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HOUSE BILL NO. 2154

Offered January 8, 2003

Prefiled January 8, 2003

A BILL to amend and reenact §§ 28.2-100, 28.2-102, 28.2-103, 28.2-106, 29.1-100 and 29.1-200 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 28.2-100.1, 28.2-103.1, 28.2-103.2, 28.2-103.3, 28.2-103.4, 28.2-103.5, 28.2-103.6, 28.2-103.7, 28.2-103.8, and 28.2-104.1, and to repeal §§ 28.2-101, 28.2-104, and Article 2 (§§ 29.1-102 through 29.1-108) and Article 3 (§§ 29.1-109 through 29.1-112) of Chapter 1 of Title 29.1 of the Code of Virginia, relating to the consolidation of the Virginia Marine Resources Commission and the Department of Game and Inland Fisheries.

 Patron—Hamilton

 Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-100, 28.2-102, 28.2-103, 28.2-106, 29.1-100, and 29.1-200 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 28.2-100.1, 28.2-103.1, 28.2-103.2, 28.2-103.3, 28.2-103.4, 28.2-103.5, 28.2-103.6, 28.2-103.7, 28.2-103.8, and 28.2-104.1 as follows:

§ 28.2-100. Definitions.

As used in this title and in Title 29.1, unless the context requires a different meaning:

"Commission" means the Virginia Game and Marine Resources Commission.

~~"Commissioner" means the Commissioner of Marine Resources.~~

~~"Director" means the Director of the Virginia Game and Marine Resources Commission.~~

"Fish" or "marine fish" means those finfish species which spend a major portion of their lives in marine or estuarine waters. Sunfish, crappies, and carp are not considered to be marine fish.

"Fishing", "fisheries" or "to fish" means all operations involved in (i) taking or catching, (ii) using, setting or operating apparatus employed in killing, taking or catching, or (iii) transporting or preparing for market marine fish, shellfish, and marine organisms.

"Habitat" means those state-owned bottomlands, tidal wetlands and coastal primary sand dunes which are subject to regulation under Subtitle III of this title.

"Marine organisms" means those species other than marine finfish or marine shellfish which inhabit marine or estuarine waters. Terrapin and marine mammals are considered to be marine organisms.

"Marine shellfish" or "shellfish" means such species of mollusca as oysters and clams, and such species of crustacea as crabs.

"Officer" means a member of the Virginia Game and Marine Police.

"Territorial sea" means the waters within the belt, three nautical miles wide, that is adjacent to Virginia's coast and seaward of the mean low-water mark.

"Tidewater Virginia" means the following counties: Accomack, Arlington, Caroline, Charles City, Chesterfield, Essex, Fairfax, Gloucester, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Prince George, Prince William, Richmond, Spotsylvania, Stafford, Surry, Westmoreland, and York; and the Cities of Alexandria, Chesapeake, Colonial Heights, Fairfax, Falls Church, Fredericksburg, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach, and Williamsburg.

§ 28.2-100.1. Virginia Game and Marine Resources Commission; purpose.

The Virginia Game and Marine Resources Commission (the "Commission") is established as a policy commission in the executive branch of state government. The purpose of the Commission is to provide public, informational and educational services related to Titles 28.2 and 29.1, and to serve as the agency responsible for the administration and enforcement of the statutory provisions of these titles, and all related rules, regulations, and legislative acts.

§ 28.2-102. Commission membership; chairman; qualifications; terms; meetings.

A. The Commission shall consist of a chairman and ~~eight additional members~~ *1 member from each congressional district* who, to the extent possible, shall be representative of all areas of interest in Virginia's game and marine resources, including commercial, recreational and environmental interests. At least ~~one~~ *1* member shall, at the time of his appointment, have earned his livelihood for at least ~~five~~ *5* years by working on Virginia waters and shall be licensed and registered as a commercial fisherman as defined in § 28.2-241, and ~~one~~ *1* member shall be a representative of the sport fishing industry or a

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59 recreational fisherman who is not employed by the commercial fishing industry. The members, including
 60 the chairman, shall be appointed by the Governor ~~and shall serve at his pleasure, subject to confirmation~~
 61 *by the General Assembly.*

