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HOUSE BILL NO. 362

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on February 1, 2006)

(Patrons Prior to Substitute—Delegates Lingamfelter [HB 362], Abbitt [HB 979], Cline [HB 1130 and HB 1131], and Morgan [HB 938])

A BILL to amend and reenact §§ 29.1-102, 29.1-108, and 29.1-109 of the Code of Virginia, relating to the governance by the Board of Game and Inland Fisheries.

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-102, 29.1-108, and 29.1-109 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-102. Board of Game and Inland Fisheries; how constituted; meetings.

The Commission of Game and Inland Fisheries is continued and shall hereafter be known as the Board of Game and Inland Fisheries.

A. The Board shall consist of not more than one member from each congressional district. Each member of the Board shall be appointed by the Governor, subject to confirmation by the General Assembly. Members shall be appointed for terms of one to four years; however, appointments shall be made in a manner whereby no more than three members shall have terms which expire in the same year. An appointment to fill a vacancy shall be made in the same manner, but only for the unexpired term. No person shall be eligible to serve more than two consecutive four-year terms. Members may be removed from office during their respective terms by the Governor.

B. The Board shall adopt rules and procedures for the conduct of its business *that shall be set forth in a Governance Manual. The Board may establish committees to assist it with its duties and responsibilities. All decisions by a committee shall be reviewed by the Board, and shall only take effect if approved by the Board.*

C. The Board shall elect one of its members as its chairman; ~~who shall preside at all regular and called meetings of the Board~~ *whose duties shall be limited to (i) presiding at all regular and called meetings of the Board; (ii) serving as the Board liaison to the Director, other Board members, and the Secretary of Natural Resources; and (iii) the other duties set forth in the Governance Manual as approved by a majority of the Board. The Board shall also elect a vice chairman to preside in the absence of the chairman. Any additional duties of the vice chairman shall be set forth in the Governance Manual. The Board shall annually elect one of its members as chairman and one of its members as vice chairman. The chairmanship and vice chairmanship shall rotate annually among the members of the Board.*

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

§ 29.1-108. Audits and examinations.

The minute books and other records of the Board shall be open to examination by the Governor, ~~members of the General Assembly,~~ and Auditor of Public Accounts, or their representatives, at all times. The accounts of the Board shall be audited in the manner provided for the audit of other state agencies. *In addition, the Board shall ensure that the Auditor of Public Accounts, or an entity approved by him, conducts an annual audit of a fiscal and compliance nature of the accounts and transactions of the Department. The Board may order such other audits as it deems necessary and desirable.*

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

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

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

1. Enforce or cause to be enforced all laws for the protection, propagation and preservation of game birds and game animals of the Commonwealth and all fish in the inland waters thereof. Inland waters

60 shall include all waters above tidewater and the brackish and freshwater streams, creeks, bays, including
61 Back Bay, inlets, and ponds in the tidewater counties and cities.

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

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

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

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

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