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## HOUSE BILL NO. 1680

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources  
on January 25, 2017)

(Patron Prior to Substitute—Delegate Bloxom)

A *BILL* amend and reenact §§ 28.2-207, 28.2-208.1, 28.2-246, and 28.2-302.4 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 28.2-203.2, by adding in Article 1 of Chapter 2 of Title 28.2 sections numbered 28.2-208.2 and 28.2-208.3, and by adding a section numbered 28.2-1204.3, relating to Marine Resources Commission; advisory committees.

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-207, 28.2-208.1, 28.2-246, and 28.2-302.4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 28.2-203.2, by adding in Article 1 of Chapter 2 of Title 28.2 sections numbered 28.2-208.2 and 28.2-208.3, and by adding a section numbered 28.2-1204.3 as follows:

§ 28.2-203.2. *Crab Management Advisory Committee.*

A. There is hereby established the Crab Management Advisory Committee, referred to in this section as "the Committee." The Committee shall meet to discuss and make recommendations to the Commission on crab management issues.

B. The Committee shall consist of 16 members appointed by the Commissioner, two of whom shall be associate commissioners. The Commissioner shall select the 14 citizen members from a list of nominees submitted by organizations representing various fishery user groups. In making his appointments, the Commissioner shall consider citizen members who represent various geographic areas and a diversity of gear use.

C. The term of each citizen member shall be for four years, provided that initial appointments shall be five members appointed for three years, five members appointed for two years, and four members appointed for one year. Appointments to fill vacancies shall be made to fill the unexpired term. Once appointed, no member shall be removed during his term of membership except for malfeasance, misfeasance, incompetence, or gross neglect of duty.

D. Citizen members shall receive no compensation for their services but shall receive reimbursement for actual expenses. The Committee shall meet at the call of the Commissioner.

§ 28.2-207. *Virginia Saltwater Sport Fishing Tournament Advisory Committee.*

A. The Virginia Saltwater Sport Fishing Tournament Advisory Committee, referred to in this section as "the Committee," is continued and shall hereinafter be known as the Committee. The Committee shall assist the Director of the Virginia Saltwater Sport Fishing Tournament, hereinafter referred to as the Director, with the development and operation of tournament programs.

B. The Committee shall consist of ~~twelve~~ 12 members appointed by the Commissioner with the approval of the Secretary of Natural Resources. Committee members shall be selected from a list of nominees supplied by the Director.

C. The term of office of each member shall be for four years. Initially, four members shall be appointed for two years, four members appointed for three years, and four members appointed for four years. Appointments to fill vacancies shall be made to fill the unexpired term. *Once appointed, no member shall be removed during his term of membership except for malfeasance, misfeasance, incompetence, or gross neglect of duty.*

D. Members shall receive no compensation for their services but shall receive reimbursement for actual expenses. The Committee shall meet at the call of the Director.

§ 28.2-208.1. *Commercial Fishing Advisory Board.*

A. There is hereby established the Commercial Fishing Advisory Board, ~~which shall hereinafter be known as the Board.~~ referred to in this section as "the Board." The Board shall advise the Commission on the expenditure of those moneys received.

B. The Board shall consist of nine members appointed by the Commissioner from a list of nominees submitted by organizations representing commercial fishing interests. The membership shall be representative of the geographic area covered by the commercial fishing license.

C. The term of each member shall be for three years, provided that initial appointments shall be three members appointed for three years, three members appointed for two years and three members appointed for one year. Appointments to fill vacancies shall be made to fill the unexpired ~~terms~~ term. *Once appointed, no member shall be removed during his term of membership except for malfeasance, misfeasance, incompetence, or gross neglect of duty.*

D. Members shall receive no compensation for their services but shall receive reimbursement for actual expenses. The Board shall meet at the call of the Commissioner or at least four times yearly.

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60     **§ 28.2-208.2. Finfish Management Advisory Committee.**

61     A. There is hereby established the Finfish Management Advisory Committee, referred to in this  
62 section as "the Committee." The Committee shall meet to discuss and make recommendations to the  
63 Commission on finfish issues.

64     B. The Committee shall consist of 12 citizen members appointed by the Commissioner and one  
65 associate commissioner who represents recreational anglers on the Commission. The Commissioner shall  
66 select the 12 citizen members from a list of nominees submitted by organizations representing various  
67 fishery user groups, including recreational anglers. In making his appointments, the Commissioner shall  
68 consider geographic and user group representation, including commercial and recreational, industry,  
69 and nongovernmental organizations.

70     C. The term of each citizen member shall be for four years, provided that initial appointments shall  
71 be four members appointed for three years, four members appointed for two years, and four members  
72 appointed for one year. Appointments to fill vacancies shall be made to fill the unexpired term. Once  
73 appointed, no member shall be removed during his term of membership except for malfeasance,  
74 misfeasance, incompetence, or gross neglect of duty.

