

12101239D

SENATE BILL NO. 25

Offered January 11, 2012

Prefiled December 28, 2011

A BILL to amend and reenact §§ 2.2-106, 29.1-103, 29.1-109, and 29.1-300.4 of the Code of Virginia, relating to appointment of the Director of the Department of Game and Inland Fisheries.

Patron—Stuart

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-106, 29.1-103, 29.1-109, and 29.1-300.4 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-106. Appointment of agency heads; severance.

A. Notwithstanding any provision of law to the contrary, the Governor shall appoint the administrative head of each agency of the executive branch of state government except the:

1. Executive Director of the Virginia Port Authority;
2. Director of the State Council of Higher Education for Virginia;
3. ~~Executive Director of the Department of Game and Inland Fisheries;~~
4. Executive Director of the Jamestown-Yorktown Foundation;
54. Executive Director of the Motor Vehicle Dealer Board;
65. Librarian of Virginia;
76. Administrator of the Commonwealth's Attorneys' Services Council;
87. Executive Director of the Virginia Housing Development Authority; and
98. Executive Director of the Board of Accountancy.

However, the manner of selection of those heads of agencies chosen as set forth in the Constitution of Virginia shall continue without change. Each administrative head and Secretary appointed by the Governor pursuant to this section shall (i) be subject to confirmation by the General Assembly, (ii) have the professional qualifications prescribed by law, and (iii) serve at the pleasure of the Governor.

B. As part of the confirmation process for each administrative head and Secretary, the Secretary of the Commonwealth shall provide copies of the resumes and statements of economic interests filed pursuant to § 2.2-3117 to the chairs of the House of Delegates and Senate Committees on Privileges and Elections. For appointments made before January 1, copies shall be provided to the chairs within 30 days of the appointment or by January 7 whichever time is earlier; and for appointments made after January 1 through the regular session of that year, copies shall be provided to the chairs within seven days of the appointment. Each appointee shall be available for interviews by the Committees on Privileges and Elections or other applicable standing committee. For the purposes of this section and § 2.2-107, 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 subsection pertaining to the confirmation process.

C. For the purpose of this section, "agency" includes all administrative units established by law or by executive order that are not (i) arms of the legislative or judicial branches of government; (ii) institutions of higher education as classified under §§ 23-253.7, 22.1-346, 23-14, and 23-252; (iii) regional planning districts, regional transportation authorities or districts, or regional sanitation districts; and (iv) assigned by law to other departments or agencies, not including assignments to secretaries under Article 7 (§ 2.2-215 et seq.) of Chapter 2 of this title.

D. Severance benefits provided to any departing agency head, whether or not appointed by the Governor, shall be publicly announced by the appointing authority prior to such departure.

§ 29.1-103. Powers and duties of the Board.

The Board is responsible for carrying out the purposes and provisions of this title and is authorized to:

1. Appoint the Director of the Department.

2. Acquire by purchase, lease, exchange, gift or otherwise, lands and waters in the Commonwealth and to establish buildings, structures, dams, lakes and ponds on such lands and waters. However, it is

INTRODUCED

SB25

59 the policy of the Commonwealth that there shall be no net loss of those public lands managed by the
60 Department that are available for hunting in Virginia.

61 32. Conduct operations for the preservation and propagation of game birds, game animals, fish and
62 other wildlife in order to increase, replenish and restock the lands and inland waters of the
63 Commonwealth.

64 43. Purchase, lease, or otherwise acquire lands and waters for game and fish refuges, preserves or
65 public shooting and fishing, and establish such lands and waters under appropriate regulations.

66 54. Acquire by purchase, lease, or otherwise, lands and structures for use as public landings,
67 wharves, or docks; to improve such lands and structures; and to control the use of all such public
68 landings, wharves, or docks by regulation.

69 65. Acquire and introduce any new species of game birds, game animals, or fish on the lands and
70 within the waters of the Commonwealth, with the authorization and cooperation of the local government
71 for the locality where the introduction occurs.

72 76. Restock, replenish and increase any depleted native species of game birds, game animals, or fish.

73 87. Have educational matter pertaining to wildlife published and distributed.

74 98. Hold exhibits throughout the Commonwealth for the purpose of educating school children,
75 agriculturists and other persons in the preservation and propagation of wildlife in the Commonwealth.

