

LD0683753

## SENATE BILL NO. 546

Offered January 25, 1994

A *BILL to amend and reenact §§ 2.1-1.1, 2.1-1.3, 2.1-1.6, 2.1-20.4, 2.1-41.2, 2.1-51.9, 9-6.25:3, 29.1-100, 29.1-102, and 29.1-801 of the Code of Virginia, relating to the Board of Wildlife Resources and the Department of Wildlife Resources.*

Patrons—Walker, Holland, C.A. and Marye; Delegates: Connally, Puller, Robinson and Van Yahres

Referred to the Committee on General Laws

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

**1. That §§ 2.1-1.1, 2.1-1.3, 2.1-1.6, 2.1-20.4, 2.1-41.2, 2.1-51.9, 9-6.25:3, 29.1-100, 29.1-102, and 29.1-801. of the Code of Virginia are amended and reenacted as follows:**

§ 2.1-1.1. Departments generally.

There shall be, in addition to such others as may be established by law, the following administrative departments and divisions of the state government:

Chesapeake Bay Local Assistance Department.

Department of Accounts.

Department for the Aging.

Department of Agriculture and Consumer Services.

Department of Alcoholic Beverage Control.

Department of Aviation.

Department of Conservation and Recreation.

Department of Corporations.

Department of Correctional Education.

Department of Corrections.

Department of Criminal Justice Services.

Department for the Deaf and Hard-of-Hearing.

Department of Economic Development.

Department of Education.

Department of Emergency Services.

Department of Employee Relations Counselors.

Department of Environmental Quality.

Department of Fire Programs.

Department of Forestry.

~~Department of Game and Inland Fisheries.~~

Department of General Services.

Department of Health.

Department of Health Professions.

Department of Historic Resources.

Department of Housing and Community Development.

Department of Information Technology.

Department of Labor and Industry.

Department of Law.

Department of Medical Assistance Services.

Department of Mental Health, Mental Retardation and Substance Abuse Services.

Department of Military Affairs.

Department of Mines, Minerals and Energy.

Department of Minority Business Enterprise.

Department of Motor Vehicles.

Department of Personnel and Training.

Department of Planning and Budget.

Department of Professional and Occupational Regulation.

Department of Rail and Public Transportation.

Department of Rehabilitative Services.

Department for Rights of Virginians With Disabilities.

Department of Social Services.

Department of State Police.

Department of Taxation.

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60 Department of Transportation.  
61 Department of the Treasury.  
62 Department of Veterans' Affairs.  
63 Department for the Visually Handicapped  
64 *Department of Wildlife Resources.*  
65 Department of Workers' Compensation.  
66 Department of Youth and Family Services.  
67 Governor's Employment and Training Department.  
68 § 2.1-1.3. Entities subject to standard nomenclature.  
69 The following independent administrative entities are subject to the standard nomenclature provisions  
70 of § 2.1-1.2:  
71 Chesapeake Bay Local Assistance Department.  
72 Department of Accounts.  
73 Department for the Aging.  
74 Department of Agriculture and Consumer Services.  
75 Department of Alcoholic Beverage Control.  
76 Department of Aviation.  
77 Department of Conservation and Recreation.  
78 Department of Correctional Education.  
79 Department of Corrections.  
80 Department of Criminal Justice Services.  
81 Department for the Deaf and Hard-of-Hearing.  
82 Department of Economic Development.  
83 Department of Education.  
84 Department of Emergency Services.  
85 Department of Environmental Quality.  
86 Department of Employee Relations Counselors.  
87 Department of Fire Programs.  
88 Department of Forestry.  
89 ~~Department of Game and Inland Fisheries.~~  
90 Department of General Services.  
91 Department of Health.  
92 Department of Health Professions.  
93 Department of Historic Resources.  
94 Department of Housing and Community Development.  
95 Department of Information Technology.  
96 Department of Labor and Industry.  
97 Department of Medical Assistance Services.  
98 Department of Mental Health, Mental Retardation and Substance Abuse Services.  
99 Department of Military Affairs.  
100 Department of Mines, Minerals and Energy.  
101 Department of Minority Business Enterprise.  
102 Department of Motor Vehicles.  
103 Department of Personnel and Training.  
104 Department of Planning and Budget.  
105 Department of Professional and Occupational Regulation.  
106 Department of Rail and Public Transportation.  
107 Department of Rehabilitative Services.  
108 Department for Rights of Virginians With Disabilities.  
109 Department of Social Services.  
110 Department of State Police.  
111 Department of Taxation.  
112 Department of Transportation.  
113 Department of the Treasury.  
114 Department of Veterans' Affairs.  
115 Department for the Visually Handicapped.  
116 *Department of Wildlife Resources.*  
117 Department of Youth and Family Services.  
118 Governor's Employment and Training Department.  
119 § 2.1-1.6. State boards.  
120 A. There shall be, in addition to such others as may be established by law, the following permanent  
121 collegial bodies affiliated with a state agency within the executive branch:

122	Accountancy, Board for
123	Aging, Advisory Board on the
124	Agriculture and Consumer Services, Board of
125	Air Pollution, State Advisory Board on
126	Alcoholic Beverage Control Board, Virginia
127	Apple Board, Virginia State
128	Appomattox State Scenic River Advisory Board
129	Aquaculture Advisory Board
130	Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
131	Art and Architectural Review Board
132	Athletic Board, Virginia
133	Auctioneers Board
134	Audiology and Speech-Language Pathology, Board of
135	Aviation Board, Virginia
136	Barbers, Board for
137	Branch Pilots, Board for
138	Bright Flue-Cured Tobacco Board, Virginia
139	Building Code Technical Review Board, State
140	Catoctin Creek State Scenic River Advisory Board
141	Cattle Industry Board, Virginia
142	Cave Board
143	Certified Seed Board, State
144	Chesapeake Bay Local Assistance Board
145	Chickahominy State Scenic River Advisory Board
146	Child Abuse and Neglect, Advisory Board on
147	Chippokes Plantation Farm Foundation, Board of Trustees
148	Clinch Scenic River Advisory Board
149	Coal Research and Development Advisory Board, Virginia
150	Coal Surface Mining Reclamation Fund Advisory Board
151	Conservation and Development of Public Beaches, Board on
152	Conservation and Recreation, Board of
153	Contractors, Board for
154	Corn Board, Virginia
155	Correctional Education, Board of
156	Corrections, State Board of
157	Cosmetology, Board for
158	Criminal Justice Services Board
159	Dark-Fired Tobacco Board, Virginia
160	Deaf and Hard-of-Hearing, Advisory Board for the Department for the
161	Dentistry, Board of
162	Education, State Board of
163	Egg Board, Virginia
164	Emergency Medical Services Advisory Board
165	Employment Agency Advisory Board
166	Farmers Market Board, Virginia
167	Film Office Advisory Board
168	Fire Services Board, Virginia
169	Forensic Science Advisory Board
170	Forestry, Board of
171	Funeral Directors and Embalmers, Board of
172	<del>Game and Inland Fisheries, Board of</del>
173	Geology, Board for
174	Goose Creek Scenic River Advisory Board
175	Health Planning Board, Virginia
176	Health Professions, Board of
177	Health, State Board of
178	Hearing Aid Specialists, Board for
179	Hemophilia Advisory Board
180	Historic Resources, Board of
181	Housing and Community Development, Board of
182	Industrial Development Services Advisory Board