62 B. The chairman and ~~two~~ 2 members of the Commission shall hold office for terms coincident with
 63 the term of the Governor making the appointments, or until their successors have been appointed and
 64 qualified. The terms of the remaining six members shall ~~expire July 1, 1997, and these same six~~
 65 ~~members shall be reappointed effective July 1, 1997, as successors be for 1 to 4 years; however,~~
 66 ~~appointments shall be made in a manner whereby no more than 3 members shall have terms that expire~~
 67 ~~in the same year. Their terms shall be as follows: two members shall be appointed for two-year terms,~~
 68 ~~two members shall be appointed for three-year terms, and two members shall be appointed for four-year~~
 69 ~~terms or until their successors are appointed and qualified. Thereafter, all appointments shall be for~~
 70 ~~terms of four years or until their successors are appointed and qualified. No person, except the chairman,~~
 71 ~~shall serve more than two~~ 2 consecutive ~~four~~ 4-year terms. Any vacancy shall be filled by the Governor
 72 for the unexpired term.

73 C. The chairman shall be an experienced administrator with knowledge of ~~seafood~~ *game* and marine
 74 affairs. ~~He shall serve as Commissioner of Marine Resources.~~

75 D. ~~Five~~ *The majority of members shall constitute a quorum of the Commission.*

76 E. The Commission shall meet ~~on the call of the chairman or three members at such times as he or~~
 77 ~~they may deem once every 3 months beginning July 1 of each year for the transaction of business, and~~
 78 ~~other meetings may be called by the chairman if necessary, and at such places as he or they may~~
 79 designate.

80 § 28.2-103. General powers and jurisdiction of Commission; promulgation of regulations.

81 A. The Commission shall exercise all of the powers herein conferred and may promulgate regulations
 82 and guidelines necessary to carry out the provisions of this title *and of Title 29.1.* Marine fisheries
 83 regulations shall be promulgated according to the procedures established in Article 2 (§ 28.2-209 et seq.)
 84 of Chapter 2 of this title. Habitat management regulations and guidelines shall be promulgated in
 85 accordance with the procedures established in Article 2 (§ 28.2-209 et seq.) of Chapter 2 of this title,
 86 unless specifically provided in subdivision C 15 or subsection F of § 2.2-4011.

87 B. *The Commission shall exist to provide public, informational and educational services related to*
 88 *Titles 28.2 and 29.1, and to serve as the agency responsible for the administration and enforcement of*
 89 *the statutory provisions of these titles, and all related rules, regulations, and legislative acts. The*
 90 *Commission shall employ scientific principles and procedures, as developed, researched, recognized, and*
 91 *accepted within the bounds of comprehensive professional wildlife resource management, in the*
 92 *management of the Commonwealth's wildlife and natural resources.*

93 C. *The jurisdiction of the Commission shall include the Commonwealth's territorial sea and extend to*
 94 *all rivers and streams throughout the Commonwealth. The Commission shall have jurisdiction over all*
 95 *recreational boating, hunting and trapping, commercial and recreational fishing and all marine or*
 96 *freshwater fish, shellfish, or other organisms, game birds, game animals, and other wildlife and their*
 97 *habitats.*

98 D. *The Commission is further authorized to:*

99 1. *Acquire by purchase, lease, exchange, gift, or otherwise, lands and waters in the Commonwealth*
 100 *and to establish buildings, structures, dams, lakes, and ponds on such lands and waters.*

101 2. *Conduct operations for the preservation and propagation of game birds, game animals, fish, and*
 102 *other wildlife in order to increase, replenish, and restock the lands and inland waters of the*
 103 *Commonwealth.*

104 3. *Purchase, lease, or otherwise acquire lands and waters for game and fish refuges, preserves, or*
 105 *public shooting and fishing, and establish such lands and waters under appropriate regulations.*

106 4. *Acquire by purchase, lease, or otherwise, lands and structures for use as public landings,*
 107 *wharves, or docks; to improve such lands and structures; and to control the use of all such public*
 108 *landings, wharves, or docks by regulation.*

109 5. *Acquire and introduce any new species of game birds, game animals, or fish on the lands and*
 110 *within the waters of the Commonwealth.*

111 6. *Restock, replenish, and increase any depleted native species of game birds, game animals, or fish.*

112 7. *Published and distribute educational materials pertaining to wildlife .*

113 8. *Hold exhibits throughout the Commonwealth for the purpose of educating school children,*
 114 *agriculturists, and other persons in the preservation and propagation of wildlife in the Commonwealth.*