75     D. Members shall receive no compensation for their services but shall receive reimbursement for  
76 actual expenses. The Committee shall meet at the call of the Commissioner.

77     **§ 28.2-208.3. Shellfish Management Advisory Committee.**

78     A. There is hereby established the Shellfish Management Advisory Committee, referred to in this  
79 section as "the Committee." The Committee shall advise the (i) Commission on oyster management  
80 issues related to the public oyster fishery and (ii) Commission's staff on the annual oyster replenishment  
81 program that places shell and seed oysters on public oyster bottoms.

82     B. The Committee shall consist of 18 members appointed by the Commissioner, two of whom shall be  
83 associate commissioners. One of the commissioners shall serve as chairman of the Committee. The  
84 Commissioner shall select the 16 citizen members from a list of nominees submitted by organizations  
85 representing various fishery user groups. In making his appointments, the Commissioner shall consider  
86 persons who represent various geographic areas and a diversity of gear use.

87     C. The term of each citizen member shall be for four years, provided that initial appointments shall  
88 be six members appointed for three years, five members appointed for two years, and five members  
89 appointed for one year. Appointments to fill vacancies shall be made to fill the unexpired term. Once  
90 appointed, no member shall be removed during his term of membership except for malfeasance,  
91 misfeasance, incompetence, or gross neglect of duty.

92     D. Members shall receive no compensation for their services but shall receive reimbursement for  
93 actual expenses. The Committee shall meet at the call of the Commissioner.

94     **§ 28.2-246. Fishery Resource Grant Advisory Board; membership; duties.**

95     A. The Fishery Resource Grant Advisory Board shall be composed of seven members to be selected  
96 in the following manner: four members shall be appointed by the Graduate Marine Science Consortium  
97 from nominations made by commercial watermen's associations, one member shall be appointed by the  
98 Graduate Marine Science Consortium from nominations made by the aquaculture association, one  
99 member shall be appointed by the Commissioner of the Marine Resources Commission, and one  
100 member shall be appointed by the Director of the Virginia Institute of Marine Science. Once appointed,  
101 no member shall be removed during his term of membership except for malfeasance, misfeasance,  
102 incompetence, or gross neglect of duty.

103     B. The Advisory Board shall (i) in cooperation with commercial fishermen and the Consortium,  
104 establish, by July 1 of each year, the priority areas in which grants shall be awarded and (ii) review  
105 each application and make its recommendation to the Consortium.

106     **§ 28.2-302.4. Virginia Recreational Fishing Advisory Board.**

107     A. There is hereby established the Virginia Recreational Fishing Advisory Board, which shall  
108 hereinafter be known as the Board, referred to in this section as "the Board." The Board shall advise  
109 the Commission in the expenditure of moneys received in the Virginia Saltwater Recreational Fishing  
110 Development Fund.

111     B. The Board shall consist of nine members selected from a list of nominees by organized groups,  
112 clubs, civic organizations or self-nominations and appointed by the Commissioner who are representative  
113 of the interests associated with recreational fishing including representatives from organized recreational  
114 clubs and others interested in recreational fishing. The membership shall be representative of the  
115 geographic area covered by the license.

116     C. The term of office of each member shall be for three years, provided that initial appointments  
117 shall be three members appointed for three years, three members appointed for two years and three  
118 members appointed for one year. Appointments to fill vacancies shall be made to fill the unexpired  
119 term. Once appointed, no member shall be removed during his term of membership except for  
120 malfeasance, misfeasance, incompetence, or gross neglect of duty.

121     D. Members shall receive no compensation for their services but shall receive reimbursement for

actual expenses. The Board shall meet at the call of the Commissioner or at least four times yearly.

**§ 28.2-1204.3. Habitat Management Advisory Committee.**

*A. There is hereby established the Habitat Management Advisory Committee, referred to in this section as "the Committee." The Committee shall advise and make recommendations to the Commission on state-owned bottomland issues, including marina siting criteria, royalties for use of bottomland, and sandy dredged material guidelines but not including oyster leasing policies.*

*B. The Committee shall consist of six citizen members appointed by the Commissioner who have knowledge regarding issues related to the use of state-owned bottomland.*

*C. The term of each citizen member shall be for four years, provided that initial appointments shall be two members appointed for three years, two members appointed for two years, and two members appointed for one year. Appointments to fill vacancies shall be made to fill the unexpired term. Once appointed, no member shall be removed during his term of membership except for malfeasance, misfeasance, incompetence, or gross neglect of duty.*

*D. Members shall receive no compensation for their services but shall receive reimbursement for actual expenses. The Committee shall meet at the call of the Commissioner.*

**2. That the provisions of §§ 28.2-203.2, 28.2-208.2, 28.2-208.3, and 28.2-1204.3 of the Code of Virginia, as created by this act, shall expire on July 1, 2020.**