Board shall meet once every three months beginning July 1 of each year for the transaction*  
60 *of business and other meetings may be called if necessary. The majority of the members shall constitute*  
61 *a quorum. In the event of unavoidable absence of the chairman, the members present shall designate*  
62 *some other member to act in place of the chairman. Meetings shall be held in Richmond or at such*  
63 *other places within the Commonwealth as may be expedient.*

64 § 29.1-108. Audits and examinations.

65 The minute books and other records of the Board shall be open to examination by the Governor,  
66 *members of the General Assembly*, and Auditor of Public Accounts, or their representatives, at all times.  
67 The accounts of the Board shall be audited in the manner provided for the audit of other state agencies.

68 § 29.1-109. Department of Game and Inland Fisheries; Director.

69 A. The Department of Game and Inland Fisheries shall exist to provide public, informational and  
70 educational services related to this title, and to serve as the agency responsible for the administration  
71 and enforcement of all rules and regulations of the Board, the statutory provisions of this title, and  
72 related legislative acts. The Department shall employ scientific principles and procedures, as developed,  
73 researched, recognized and accepted within the bounds of comprehensive professional wildlife resource  
74 management, in the management of the Commonwealth's wildlife and natural resources.

75 B. The Board shall appoint a Director, *subject to confirmation by the General Assembly*, to head the  
76 Department and to act as principal administrative officer. In addition to the powers designated elsewhere  
77 in this title, the Director shall have the power to:

78 1. Enforce or cause to be enforced all laws for the protection, propagation and preservation of game  
79 birds and game animals of the Commonwealth and all fish in the inland waters thereof. Inland waters  
80 shall include all waters above tidewater and the brackish and freshwater streams, creeks, bays, including  
81 Back Bay, inlets, and ponds in the tidewater counties and cities.

82 2. Initiate prosecution of all persons who violate such laws, and seize and confiscate wild birds, wild  
83 animals and fish that have been illegally killed, caught, transported or shipped.

84 3. Employ persons necessary for the administrative requirements of the Board and to designate the  
85 official position and duties of each. The salaries of all such employees shall be as provided in  
86 accordance with law.

87 4. Perform such acts as may be necessary to the conduct and establishment of cooperative fish and  
88 wildlife projects with the federal government as prescribed by acts of Congress and in compliance with  
89 rules and regulations promulgated by the Secretary of the Interior.

90 5. Make and enter into all contracts and agreements necessary or incidental to the performance of his  
91 duties and the execution of his powers, including, but not limited to, contracts with the United States,  
92 other state agencies and governmental subdivisions of the Commonwealth.

93 6. When practicable, consult with, and keep informed, wildlife and boating constituent organizations  
94 so as to benefit Virginia's wildlife and natural resources and accomplish the Department's mission.

95 **2. That the initial appointments of nonlegislative citizen members shall be staggered as follows:**  
96 **one member for a term of one year, one member for a term of two years, one member for a term**  
97 **of three years, and one member for a term of four years, appointed by the Speaker of the House**  
98 **of Delegates; one member for a term of two years, one member for a term of three years, and one**  
99 **member for a term of four years, appointed by the Senate Committee on Rules; and one member**  
100 **for a term of one year, one member for a term of two years, two members for terms of three**  
101 **years, and two members for terms of four years, appointed by the Governor.**

102 **3. That § 29.1-102 of the Code of Virginia is repealed.**