115 9. *Control land owned by and under control of the Commonwealth in Back Bay, its tributaries, and*
 116 *the North Landing River from the North Carolina line to North Landing Bridge. The Commission shall*
 117 *regulate or prohibit by regulation any drilling, dredging or other operation designed to recover or*
 118 *obtain shells, minerals, or other substances in order to prevent practices and operations that would*
 119 *harm the area for fish and wildlife.*

120 10. *Exercise powers it may deem advisable for conserving, protecting, replenishing, propagating, and*

121 increasing the supply of game birds, game animals, fish, and other wildlife of the Commonwealth.
122 11. Adopt resolutions or regulations conferring upon the Director all such powers, authorities, and
123 duties as the Commission possesses and deems necessary or proper to carry out the purposes of this
124 title.

125 12. Administer and manage the Virginia Fish Passage Grant and Revolving Loan Fund pursuant to
126 Article 1.1 (§ 29.1-101.2 et seq.) of Chapter 1 of Title 29.1.

127 13. Maintain an office at such place or places as the Commission may designate.
128 § 28.2-103.1. Acceptance of gifts, etc.

129 In addition to the authority granted the Commission by § 28.2-103, the Commission may receive
130 gifts, grants, bequests, and devises of property, real or personal, and of money which, if accepted, shall
131 be taken and held for any uses prescribed by the donor, grantor, or testator and in accord with the
132 purposes of this title. The Commission shall manage such properties or money in such a way as to
133 maximize their value to the citizens of Virginia.

134 § 28.2-103.2. Lease or contract respecting land or buildings.

135 The Commission is authorized, with the approval of the Governor, to enter into contracts respecting
136 or to lease any land or buildings leased or owned by it to private persons, corporations, associations,
137 other governmental agencies, public authorities duly created by law or political subdivisions of the
138 Commonwealth. The contracts or leases shall be (i) upon terms and conditions as deemed advisable by
139 the Commission, (ii) in a form to be approved by the Attorney General, and (iii) consistent with the
140 powers, authority and responsibilities of the Commission. If any such lease or contract is to be effective
141 for a term of more than 5 years, it shall be authorized only after a public hearing by the Commission.
142 All amounts received pursuant to leases and contracts hereunder shall be deposited in the state treasury
143 to the credit of the game protection fund.

144 § 28.2-103.3. Forest and watershed areas.

145 The Commission is authorized to exercise full control of the hunting and fishing rights and privileges
146 in and on all impounded water areas in this Commonwealth resulting from power development; and in
147 all forest and watershed areas in this Commonwealth that are now owned, or that may hereafter be
148 acquired, by the United States government, subject to the rights and power of the United States
149 Department of Agriculture. The Commission shall have the power to establish refuges, sanctuaries, and
150 public shooting and fishing preserves in these areas, under such regulations as it may deem proper.

151 § 28.2-103.4. Rules and regulations.

152 All rules, resolutions, regulations and policies adopted by the Commission, as provided by the
153 Administrative Process Act (§ 2.2-4000 et seq.), shall be reduced to writing for the Director, shall be
154 public documents, and shall be available to the public on request.

155 § 28.2-103.5. Audits and examinations.

156 The minute books and other records of the Commission shall be open to examination by the
157 Governor and Auditor of Public Accounts, or their representatives, at all times. The accounts of the
158 Commission shall be audited in the manner provided for the audit of other state agencies.

159 § 28.2-103.6. Disbursements, accounts for Commission.

160 A. The disbursements of the Commission shall be limited to the amount appropriated by the General
161 Assembly from the game protection fund to expenditures from the Lifetime Hunting and Fishing
162 Endowment Fund. In no event shall the Commonwealth pay obligations that may be incurred by the
163 Commission or be liable in any manner for such obligations except to the extent of the game protection
164 fund and the Lifetime Hunting and Fishing Endowment Fund.

165 B. Accounts for salaries, allowances, wages, and expenses authorized by the Commission shall be
166 certified to the Comptroller for payment as the Commission may direct by resolution.

167 § 28.2-103.7. Sale of timber; portion of proceeds to be paid to locality.

168 A. The Director is authorized to manage and harvest timber on lands owned by the Commission in
169 accordance with the best timber and game management practices, and to sell the timber. Proceeds from
170 the sale of such timber shall be deposited in the state treasury to the credit of the Game Protection
171 Fund.