76 109. Control land owned by and under control of the Commonwealth in Back Bay, its tributaries and
77 the North Landing River from the North Carolina line to North Landing Bridge. The Board shall
78 regulate or prohibit by regulation any drilling, dredging or other operation designed to recover or obtain
79 shells, minerals, or other substances in order to prevent practices and operations which would harm the
80 area for fish and wildlife.

81 110. Exercise powers it may deem advisable for conserving, protecting, replenishing, propagating
82 and increasing the supply of game birds, game animals, fish and other wildlife of the Commonwealth.

83 121. Adopt resolutions or regulations conferring upon the Director all such powers, authorities and
84 duties as the Board possesses and deems necessary or proper to carry out the purposes of this title.

85 132. Administer and manage the Virginia Fish Passage Grant and Revolving Loan Fund pursuant to
86 Article 1.1 (§ 29.1-101.2 et seq.) of Chapter 1.

87 143. Establish and collect admittance, parking, or other use fees at certain Department-owned
88 facilities as determined by the Board. Any daily fee established by the Board shall not exceed \$3. Any
89 annual fee established by the Board shall not exceed the cost of an annual state resident fishing license
90 pursuant to subdivision A 2 of § 29.1-310, or an annual state resident hunting license pursuant to
91 subdivision 2 of § 29.1-303.

92 154. Establish and collect a use fee through the issuance of an annual hunting stamp required to be
93 obtained to hunt on private lands managed by the Department through a lease agreement or other similar
94 memorandum of agreement. The annual hunting stamp shall be in addition to the required licenses to
95 hunt, and the cost of such stamp shall be the same as the cost of the annual state resident hunting
96 license in § 29.1-303.

97 165. Revise, as it deems appropriate, through the promulgation of regulations as prescribed in
98 Article 1 (§ 29.1-500 et seq.), the fees charged for all hunting, fishing and trapping licenses authorized
99 under Articles 1 (§ 29.1-300 et seq.) and 2 (§ 29.1-340 et seq.) of Chapter 3, notwithstanding any other
100 provision of this title. Beginning July 1, 2004, and no more frequently than once every three years
101 thereafter, such license fees for residents may be increased or decreased no more than \$5. Beginning
102 July 1, 2007, and no more frequently than once every three years thereafter, the Board may increase or
103 decrease license fees for nonresidents, authorized under Article 1 (§ 29.1-300 et seq.) of Chapter 3, no
104 more than \$50.

105 176. Take such regulatory or other action as it may determine to be necessary to enable the
106 Commonwealth to become a party to the Interstate Wildlife Violator Compact, as authorized in Article
107 2.1 (§ 29.1-530.5), and to implement the Compact in the Commonwealth. The promulgation of any
108 regulations pursuant to this subdivision shall be as prescribed in Article 1 (§ 29.1-500 et seq.).

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

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

116 B. The Board shall appoint a Director, subject to confirmation and reconfirmation every four years
117 by the General Assembly, to head the Department and to act as principal administrative officer. In
118 addition to the powers designated elsewhere in this title, the Director shall have the power to:

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

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

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

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

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

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

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

§ 29.1-300.4. Apprentice hunting license; deferral of hunter education.

A. There is hereby established an apprentice hunting license. The license shall be a one-time nonrenewable license that shall be valid for two years from the date of purchase and shall entitle the licensee to a one-time deferral of completion of hunter education required under § 29.1-300.1. The apprentice hunting licensee shall not hunt unless accompanied and directly supervised by an adult over the age of 18 who has, on his person, a valid Virginia hunting license. For the purposes of this section, "accompanied and directly supervised" occurs when a person over 18 maintains a close visual and verbal contact with, provides adequate direction to, and can immediately assume control of the firearm from the apprentice hunter. The cost of the license shall be \$10 for a resident and \$20 for a nonresident. The Board may subsequently revise the cost of the license pursuant to § 29.1-103.

B. Possession of a valid apprentice hunting license shall serve in lieu of the state resident hunting or nonresident hunting license required under subdivisions 2 and 3 of § 29.1-303, respectively. The purchase of any other hunting licenses shall be at the same cost as specified for residents or nonresidents in this title or as subsequently revised by the Board pursuant to subdivision 46 15 of § 29.1-103. The purchase of the apprentice hunting license shall not qualify the holder to purchase a regular hunting license or exempt the licensee from compliance with the requirements of this title and any regulations adopted by the Department. Any previous holder of a state resident or nonresident hunting license issued under this title shall be prohibited from the purchase of an apprentice hunting license for himself.

C. The Board may adopt regulations to carry out the provisions of this section.