183	Insurance Advisory Board, State
184	Irish Potato Board, Virginia
185	Laboratory Services Advisory Board
186	Marine Products Board, Virginia
187	Medical Advisory Board, Department of Motor Vehicles
188	Medical Board of the Virginia Retirement System
189	Medicare and Medicaid, Advisory Board on
190	Medicine, Board of
191	Mental Health, Mental Retardation and Substance Abuse Services Board, State
192	Migrant and Seasonal Farmworkers Board
193	Military Affairs, Board of
194	Mines, Minerals and Energy, Board of Examiners in the Department of
195	Minority Business Enterprise, Interdepartmental Board of the Department of
196	Motor Vehicle Dealers' Advisory Board
197	Networking Users Advisory Board, State
198	Nottoway State Scenic River Advisory Board
199	Nursing, Board of
200	Nursing Home Administrators, Board of
201	Occupational Therapy, Advisory Board on
202	Oil and Gas Conservation Board, Virginia
203	Opticians, Board for
204	Optometry, Board of
205	Peanut Board, Virginia
206	Personnel Advisory Board
207	Pesticide Control Board
208	Pharmacy, Board of
209	(Delayed effective date - See Editor's note) Physical Fitness and Sports, Virginia Board on
210	Physical Therapy to the Board of Medicine, Advisory Board on
211	Plant Pollination Advisory Board
212	Polygraph Examiners Advisory Board
213	Pork Industry Board, Virginia
214	Poultry Products Board, Virginia
215	Private College Advisory Board
216	Private Security Services Advisory Board
217	Professional and Occupational Regulation, Board for
218	Professional Counselors, Board of
219	Professional Soil Scientists, Board for
220	Psychiatric Advisory Board
221	Psychology, Board of
222	Public Buildings Board, Virginia
223	Public Telecommunications Board, Virginia
224	Radiation Advisory Board
225	Real Estate Appraiser Board
226	Real Estate Board
227	Reciprocity Board, Department of Motor Vehicles
228	Recreational Fishing Advisory Board, Virginia
229	Recreation Specialists, Board of
230	Reforestation Board
231	Rehabilitative Services, Board of
232	Respiratory Therapy, Advisory Board on
233	Retirement System Review Board
234	Rockfish State Scenic River Advisory Board
235	Safety and Health Codes Board
236	Seed Potato Board
237	Sewage Handling and Disposal Appeal Review Board, State Health Department
238	Shenandoah State Scenic River Advisory Board
239	Small Business Advisory Board
240	Small Business Environmental Compliance Advisory Board
241	Small Grains Board, Virginia
242	Social Services, Board of
243	Social Work, Board of
244	Soil and Water Conservation Board, Virginia

245 Soybean Board, Virginia  
 246 State Air Pollution Control Board  
 247 Substance Abuse Certification Board  
 248 Surface Mining Review, Board of  
 249 Sweet Potato Board, Virginia  
 250 Teacher Education and Licensure, Advisory Board on  
 251 Tourism and Travel Services Advisory Board  
 252 Toxic Substances Advisory Board  
 253 Transportation Board, Commonwealth  
 254 Transportation Safety, Board of  
 255 Treasury Board, The, Department of the Treasury  
 256 Veterans' Affairs, Board on  
 257 Veterinary Medicine, Board of  
 258 Virginia Board for Asbestos Licensing  
 259 Virginia Employment Commission, State Advisory Board for the  
 260 (Delayed effective date - See Editor's note) Virginia Horse Industry Board  
 261 Virginia Manufactured Housing Board  
 262 Virginia Mine Safety Board  
 263 Virginia Retirement System, Board of Trustees  
 264 Virginia Waste Management Board  
 265 Visually Handicapped, Virginia Board for the  
 266 Voluntary Formulary Board, Virginia  
 267 War Memorial Foundation, Virginia, Board of Trustees  
 268 Waste Management Facility Operators, Board for  
 269 Water Resources Research Center Statewide Advisory Board, Virginia  
 270 Waterworks and Wastewater Works Operators, Board for  
 271 *Wildlife Resources, Board of*  
 272 Well Review Board, Virginia  
 273 Youth and Family Services, State Board of.  
 274 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be  
 275 referred to as boards:  
 276 Compensation Board  
 277 State Board of Elections  
 278 State Water Control Board  
 279 Virginia Parole Board  
 280 Virginia Veterans Care Center Board of Trustees.  
 281 § 2.1-20.4. Bodies receiving compensation.  
 282 A. Notwithstanding any other provision of law, the following commissions, boards, etc., shall be  
 283 those which receive compensation from state funds pursuant to § 2.1-20.3:  
 284 Accountancy, Board for  
 285 Agriculture and Consumer Services, Board of  
 286 Air Pollution Control Board, State  
 287 Airports Authority, Virginia  
 288 Apprenticeship Council  
 289 Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for  
 290 Athletic Board, Virginia  
 291 Auctioneers Board  
 292 Audiology and Speech-Language Pathology, Board of  
 293 Aviation Board, Virginia  
 294 Barbers, Board for  
 295 Branch Pilots, Board for  
 296 Building Code Technical Review Board, State  
 297 Chesapeake Bay Local Assistance Board  
 298 Child Day Care and Early Childhood Programs, Virginia Council on  
 299 College Building Authority  
 300 Commonwealth Transportation Board  
 301 Conservation and Development of Public Beaches, Board on  
 302 Conservation and Recreation, Board of  
 303 Contractors, Board for  
 304 Correctional Education, Board of  
 305 Corrections, Board of

