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**SENATE BILL NO. 537**

Offered January 11, 2006

Prefiled January 11, 2006

*A BILL to amend and reenact §§ 3.1-1108 and 10.1-1018 of the Code of Virginia, relating to Secretary of Agriculture and Forestry; Tobacco Indemnification and Community Revitalization Commission; Virginia Land Conservation Board of Trustees; membership.*

Patron—Hawkins

Referred to Committee on Agriculture, Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.1-1108 and 10.1-1018 of the Code of Virginia are amended and reenacted as follows:**

§ 3.1-1108. Membership; terms; vacancies; compensation and expenses; chairman; chairman's executive summary.

A. The Commission shall be composed of 31 members as follows:

1. Six members of the House of Delegates appointed by the Speaker of the House of Delegates;

2. Four members of the Senate appointed by the Senate Committee on Rules;

3. The Secretary of Commerce and Trade or his designee;

4. The Secretary of Finance or his designee;

5. The ~~Commissioner of Agriculture and Consumer Services~~ *Secretary of Agriculture and Forestry* or his designee;

6. Three nonlegislative citizen members who shall be active flue-cured tobacco producers appointed by the Governor. Of the active flue-cured tobacco producers, two shall be appointed by the Governor from a list of six persons provided by the members of the General Assembly appointed to the Commission;

7. Three nonlegislative citizen members who shall be active burley tobacco producers appointed by the Governor. Of the active burley tobacco producers, one member shall be appointed by the Governor from a list of three persons provided by the members of the General Assembly appointed to the Commission;

8. One nonlegislative citizen member who shall be a representative of the Virginia Farm Bureau Federation appointed by the Governor from a list of at least three persons provided by Virginia Farm Bureau Federation; and

9. Eleven members shall be nonlegislative citizens appointed by the Governor. Of the 11 nonlegislative citizen members, three shall be appointed by the Governor from a list of nine provided by the members of the General Assembly appointed to the Commission.

With the exception of the Secretary of Commerce and Trade or his designee, the Secretary of Finance or his designee and the ~~Commissioner of Agriculture and Consumer Services~~ *Secretary of Agriculture and Forestry* or his designee, all members of the Commission shall reside in the Southside and Southwest regions of the Commonwealth and shall be subject to confirmation by the General Assembly. To the extent feasible, appointments representing the Southside and Southwest regions shall be proportional to the tobacco quota production of each region.

Except as otherwise provided herein, all appointments shall be for terms of four years each. Legislative members, the Secretary of Commerce and Trade, the Secretary of Finance, and the ~~Commissioner of Agriculture and Consumer Services~~ *Secretary of Agriculture and Forestry* shall serve terms coincident with their terms of office. Legislative members may be reappointed. No nonlegislative citizen member shall be eligible to serve more than two successive four-year terms; however, after expiration of a term of three years or less, two additional four-year terms may be served by such member if appointed thereto. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Any appointment to fill a vacancy shall be made in the same manner as the original appointment. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

The initial appointments of the active flue-cured tobacco producers, the active burley tobacco producers, and other nonlegislative citizen members shall be as follows: one active flue-cured tobacco producer, one active burley tobacco producer and four nonlegislative citizen members shall be appointed for terms of two years; one active flue-cured tobacco producer, one active burley tobacco producer and four nonlegislative citizen members shall be appointed for terms of three years; and one active flue-cured tobacco producer, one active burley tobacco producer and three nonlegislative citizen members shall be appointed for terms of four years. Thereafter all appointments shall be for terms of

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59 four years.

60 B. The Commission shall appoint from its membership a chairman and a vice-chairman, both of  
61 whom shall serve in such capacities at the pleasure of the Commission. The chairman, or in his absence,  
62 the vice-chairman, shall preside at all meetings of the Commission. The meetings of the Commission  
63 shall be held on the call of the chairman or whenever the majority of the members so request. A  
64 majority of members of the Commission serving at any one time shall constitute a quorum for the  
65 transaction of business.