172 B. When the Director authorizes the selling of timber, which is standing or which has been cut from
173 timber standing on land owned by the Commission, the Commission shall pay to the locality in which
174 the standing timber is located 25 percent of the proceeds of the sale of the timber, after deducting the
175 cost of any road constructed by the Commission that is necessary for the sale of the timber.

176 § 28.2-103.8. Payment of license and permit fees.

177 The Director may authorize the acceptance of any method of payment authorized by § 2.2-614.1 in
178 lieu of money for payment of any fees collected by the Commission or agents acting on behalf of the
179 Commission for any licenses or permits issued under this title or for any merchandise sold by the
180 Commission.

181 § 28.2-104.1. Director's general powers and duties.

182 In accordance with § 2.2-106, the Governor shall appoint a Director, subject to General Assembly
 183 approval, to act as chief administrative officer of the Commission. In addition to the powers designated
 184 elsewhere in this title, the Director shall have the power to:

185 1. Enforce or cause to be enforced the marine fishery and habitat laws and regulations, and all laws
 186 for the protection, propagation, and preservation of game birds and game animals of the Commonwealth
 187 and all fish in the inland waters thereof. Inland waters shall include all waters above tidewater and the
 188 brackish and freshwater streams, creeks, bays, including Back Bay, inlets, and ponds in the tidewater
 189 counties and cities.

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

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

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

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

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

203 § 28.2-106. Virginia Game and Marine Police; law-enforcement responsibilities; qualifications; oath.

204 A. The law-enforcement division of the Commission shall be designated as the Virginia Game and
 205 Marine Police. It shall exercise such powers and duties as the General Assembly may confer upon it by
 206 law and as provided in regulations adopted pursuant to law, including but not limited to *the powers and*
 207 *duties set forth in Chapter 2 of Title 29.1 (§ 29.1-200 et seq.) relating to game and inland fisheries, and*
 208 *the following:*

209 1. Patrolling the tidal waters and shoreline of the Chesapeake Bay, its tidal tributaries, and territorial
 210 sea;

211 2. Enforcing marine fishery and habitat conservation laws and regulations;

212 3. Enforcing health laws pertaining to the harvesting of seafood from condemned areas;

213 4. Enforcing or assisting other agencies in enforcing laws pertaining to the removal of obstructions
 214 and abandoned vessels from the water, to boating operation and navigation, and to larceny on the water;

215 5. Providing for water-borne safety;

216 6. Conducting search and rescue activities; and

217 7. Protecting from terrorist attack federal and state water-related installations and other water-related
 218 locations within the tidal waters of the Commonwealth as may be designated by federal or state officials
 219 as important to national security.

220 B. Officers of the Virginia Marine Police shall have the same powers as (i) sheriffs and other
 221 law-enforcement officers to enforce all of the criminal laws of the Commonwealth, and (ii) regular game
 222 wardens appointed pursuant to Chapter 2 (§ 29.1-200 et seq.) of Title 29.1.

223 C. A person shall be (i) at least twenty-one years old and (ii) a high school graduate or equivalent to
 224 qualify for appointment as an officer.

225 D. Each officer shall qualify before the clerk of the circuit court of the county or city in which he
 226 resides, or in which his district may be, by taking the oaths prescribed by law.

227 § 29.1-100. (Effective January 1, 2003) Definitions.

228 As used in and for the purposes of this title *and of Title 28.2 only*, or in any of the regulations of
 229 the ~~Board~~ *Commission*, unless the context clearly requires a different meaning:

230 "Bag or creel limit" means the quantity of game, fish or fur-bearing animals that may be taken,
 231 caught, or possessed during a period fixed by the ~~Board~~ *Commission*.

232 "~~Board~~" means the ~~Board of Game and Inland Fisheries~~.

233 "Closed season" means that period of time fixed by the ~~Board~~ *Commission* during which wild
 234 animals, birds or fish may not be taken, captured, killed, pursued, hunted, trapped or possessed.

235 "~~Department~~" means the ~~Department of Game and Inland Fisheries~~.

236 "*Commission*" means the *Virginia Game and Marine Resources Commission*.

237 "~~Director~~" means the Director of the ~~Department of Virginia Game and Inland Fisheries~~ *Marine*
 238 *Resources Commission*.