306 Cosmetology, Board for  
307 Criminal Justice Services Board  
308 Deaf and Hard-of-Hearing, Advisory Board for the  
309 Dentistry, Board of  
310 Education, State Board of  
311 Education Loan Authority, Virginia - Board of Directors  
312 Elections, State Board of  
313 Environment, Council on the  
314 Fire Services Board, Virginia  
315 Funeral Directors and Embalmers, Board of  
316 ~~Game and Inland Fisheries, Board of~~  
317 Geology, Board for  
318 Health, State Board of  
319 Health Professions, Board of  
320 Hearing Aid Specialists, Board for  
321 Higher Education, State Council of  
322 Historic Resources, Board of  
323 Housing and Community Development, Board of  
324 Information Management, Council on  
325 Marine Resources Commission  
326 Medical Assistance Services, Board of  
327 Medical Complaint Investigation Committee  
328 Medicine, Board of  
329 Mental Health, Mental Retardation and Substance Abuse Services Board, State  
330 Milk Commission  
331 Mines, Minerals and Energy, Board of Examiners in the Department of  
332 Nursing, Board of  
333 Nursing Home Administrators, Board of  
334 Occupational Therapy, Advisory Board on  
335 Oil and Gas Conservation Board, Virginia  
336 Opticians, Board for  
337 Optometry, Board of  
338 Pesticide Control Board  
339 Pharmacy, Board of  
340 Physical Therapy, Advisory Board on  
341 Port Authority, Board of Commissioners of the Virginia  
342 Professional and Occupational Regulation, Board for  
343 Professional Counselors, Board of  
344 Professional Soil Scientists, Board for  
345 Psychology, Board of  
346 Public Defender Commission  
347 Public School Authority, Virginia  
348 Purchases and Supply Appeals Board  
349 Real Estate Appraiser Board  
350 Real Estate Board  
351 Recreation Specialists, Board of  
352 Rehabilitative Services, Board of  
353 Respiratory Therapy, Advisory Board on  
354 Safety and Health Codes Board  
355 Seed Potato Board  
356 Social Services, Board of  
357 Social Work, Board of  
358 State Health Department Sewage Handling and Disposal Appeal Review Board  
359 Substance Abuse Certification Board  
360 Surface Mining Review, Board of  
361 Treasury Board  
362 Veterans' Affairs, Board on  
363 Veterinary Medicine, Board of  
364 Virginia Board for Asbestos Licensing  
365 Virginia Health Planning Board  
366 Virginia Manufactured Housing Board  
367 Virginia Veterans Care Center Board of Trustees

Virginia Waste Management Board  
 Visually Handicapped, Virginia Board for the  
 Waste Management Facility Operators, Board for  
 Water Control Board, State  
 Waterworks and Wastewater Works Operators, Board for  
 Well Review Board, Virginia  
*Wildlife Resources, Board of*  
 Youth and Family Services, State Board of.

