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SENATE BILL NO. 176

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 29.1-109 of the Code of Virginia, relating to the jurisdiction of 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 § 29.1-109 of the Code of Virginia is amended and reenacted as follows:**

§ 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 and reconfirmation every four years by 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 shall include all waters above tidewater and the ~~brackish~~ and freshwater streams, creeks, ~~ponds and bays, including but shall not include~~ Back Bay, inlets, and ~~ponds navigable water bodies in the tidewater~~ Tidewater counties and cities as defined in § 28.2-100. The Director shall enforce the provisions of Articles 3 (§ 29.1-734 et seq.) and 4 (§ 29.1-748 et seq.) of Chapter 7 only in the inland waters and shall not enforce such provisions in the brackish waters, Back Bay, inlets and navigable water bodies in the Tidewater counties and cities as defined in § 28.2-100.

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.

INTRODUCED

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