239 "Firearm" means any weapon that will or is designed to or may readily be converted to expel single
 240 or multiple projectiles by the action of an explosion of a combustible material.

241 "Fishing" means taking, capturing, killing, or attempting to take, capture or kill any fish in and upon
 242 the inland waters of ~~this~~ *the Commonwealth*.

243 "Fur-bearing animals" includes beaver, bobcat, fox, mink, muskrat, opossum, otter, raccoon, skunk,

244 and weasel.

245 "Game" means wild animals and wild birds that are commonly hunted for sport or food.

246 "Game animals" means deer, bear, rabbit, fox, squirrel, bobcat and raccoon.

247 "Game fish" means trout (including all Salmonidae), all of the sunfish family (including largemouth
248 bass, smallmouth bass and spotted bass, rock bass, bream, bluegill and crappie), walleye or pike perch,
249 white bass, chain pickerel or jackfish, muskellunge, and northern pike, wherever such fish are found in
250 the waters of ~~this~~ the Commonwealth and rockfish or striped bass where found above tidewaters or in
251 streams which are blocked from access from tidewaters by dams.

252 "~~Game warden~~" means ~~supervising wardens, and regular and special game warden.~~

253 "Hunting and trapping" includes the act of or the attempted act of taking, hunting, trapping, pursuing,
254 chasing, shooting, snaring or netting birds or animals, and assisting any person who is hunting, trapping
255 or attempting to do so regardless of whether birds or animals are actually taken; however, when hunting
256 and trapping are allowed, reference is made to such acts as being conducted by lawful means and in a
257 lawful manner. The ~~Board of Game and Inland Fisheries~~ *Commission* may authorize by regulation the
258 pursuing or chasing of wild birds or wild animals during any closed hunting season where persons have
259 no intent to take such birds or animals.

260 "Lawful," "by law," or "law" means the statutes of ~~this~~ the Commonwealth or regulations adopted
261 by the ~~Board~~ *Commission* which the Director is empowered to enforce.

262 "Migratory game birds" means doves, ducks, brant, geese, swan, coot, gallinules, sora and other rails,
263 snipe, woodcock and other species of birds on which open hunting seasons are set by federal
264 regulations.

265 "Muzzleloading pistol" means a firearm originally designed, made or intended to fire a projectile
266 (bullet) from one or more barrels when held in one hand and that is loaded from the muzzle or forward
267 end of the cylinder.

268 "Muzzleloading rifle" means a firearm firing a single projectile that is loaded along with the
269 propellant from the muzzle of the gun.

270 "Muzzleloading shotgun" means a firearm with a smooth bore firing multiple projectiles that are
271 loaded along with the propellant from the muzzle of the gun.

272 "Nonmigratory game birds" means grouse, bobwhite quail, turkey and all species of birds introduced
273 into the Commonwealth by the ~~Board~~ *Commission*.

274 "Nuisance species" means blackbirds, crows, cowbirds, grackles, English sparrows, starlings, or those
275 species designated as such by regulations of the ~~Board~~ *Commission*, and those species found committing
276 or about to commit depredation upon ornamental or shade trees, agricultural crops, wildlife, livestock or
277 other property or when concentrated in numbers and manners as to constitute a health hazard or other
278 nuisance. However, the term nuisance does not include (i) animals designated as endangered or
279 threatened pursuant to §§ 29.1-563, 29.1-564, and 29.1-566, (ii) animals classified as game or
280 fur-bearing animals, and (iii) those species protected by state or federal law.

281 "*Officer*" means a member of the *Virginia Game and Marine Police*.

282 "Open season" means that period of time fixed by the ~~Board~~ *Commission* during which wild
283 animals, wild birds and fish may be taken, captured, killed, pursued, trapped or possessed.

284 "Pistol" means a weapon originally designed, made, and intended to fire a projectile (bullet) from
285 one or more barrels when held in one hand, and having one or more chambers as an integral part of or
286 permanently aligned with the bore and a short stock at an angle to and extending below the line of the
287 bore that is designed to be gripped by one hand.

288 "Possession" means the exercise of control of any wild animal, wild bird, fish or fur-bearing animal,
289 or any part of the carcass thereof.

290 "Properly licensed person" means a person who, while engaged in hunting, fishing or trapping, or in
291 any other activity permitted under this title, in and upon the lands and inland waters of ~~this~~ the
292 Commonwealth, has upon his person all the licenses, permits and stamps required by law.