B. Individual members of boards, commissions, committees, councils, and other similar bodies appointed at the state level and receiving compensation for their services on January 1, 1980, but who will not receive compensation under the provisions of this article, shall continue to receive compensation at the January 1, 1980, rate until such member's current term expires.

§ 2.1-41.2. Appointment of agency heads; chief of staff.

Notwithstanding any provision of law to the contrary, the Governor shall appoint the administrative head of each agency of the executive branch of state government except the following: the Executive Director of the Virginia Port Authority, the Director of the State Council of Higher Education for Virginia, the Executive Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Executive Director of the Jamestown-Yorktown Foundation and the Director of the Virginia Retirement System. However, the manner of selection of those heads of agencies chosen by election as of January 1, 1976, or as set forth in the Constitution of Virginia shall continue without change. Each administrative head and Secretary appointed by the Governor pursuant to this section shall be subject to confirmation by the General Assembly, shall have such professional qualifications as may be prescribed by law, and shall serve at the pleasure of the Governor. The chief of staff who may be appointed by the Governor pursuant to § 2.1-38 shall be confirmed by a majority of the members of each house of the General Assembly. For the purpose of this section, "agency" shall include all administrative units established by law or by executive order which are not arms of the legislative or judicial branches of government, which are not educational institutions as classified under §§ 9-84, 22.1-346, 23-14, and 23-252, which are not regional planning districts, regional transportation authorities or districts, or regional sanitation districts and which are not assigned by law to other departments or agencies, not including assignments to secretaries under Chapter 5.1 (§ 2.1-51.7 et seq.) of this title.

§ 2.1-51.9. Agencies for which Secretary of Natural Resources responsible.

The Secretary shall be responsible to the Governor for the following agencies: Department of Conservation and Recreation, Department of Historic Resources, Marine Resources Commission, Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, Chippokes Plantation Farm Foundation, Chesapeake Bay Local Assistance Department, Virginia Museum of Natural History and the Department of Environmental Quality.

The Governor may, by executive order, assign any state executive agency to the Secretary of Natural Resources, or reassign any agency listed above to another secretary.

§ 9-6.25:3. Supervisory boards.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following supervisory boards:

Alcoholic Beverage Control Board  
 Board for Branch Pilots  
 Board of Commissioners, Virginia Port Authority  
 Board of ~~Game and Inland Fisheries~~ *Wildlife Resources*  
 Board of Regents, Gunston Hall Plantation  
 Board of Regents, James Monroe Memorial Law Office and Library  
 Board of Trustees, Chippokes Plantation Farm Foundation  
 Board of Trustees, Frontier Culture Museum of Virginia  
 Board of Trustees, Jamestown-Yorktown Foundation  
 Board of Trustees, the Science Museum of Virginia  
 Board of Trustees, Virginia Museum of Fine Arts  
 Board of Trustees, Virginia Retirement System  
 Board of Trustees, Virginia Veterans Care Center  
 Board of Trustees, Virginia War Memorial Foundation  
 Board of Visitors, Christopher Newport University  
 Board of Visitors, George Mason University  
 Board of Visitors, James Madison University  
 Board of Visitors, Longwood College  
 Board of Visitors, Mary Washington College  
 Board of Visitors, Norfolk State University

