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**SENATE JOINT RESOLUTION NO. 401**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
 (Proposed by the Senate Committee on Rules  
 on February 2, 2007)

(Patrons Prior to Substitute—Senators Hanger and Ticer [SJR 396])

*Continuing the Joint Subcommittee to Study Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open-Space Land and Farmlands. Report.*

WHEREAS, House Joint Resolution No. 133 (2006) and Senate Joint Resolution No. 94 (2006) established the Joint Subcommittee to Study Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open-Space Land and Farmlands; and

WHEREAS, the joint subcommittee met three times in 2006; and

WHEREAS, the joint subcommittee learned that the Commonwealth needs to conserve an additional 308,451 acres in the Chesapeake Bay watershed by January 1, 2010, to meet one of its objectives under the Chesapeake 2000 Agreement; and

WHEREAS, a primary tool in the Commonwealth for land preservation is Virginia's land preservation tax credit; and

WHEREAS, a majority of the 308,451 acres more than likely will be preserved through donations by landowners in exchange for land preservation tax credits; and

WHEREAS, at this juncture it is unclear how many of the 308,451 acres will have to be preserved through acquisition of development rights by state and local governments and other entities; and

WHEREAS, good estimates are not yet available for the average cost per acre to acquire such land; and

WHEREAS, continuing the House Joint Resolution No. 133/ Senate Joint Resolution No. 94 study an additional year will assist in obtaining more reliable estimates for these unknown variables; and

WHEREAS, there is a need for a coordinated plan for the conservation of land outside of the Chesapeake Bay watershed; and

WHEREAS, a cost-sharing arrangement between the Commonwealth and its local governments needs to be developed in order to meaningfully preserve Virginia's agricultural and open-space lands; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Subcommittee to Study Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open-Space Land and Farmlands be continued. The joint subcommittee shall have a total membership of nine members that shall consist of three members of the Senate appointed by the Senate Committee on Rules, and six members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. The current members appointed by the Senate Committee on Rules shall continue to serve until replaced. The current members appointed by the Speaker of the House of Delegates shall be subject to reappointment. Vacancies shall be filled by the original appointing authority. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall review recent funding for the preservation of open-space and other conservation land; the future needs of the Commonwealth for open-space and other conservation land, including but not limited to: working farms and forests, wildlife habitat and gamelands, natural areas, parks, and historic resources; the mix of programs best suited to meet such needs, including but not limited to Purchase of Development Rights programs; the cost of such needs; and long-term funding to pay the costs. In addition, the joint subcommittee shall develop a plan for the sharing of the costs of land preservation among the Commonwealth and its local governments. Further, the joint subcommittee shall identify strategies for increasing land preservation, water supply protection and the availability of large parks to serve Northern Virginia.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2007 interim, and the direct costs of this study shall not exceed \$9,000 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members

60 or a majority of the House members appointed to the joint subcommittee (i) vote against the  
61 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the  
62 joint subcommittee.

63 The joint subcommittee shall complete its meetings by November 30, 2007, and the chairman shall  
64 submit to the Division of Legislative Automated Systems an executive summary of its findings and  
65 recommendations no later than the first day of the 2008 Regular Session of the General Assembly. The  
66 executive summary shall state whether the joint subcommittee intends to submit to the General  
67 Assembly and the Governor a report of its findings and recommendations for publication as a House or  
68 Senate document. The executive summary and report shall be submitted as provided in the procedures of  
69 the Division of Legislative Automated Systems for the processing of legislative documents and reports  
70 and shall be posted on the General Assembly's website.

71 Implementation of this resolution is subject to subsequent approval and certification by the Joint  
72 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or  
73 delay the period for the conduct of the study, or authorize additional meetings during the 2007 interim.