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HOUSE JOINT RESOLUTION NO. 148

Offered January 22, 1996

Establishing a joint subcommittee to study the creation of a agricultural "bad actor" law.

Patron—Bloxom

Referred to Committee on Rules

WHEREAS, agricultural operations have been identified as a potential source of nutrients and other pollutants to the waters of the Commonwealth; and

WHEREAS, agricultural operations, when conducted properly, can have minimal water quality impacts and may actually serve to improve and protect water quality; and

WHEREAS, agricultural operations, when operated in an improper manner, have a significant adverse impact on water quality; and

WHEREAS, many agricultural operations are properly conducted but others are not; and

WHEREAS, subjecting all agricultural operations to strict regulation may be less useful than developing a mechanism that targets those who are causing pollution problems; and

WHEREAS, there are numerous and conflicting ideas and mechanisms on how best to solve water quality problems associated with agricultural operations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the possibilities of creating an agricultural water quality "bad actor" enforcement program to address agricultural water quality concerns in the Commonwealth. The joint subcommittee shall consider and make recommendations relating, but not limited, to: (i) the extent of water quality impacts from agriculture and the need for a "bad actor" law or some other mechanism to address the problem; (ii) the identification and implementation of appropriate corrective enforcement mechanisms, including appeal procedures and issues related to access to property; (iii) the availability of financial and technical assistance from the private and public sector; (iv) the potential role of Soil and Water Conservation Districts; (v) the needs and capabilities of a state agency or other body to implement a bad actor law; and (vi) a "bad actor" law's relationship to other state and federal programs. The subcommittee shall consider the experience and effectiveness of the state's forestry "bad actor" law (Article 12 of Chapter 11 of Title 10.1), other laws relating to agriculture's impact on water quality which exist in other states, and the National Association of Soil and Water Conservation Districts' "Model Water Quality Act."

The joint study subcommittee shall consist of thirteen members to be appointed as follows: four members of the House, to be appointed by the Speaker of the House; three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; two citizen members representing commercial agricultural producers, appointed from nominations submitted by the Virginia Farm Bureau Federation, one to be appointed by the Speaker and one to be appointed by the Senate Committee on Privileges and Elections; two directors of Soil and Water Conservation Districts from nominations submitted by the Virginia Association of Soil and Water Conservation Districts, one of whom shall be a commercial agricultural producer and one of whom shall be a member of the Virginia Association of Soil and Water Conservation Districts' Executive Committee, one to be appointed by the Speaker of the House, and one by the Senate Committee on Privileges and Elections; and two representatives of the conservation community, one of whom must have scientific experience and one of whom must have legal experience in non-point source water quality issues, from nominations submitted by the Virginia Conservation Network, one to be appointed by the Speaker and one by the Senate Committee on Privileges and Elections. Both livestock and field crop producers shall be represented among the commercial agricultural appointees. The Director of the Department of Conservation and Recreation, the Commissioner of the Department of Agriculture and Consumer Services, the Director of the Chesapeake Bay Local Assistance Department, and the Natural Resources Conservation Service's Virginia State Conservationist shall serve as non-voting ex-officio members.

The direct costs of this study shall not exceed \$ 8,250.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the

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60 study.