- 429 Board of Visitors, Old Dominion University  
 430 Board of Visitors, Radford University  
 431 Board of Visitors, The College of William and Mary in Virginia  
 432 Board of Visitors, University of Virginia  
 433 Board of Visitors, Virginia Commonwealth University  
 434 Board of Visitors, Virginia Military Institute  
 435 Board of Visitors, Virginia Polytechnic Institute and State University  
 436 Board of Visitors, Virginia State University  
 437 Commonwealth's Attorneys' Services Council  
 438 Compensation Board  
 439 Governing Board, Virginia College Building Authority  
 440 Governing Board, Virginia Public School Authority  
 441 State Board for Community Colleges, Virginia Community College System  
 442 State Board of Education  
 443 State Certified Seed Board  
 444 State Council of Higher Education for Virginia  
 445 Virginia Agricultural Council  
 446 Virginia Bright Flue-Cured Tobacco Board  
 447 Virginia Board for People with Disabilities  
 448 Virginia Cattle Industry Board  
 449 Virginia Corn Board  
 450 Virginia Dark-Fired Tobacco Board  
 451 Virginia Egg Board  
 452 Virginia Horse Industry Board  
 453 Virginia Marine Products Board  
 454 Virginia Peanut Board  
 455 Virginia Pork Industry Board  
 456 Virginia Soybean Board  
 457 Virginia State Apple Board  
 458 Virginia Sweet Potato Board.  
 459 § 29.1-100. Definitions.  
 460 As used in this title, or in any of the regulations of the Board, unless the context clearly requires a  
 461 different meaning:  
 462 "Bag or creel limit" means the quantity of game, fish or fur-bearing animals that may be taken,  
 463 caught, or possessed during a period fixed by the Board.  
 464 "Board" means the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources*.  
 465 "Closed season" means that period of time fixed by the Board during which wild animals, birds or  
 466 fish may not be taken, captured, killed, pursued, hunted, trapped or possessed.  
 467 "Department" means the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.  
 468 "Director" means the Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.  
 469 "Fishing" means taking, capturing, killing, or attempting to take, capture or kill any fish in and upon  
 470 the inland waters of this Commonwealth.  
 471 "Fur-bearing animals" includes beaver, bobcat, fox, mink, muskrat, opossum, otter, raccoon, skunk,  
 472 and weasel.  
 473 "Game" means wild animals and wild birds that are commonly hunted for sport or food.  
 474 "Game animals" means deer, bear, rabbit, fox, squirrel, bobcat and raccoon.  
 475 "Game fish" means trout (including all Salmonidae), all of the sunfish family (including largemouth  
 476 bass, smallmouth bass and spotted bass, rock bass, bream, bluegill and crappie), walleye or pike perch,  
 477 white bass, chain pickerel or jackfish, muskellunge, and northern pike, wherever such fish are found in  
 478 the waters of this Commonwealth and rockfish or striped bass where found above tidewaters or in  
 479 streams which are blocked from access from tidewaters by dams.  
 480 "Game warden" means supervising wardens, and regular and special game wardens.  
 481 "Hunting and trapping" includes the act of or the attempted act of taking, hunting, trapping, pursuing,  
 482 chasing, shooting, snaring or netting birds or animals, and assisting any person who is hunting, trapping  
 483 or attempting to do so regardless of whether birds or animals are actually taken; however, when hunting  
 484 and trapping are allowed, reference is made to such acts as being conducted by lawful means and in a  
 485 lawful manner. The Board of Game and Inland Fisheries may authorize by regulation the pursuing or  
 486 chasing of wild birds or wild animals during any closed hunting season where persons have no intent to  
 487 take such birds or animals.  
 488 "Lawful," "by law," or "law" means the statutes of this Commonwealth or regulations adopted by the  
 489 Board which the Director is empowered to enforce.  
 490 "Migratory game birds" means doves, ducks, brant, geese, swan, coot, gallinules, sora and other rails,



snipe, woodcock and other species of birds on which open hunting seasons are set by federal regulations.

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

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

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

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

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

"Regulation" means a regulation duly adopted by the Board pursuant to the authority vested by the provisions of this title.

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

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

§ 29.1-102. Board of Wildlife Resources; how constituted; meetings.

