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## HOUSE JOINT RESOLUTION NO. 114

Offered January 9, 2008

Prefiled January 8, 2008

*Establishing a joint subcommittee to study the public's right to float, fish, and navigate the waters of the Commonwealth. Report.*

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 Patron—Lohr
 

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 Referred to Committee on Rules
 

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WHEREAS, Article XI, Section I of the Constitution of Virginia states "(T)o the end that the people have clean air, pure water, and the use and enjoyment for recreation of adequate public lands, waters, and other natural resources, it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources, its public lands, and its historical sites and buildings"; and

WHEREAS, § 28.2-1200 asserts that "the beds of the bays, rivers, creeks and shores of the seas" within the Commonwealth, not conveyed by special grant of the King of England or by the Commonwealth, remain the property of the Commonwealth and "...may be used as a common by all the people of the Commonwealth for the purpose of fishing, fowling, hunting, and taking and catching oysters and other shellfish"; and

WHEREAS, § 62.1-11 states that state waters "are a natural resource which should be regulated by the Commonwealth," thereby charging the Commonwealth with the responsibility to exercise its police powers to "...establish measures to effectuate the proper and comprehensive utilization and protection of such waters"; and

WHEREAS, conflicts have arisen recently as to whether landowners have the exclusive right of fishing on certain Virginia waterways, many of which have been stocked with fish provided by a state agency; and

WHEREAS, such water-use conflicts raise serious legal issues as to the extent of the public's right of access to the waterways of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the public's right to float, fish, and navigate the waters of the Commonwealth. The joint subcommittee shall have a total membership of six legislative members appointed as follows: four members of the House of Delegates to be 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 and two members of the Senate to be appointed by the Senate Committee on Rules. The joint subcommittee shall elect a chairman and vice-chairman from among its membership.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Office of the Attorney General and the Marine Resources Commission. 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 2008 interim, and the direct costs of this study shall not exceed \$6,000 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 House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2008, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2009 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and the report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or

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**59** delay the period for the conduct of the study, or authorize additional meetings during the 2008 interim.  
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