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HOUSE BILL NO. 693

Offered January 14, 2004

Prefiled January 13, 2004

A BILL to amend the Code of Virginia by adding in Title 10.1 a chapter numbered 21.2, consisting of sections numbered 10.1-2135 through 10.1-2138, relating to the establishment of the Virginia Natural and Historic Resources Fund; report.

Patrons—Morgan, Eisenberg and Plum

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. The Code of Virginia is amended by adding in Title 10.1 a chapter numbered 21.2, consisting of sections numbered 10.1-2135 through 10.1-2138, as follows:

CHAPTER 21.2.**THE VIRGINIA NATURAL AND HISTORIC RESOURCES FUND.****§ 10.1-2135. Statement of Policy.**

As stated in Article XI of the Constitution of Virginia, it is the policy of the Commonwealth to conserve, develop, and utilize its natural resources, its public lands, and its historic sites and buildings, and to protect its atmosphere, lands and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth. The General Assembly recognizes that this policy cannot be implemented without adequate funding for the necessary and essential conservation of the Commonwealth's natural and historic resources for the benefit of Virginians, now and in the future. The Governor and the General Assembly therefore find it is in the public interest to establish the Virginia Natural and Historic Resources Fund to support the protection, restoration and preservation of ecological, cultural and historical resources, water quality improvement and environmental enhancement, and land conservation, including but not limited to open space and recreational space preservation, and other natural and historic resource protection activities.

§ 10.1-2136. Virginia Natural and Historic Resources Fund; established.

A. There is hereby created in the state treasury a special permanent, nonreverting, interest-bearing fund to be known as the Virginia Natural and Historic Resources Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of moneys appropriated to it by the General Assembly and such other sums as may be made available to it from any source, public or private, all of which shall be credited to the Fund. Any moneys remaining in the Fund, including interest on private funds deposited in the Fund, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund; however, any interest on public funds deposited in the Fund shall revert to the general fund. The Fund shall be exempt from assessments by the Department of Accounts for expenses incurred by central service agencies.

B. Moneys in the Fund shall be allocated to the Virginia Land Conservation Fund established pursuant to § 10.1-1020 and the Virginia Water Quality Improvement Fund established pursuant to § 10.1-2128. The Secretary shall make final determinations regarding the distribution of the moneys to these funds; however, any moneys deposited to the Fund for a specified use shall be distributed as designated.

§ 10.1-2137. Virginia Natural and Historic Resources Fund Commission; membership; terms; vacancies; chairman and vice chairman; quorum; meetings.

A. The Virginia Natural and Historic Resources Fund Commission is established as an advisory body in the executive branch of state government. The purpose of the Commission is to provide recommendations to the Secretary of Natural Resources regarding the allocation of moneys in the Fund to the Water Quality Improvement Fund and the Virginia Land Conservation Fund.

B. The Commission shall consist of seven members that include six nonlegislative citizen members and one ex officio member. Members shall be appointed as follows: two nonlegislative members to be appointed by the Speaker of the House of Delegates; one nonlegislative citizen member to be appointed by the Senate Committee on Privileges and Elections; and three nonlegislative citizen members to be appointed by the Governor, subject to confirmation of the General Assembly; and the Secretary of Natural Resources or his designee to serve ex officio with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth of Virginia.

The Secretary of Natural Resources shall serve a term coincident with his term of office. Initial appointments of nonlegislative citizen members shall be staggered as follows: one member for a term of three years and one member for a term of two years, appointed by the Speaker of the House of

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59 *Delegates; one member for a term of three years, appointed by the Senate Committee on Privileges and*
60 *Elections; and one member for a term of three years, one member for a term of two years and one*
61 *member for a term of one year, appointed by the Governor. Thereafter, nonlegislative citizen members*
62 *shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a*
63 *term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative*
64 *citizen member shall serve more than two consecutive four-year terms. The remainder of any term to*
65 *which a member is appointed to fill a vacancy shall not constitute a term in determining the member's*
66 *eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.*
67 *Nonlegislative citizen members shall have experience or expertise in one or more of the following areas:*
68 *natural resources conservation and protection, natural habitat protection, environmental resources*
69 *management and protection, forestry management, fish and wildlife management, historic preservation,*
70 *or outdoor recreation.*

71 *C. The Secretary of Natural Resources shall serve as chairman and the Commission shall elect a*
72 *vice chairman from among its membership. A majority of the members shall constitute a quorum. The*
73 *meetings of the Commission shall be held at the call of the chairman or whenever a majority of the*
74 *members so request.*

75 *D. No members of the Commission shall receive compensation or reimbursement for expenses*
76 *incurred in the performance of their duties.*

77 *E. The Office of the Secretary of Natural Resources shall provide staff support to the Commission.*
78 *All agencies of the Commonwealth shall provide assistance to the Commission, upon request.*

79 *F. The Secretary of Natural Resources shall submit to the Governor and the General Assembly an*
80 *annual executive summary of the interim activity and work of the Commission no later than the first day*
81 *of each regular session of the General Assembly. The executive summary shall be submitted as provided*
82 *in the procedures of the Division of Legislative Automated Systems for the processing of legislative*
83 *documents and reports and shall be posted on the General Assembly's website.*

84 *G. The provisions of this section shall expire on July 1, 2007.*

85 *§ 10.1-2138. Fees to be assessed.*

86 *The clerk of each circuit court shall assess a \$10 fee on (i) every deed for which the state*
87 *recordation tax is collected pursuant to subsection A of § 58.1-801 and § 58.1-803, and (ii) every*
88 *certificate of satisfaction admitted under § 55-66.6. The revenue generated from such fees shall be*
89 *deposited by the State Treasurer into the Virginia Natural and Historic Resources Fund established*
90 *pursuant to § 10.1-2136.*