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SENATE BILL NO. 1050

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on February 28, 2009)

(Patron Prior to Substitute—Senator Whipple)

*A BILL to amend and reenact §§ 10.1-546.1 and 10.1-2128.1 of the Code of Virginia, relating to the Virginia Natural Resources Commitment Fund.***Be it enacted by the General Assembly of Virginia:****1. That §§ 10.1-546.1 and 10.1-2128.1 of the Code of Virginia are amended and reenacted as follows:**

§ 10.1-546.1. Delivery of Agricultural Best Management Practices Cost-Share Assistance Program.

Districts shall locally deliver the ~~Commonwealth's~~ Virginia Agricultural Best Management Practices Cost-Share Assistance Program *described under § 10.1-2128.1*, under the direction of the Department, as a means of promoting voluntary adoption of conservation management practices by farmers and land managers in support of the Department's nonpoint source pollution management program.

§ 10.1-2128.1. Virginia Natural Resources Commitment Fund established.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Natural Resources Commitment Fund hereafter referred to as "the Subfund," which shall be a subfund of the Virginia Water Quality Improvement Fund and administered by the Department of Conservation and Recreation. The Subfund shall be established on the books of the Comptroller. All amounts appropriated and such other funds as may be made available to the Subfund from any other source, public or private, shall be paid into the state treasury and credited to the Subfund. Interest earned on moneys in the Subfund shall remain in the Subfund and be credited to it. Any moneys remaining in the Subfund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Subfund. Moneys in the Subfund shall be used *as provided in subsection B* solely for the ~~purposes as described in subsection B~~ Virginia Agricultural Best Management Practices Cost-Share Program administered by the Department of Conservation and Recreation.

B. Beginning on July 1, 2008, and continuing in each subsequent fiscal year until July 1, 2018, out of such amounts as may be appropriated and deposited to the Subfund, distributions shall be made in each fiscal year for the following purposes:

1. ~~Five~~ *Eight* percent of the total amount distributed to the Virginia Agricultural Best Management Practices Cost-Share Program shall be distributed to soil and water conservation districts to provide technical assistance for the implementation of such agricultural best management practices. Each soil and water conservation district in the Commonwealth shall receive a share according to a method employed by the Director of the Department of Conservation and Recreation in consultation with the Virginia Soil and Water Conservation Board, that accounts for the percentage of the available agricultural best management practices funding that will be received by the district from the ~~Virginia Natural Resource Commitment Fund Subfund~~;

2. ~~Fifty-seven~~ *Fifty-five* percent of the total amount distributed to the Virginia Agricultural Best Management Practices Cost-Share Program shall be used for matching grants for agricultural best management practices on lands *in the Commonwealth* exclusively or partly within the Chesapeake Bay watershed; and

3. ~~Thirty-eight~~ *Thirty-seven* percent of the total amount distributed to the Virginia Agricultural Best Management Practices Cost-Share Program shall be used for matching grants for agricultural best management practices on ~~all other~~ lands *in the Commonwealth* exclusively outside of the Chesapeake Bay watershed ~~in the Commonwealth~~.

C. *The Department of Conservation and Recreation, in consultation with stakeholders, including representatives of the agricultural community, the conservation community, and the Soil and Water Conservation Districts, shall determine an annual funding amount for effective Soil and Water Conservation District technical assistance and implementation of agricultural best management practices pursuant to § 10.1-546.1. Pursuant to § 2.2-1504, the Department shall provide to the Governor the annual funding amount needed for each year of the ensuing biennial period. The Department shall report the annual funding amount to the Chairmen of the House Appropriations and Senate Finance Committees by October 15 of each year.*