66 C. Legislative members of the Commission shall receive such compensation as is set forth in  
67 § 30-19.12, and nonlegislative members shall receive such compensation for the performance of their  
68 duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary  
69 expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Such  
70 compensation and expenses shall be paid from the Fund.

71 D. Members and employees of the Commission shall be subject to the standards of conduct set forth  
72 in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be removed  
73 from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or misconduct in the manner set  
74 forth therein.

75 E. Except as otherwise provided in this chapter, members and employees of the Commission shall be  
76 subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

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

82 § 10.1-1018. Virginia Land Conservation Board of Trustees; membership; terms; vacancies;  
83 compensation and expenses.

84 A. The Foundation shall be governed and administered by a Board of Trustees. The Board shall have  
85 a total membership of ~~48~~19 members that shall consist of 17 citizen members and ~~one~~ two ex officio  
86 voting ~~member~~ members as follows: four citizen members, who may be members of the House of  
87 Delegates, to be appointed by the Speaker of the House of Delegates and, if such members are members  
88 of the House of Delegates, in accordance with the principles of proportional representation contained in  
89 the Rules of the House of Delegates; two citizen members, who may be members of the Senate, to be  
90 appointed by the Senate Committee on Rules; 11 nonlegislative citizen members, one from each  
91 congressional district, to be appointed by the Governor; and the Secretary of Natural Resources, or his  
92 designee, *and the Secretary of Agriculture and Forestry, or his designee*, to serve ex officio with voting  
93 privileges. Nonlegislative citizen members shall be appointed for four-year terms, except that initial  
94 appointments shall be made for terms of one to four years in a manner whereby no more than six  
95 members shall have terms that expire in the same year. Legislative members and the ex officio member  
96 shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by  
97 expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same  
98 manner as the original appointments. All members may be reappointed. However, no Senate member  
99 shall serve more than two consecutive four-year terms, no House member shall serve more than four  
100 consecutive two-year terms and no nonlegislative citizen member shall serve more than two consecutive  
101 four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not  
102 constitute a term in determining the member's eligibility for reappointment. Nonlegislative citizen  
103 members shall have experience or expertise, professional or personal, in one or more of the following  
104 areas: natural resource protection and conservation, construction and real estate development, natural  
105 habitat protection, environmental resource inventory and identification, forestry management, farming,  
106 farmland preservation, fish and wildlife management, historic preservation, and outdoor recreation. At  
107 least one of the nonlegislative citizen members shall be a farmer. Members of the Board shall post bond  
108 in the penalty of \$5,000 with the State Comptroller prior to entering upon the functions of office.

109 B. The Secretary of Natural Resources shall serve as the chairman of the Board of Trustees. The  
110 chairman shall serve until his successor is appointed. The members appointed as provided in subsection  
111 A shall elect a vice-chairman annually from among the members of the Board. A majority of the  
112 members of the Board serving at any one time shall constitute a quorum for the transaction of business.  
113 The board shall meet at the call of the chairman or whenever a majority of the members so request.

114 C. Trustees of the Foundation shall receive no compensation for their services. All members shall be  
115 reimbursed for all reasonable and necessary expenses incurred in the performance of their duties on  
116 behalf of the Foundation as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of  
117 the members shall be provided by the Department of Conservation and Recreation.

118 D. The chairman of the Board and any other person designated by the Board to handle the funds of  
119 the Foundation shall give bond, with corporate surety, in such penalty as is fixed by the Governor,  
120 conditioned upon the faithful discharge of his duties. The premium on the bonds shall be paid from

121 funds available to the Foundation for such purpose.

122 E. The Board shall seek assistance in developing grant criteria and advice on grant priorities and any  
123 other appropriate issues from a task force consisting of the following agency heads or their designees:  
124 the Director of the Department of Conservation and Recreation, the Commissioner of Agriculture and  
125 Consumer Services, the State Forester, the Director of the Department of Historic Resources, the  
126 Director of the Department of Game and Inland Fisheries and the Executive Director of the Virginia  
127 Outdoors Foundation. The Board may request any other agency head to serve on or appoint a designee  
128 to serve on the task force.