The Commission of Game and Inland Fisheries is continued and shall hereafter be known as the Board of Game and Inland Fisheries *is continued and shall hereafter be known as the Board of Wildlife Resources.*

A. The Board shall consist of not more than one member from each congressional district. Each member of the Board shall be appointed by the Governor, subject to confirmation by the General Assembly. Members shall be appointed for terms of one to four years; however, appointments shall be made in a manner whereby no more than three members shall have terms which expire in the same year. An appointment to fill a vacancy shall be made in the same manner, but only for the unexpired term. No person shall be eligible to serve more than two consecutive four-year terms. Members may be removed from office during their respective terms by the Governor.

B. The Board shall adopt rules and procedures for the conduct of its business.

C. The Board shall elect one of its members as its chairman, who shall preside at all regular and called meetings of the Board.

D. The Board shall meet once every three months beginning July 1 of each year for the transaction of business, and other meetings may be called if necessary. The majority of the members shall constitute a quorum. In the event of unavoidable absence of the chairman, the members present shall designate some other member to act in place of the chairman. Meetings shall be held in Richmond or at such other places within the Commonwealth as may be expedient.

§ 29.1-801. Definitions.

Unless the context otherwise requires, the following words and terms for the purpose of this chapter shall have the following meanings:

"Board" means the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources.*

"Certificate of origin" means the document provided by the manufacturer of a new watercraft, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised new watercraft dealers, and the original purchaser not for resale.

"Department" means the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources.*

"Director" means the director of the Department.

"Distributor" means a person who sells or distributes new watercraft pursuant to a written agreement with the manufacturer, to new watercraft dealers in this Commonwealth.

"Distributor branch" means a branch office maintained by a distributor for the sale of watercraft to watercraft dealers or for directing or supervising, in whole or in part, its representatives in this Commonwealth.

"Distributor representative" means a person employed by a distributor or wholesaler, or by a distributor branch, for the purpose of making or promoting the sale of watercraft dealt in by it or for supervising or contacting its dealers, prospective dealers, or representatives in this Commonwealth.

"Established place of business" means a salesroom in a permanent enclosed building or structure,

552 either owned in fee or leased, at which a permanent business of bartering, trading and selling of  
553 watercraft will be carried on as such in good faith and at which place of business shall be kept and  
554 maintained the books, records and files necessary to conduct the business at such place. It shall not  
555 mean residence, tents, temporary stands or other temporary quarters, nor permanent quarters occupied  
556 pursuant to any temporary arrangement, devoted principally to the business of a watercraft dealer, as  
557 herein defined.

558 "Factory branch" means a branch office, maintained by a person for the sale of watercraft to  
559 distributors or for the sale of watercraft to watercraft dealers, or for directing or supervising, in whole or  
560 in part, its representatives in this Commonwealth.

561 "Factory representative" means a person employed by a person who manufactures or assembles  
562 watercraft or by a factory branch for the purpose of making or promoting the sale of its watercraft or  
563 for supervising or contacting its dealers, prospective dealers, or representatives in this Commonwealth.

564 "Franchise" means a written contract or agreement between two or more persons whereby one  
565 person, the franchisee, is granted the right to engage in the business of offering, selling and servicing  
566 new watercraft manufactured or distributed by the grantor of the right, the franchisor, and where the  
567 operation of the franchisee's business is substantially associated with the franchisor's trademark, trade  
568 name, advertising, or other commercial symbol designating the franchisor, the watercraft or its  
569 manufacturer or distributor.

570 "Manufacturer" means a person engaged in the business of constructing or assembling new  
571 watercraft.

572 "New watercraft" means any watercraft which (i) has not been previously sold except in good faith  
573 for the purpose of resale, (ii) has not been used as a rental or demonstration watercraft, or for the  
574 personal and business transportation of the manufacturer or dealer or any of their employees, or for any  
575 use other than the limited use necessary in testing the watercraft prior to delivery to a customer, (iii) is  
576 transferred by a certificate of origin, and (iv) has the manufacturer's certification that it conforms to all  
577 applicable federal watercraft safety standards.