293 "Regulation" means a regulation duly adopted by the ~~Board~~ *Commission* pursuant to the authority
294 vested by the provisions of this title.

295 "Revolver" means a projectile weapon of the pistol type, having a breechloading chambered cylinder
296 arranged so that the cocking of the hammer or movement of the trigger rotates it and brings the next
297 cartridge in line with the barrel for firing.

298 "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the
299 shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed
300 metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

301 "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from
302 the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a
303 fixed shotgun shell to fire through a smooth bore or rifled shotgun barrel either a number of ball shot or
304 a single projectile for each single pull of the trigger.

305 "Transportation" means the transportation, either upon the person or by any other means, of any wild
306 animal or wild bird or fish.

307 "Wildlife" means all species of wild animals, wild birds and freshwater fish in the public waters of
308 ~~this~~ *the* Commonwealth.

309 § 29.1-200. Appointment of Game and Marine Police Officers.

310 A. *In addition to the Game and Marine Police officers appointed pursuant to Article 2 (§ 28.2-106 et*
311 *seq.) of Chapter 1 of Title 28.2 relating to marine resources, The the* Director shall appoint regular and
312 special ~~game wardens~~ *Game and Marine Police officers* as he may deem necessary to enforce the game
313 and inland fish laws and shall issue a certificate of appointment to each ~~game warden~~ *officer*.

314 B. All appointments to sworn law-enforcement positions above the rank of ~~game warden~~ *Game and*
315 *Marine Police officer* within the Department shall be made by the Director of the Department from
316 among the sworn ~~game wardens~~ *officers*, except for those positions designated in subdivision 20 of
317 § 2.2-2905, or whenever the Director determines, in writing, that a position requires knowledge, skills,
318 or abilities such that a sufficient pool of qualified candidates does not exist within the Department.

319 **2. That §§ 28.2-101 and 28.2-104, and Article 2 (§§ 29.1-102 through 29.1-108) and Article 3**
320 **(§§ 29.1-109 through 29.1-112) of Chapter 1 of Title 29.1 of the Code of Virginia are repealed.**

321 **3. That all regulations adopted by the Marine Resources Commission, or the Board of Game and**
322 **Inland Fisheries, which are in effect as of the effective date of this act and which pertain to the**
323 **subject matter of this act, shall remain in full force and effect until altered, amended or rescinded**
324 **by the Virginia Game and Marine Resources Commission as created pursuant to this act.**

325 **4. That as of July 1, 2003, the Virginia Game and Marine Resources Commission shall be deemed**
326 **the successor in interest to the Virginia Marine Resources Commission and to the Department of**
327 **Game and Inland Fisheries to the extent that this act transfers powers and duties. All right, title**
328 **and interest in and to any real or tangible personal property vested in the Marine Resources**
329 **Commission or the Department of Game and Inland Fisheries to the extent that this act transfers**
330 **powers and duties as of the effective date of this act shall be transferred and taken as standing in**
331 **the name of the Game and Marine Resources Commission.**

332 **5. That wherever any reference is made in law or regulation to the former Marine Resources**
333 **Commission, or to the former Department of Game and Inland Fisheries, such reference shall be**
334 **construed to mean the Virginia Game and Marine Resources Commission, and wherever any**
335 **reference is made in law or regulation to the Commissioner of the former Marine Resources**
336 **Commission, or to the Director of the former Department of Game and Inland Fisheries, such**
337 **reference shall be construed to mean the Director of the Virginia Game and Marine Resources**
338 **Commission.**

339 **6. That wherever any reference is made in law or regulation to the former Virginia Marine Police,**
340 **or to the former game warden or wardens, such reference shall be construed to mean the Virginia**
341 **Game and Marine Police or officers thereof.**

342 **7. That the Governor may transfer an appropriation or any portion thereof within a state agency**
343 **or commission established, abolished or otherwise affected by the provisions of this act, or from**
344 **one such agency or commission to another, to support the changes in organization or responsibility**
345 **resulting from or required by the provisions of this act.**

346 **8. That the Governor may transfer employees within any state agency or commission established**
347 **or otherwise affected by the provisions of this act, or from such agency or commission to another,**
348 **to support changes in organization or responsibility resulting from or required by the provisions**
349 **of this act.**