

093470504

HOUSE BILL NO. 2598

Offered January 22, 2009

A BILL to amend and reenact § 10.1-104 of the Code of Virginia, relating to powers of the Department of Conservation and Recreation to have and exercise a right of first refusal in purchasing certain abandoned railroad rights-of-way.

Patron—Fralin

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 10.1-104 of the Code of Virginia is amended and reenacted as follows:**

§ 10.1-104. Powers of the Department.

A. The Department shall have the following powers, which may be delegated by the Director:

1. To employ such personnel as may be required to carry out those duties conferred by law;

2. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, including but not limited to contracts with private nonprofit organizations, the United States, other state agencies and political subdivisions of the Commonwealth;

3. To accept bequests and gifts of real and personal property as well as endowments, funds, and grants from the United States government, its agencies and instrumentalities, and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable;

4. To prescribe rules and regulations necessary or incidental to the performance of duties or execution of powers conferred by law;

5. To perform acts necessary or convenient to carry out the duties conferred by law; ~~and~~6. To assess civil penalties for violations of § 10.1-200.3; *and*

7. To have and exercise a right of first refusal, when offered for sale to the public, to acquire and hold in the name of the Commonwealth, using funds appropriated to the Department for such purpose, those portions of abandoned railroad corridors identified by the Department of Rail and Public Transportation pursuant to § 33.1-391.5 for preservation as greenways, linear parks, and potential transportation corridors.

B. Pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), the Department may promulgate regulations necessary to carry out the purposes and provisions of this subtitle. A violation of any regulation shall constitute a Class 1 misdemeanor, unless a different penalty is prescribed by the Code of Virginia. However, a violation of the Virginia State Park Regulations (4 VAC 5-30-10 et seq.) shall constitute a Class 3 misdemeanor.

INTRODUCED

HB2598