578 "New watercraft dealer" means a dealer in new watercraft or new and used watercraft.

579 "Person" means any natural person or individual, partnership, firm, association, corporation or other  
580 entity.

581 "Retail installment sale" means and includes every sale of one or more watercraft to a buyer for his  
582 use and not for resale, in which the price thereof is payable in one or more installments over a period of  
583 time and in which the seller has either retained title to the goods or has taken or retained a security  
584 interest in the goods under form of contract designated either as a conditional sale, bailment lease,  
585 chattel mortgage or otherwise.

586 "Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or  
587 otherwise disposing of a watercraft to a buyer for his personal use and not for resale.

588 "Sale at wholesale" or "wholesale" means a sale to watercraft dealers or wholesalers other than to  
589 consumers or a sale to one who intends to resell.

590 "Used watercraft" means any watercraft other than a new watercraft as defined herein.

591 "Used watercraft dealer" means a dealer in used watercraft that does not deal in new watercraft.

592 "Watercraft" means that as defined in § 29.1-712 except that (i) United States naval watercraft, (ii)  
593 watercraft which have a valid marine document issued by the United States Coast Guard, other than  
594 recreational watercraft under seventy feet in length and (iii) watercraft documented outside the United  
595 States shall not be included in such definition for purposes of this chapter.

596 "Watercraft dealer" means any person which:

597 1. For commission, money or other thing of value, buys, sells, exchanges, either outright or on  
598 conditional sale, bailment lease, chattel mortgage or otherwise howsoever, or arranges or offers or  
599 attempts to solicit or negotiate on behalf of others a sale, purchase or exchange of an interest in, new  
600 watercraft or new and used watercraft or used watercraft alone whether or not such watercraft are owned  
601 by such person; or

602 2. Is engaged, wholly or in part, in the business of selling new watercraft or new and used  
603 watercraft, or used watercraft only, whether or not such watercraft are owned by such person; or

604 3. Sells, offers to sell, displays or permits the display for sale, of two or more watercraft, within any  
605 twelve consecutive months.

606 For the purpose of this chapter the term "watercraft dealer" does not include:

607 1. Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting  
608 under judgment or order of any court or their employees when engaged in the specific performance of  
609 their duties as such employees; or

610 2. Public officers, their deputies, assistants or employees, while performing their official duties; or

611 3. Persons, other than corporations or other business entities primarily engaged in the leasing or  
612 renting of watercraft to others, (i) when selling or offering such watercraft for sale at retail, or (ii)  
613 disposing of watercraft acquired for their own use and actually so used, when the same shall have been

so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter; or  
4. Any corporation duly chartered or authorized to do a banking or trust business under the authority of the laws of this Commonwealth, or the United States, which may have received title to a watercraft in the normal course of its business by reason of a foreclosure, other taking, repossession or voluntary reconveyance to said corporation arising or occurring as a result of any loan secured by a lien on said watercraft; or

5. An employee of an organization arranging for the purchase or lease by the organization of watercraft for use in the organization's business; or

6. Any person who permits the operation of a watercraft show or permits the display of watercraft for sale by any watercraft dealer licensed under this chapter; or

7. An insurance company licensed or otherwise authorized to do business in this Commonwealth that sells or disposes of watercraft under a contract with their insured and in the regular course of its business.

"Watercraft salesman" or "salesman" means any person who is employed as a salesman by, or has an agreement with, a watercraft dealer to sell or exchange watercraft.

**"Watercraft show" means a display of watercraft to the general public at a location other than a dealer's location licensed under this chapter where such watercraft may be offered for sale or exchange during or as part of the display.**

**2. That whenever the terms "Board of Game and Inland Fisheries" or "Department of Game and Inland Fisheries" are used in this Code, in any other laws of the Commonwealth, on any posted signs, or in any documents, it shall be taken to mean the "Board of Wildlife Resources" and the "Department of Wildlife Resources," respectively.**