

046667404

HOUSE BILL NO. 1142

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact §§ 29.1-573 and 44-146.18:1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 29.1-573.1, relating to nonindigenous aquatic nuisance species.

Patrons—McDonnell, Byron, Frederick, Lingamfelter, Marshall, R.G., McQuigg, Parrish and Wright

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-573 and 44-146.18:1 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 29.1-573.1 as follows:

§ 29.1-573. Department; powers.

A. The Department may conduct operations and measures to suppress, control, eradicate, prevent, or retard the spread of any nonindigenous aquatic nuisance species. *The maximum effort shall be made to utilize the best available scientific technology that is specific to the targeted nonindigenous aquatic nuisance species, environmentally sound, practical, and cost effective.*

B. Such operations and measures shall be conducted subject to the appropriation of general funds authorized for the purpose of suppressing, controlling, eradicating, preventing, or retarding the spread of any nonindigenous aquatic nuisance species, or the receipt of funds designated for this purpose from private entities, local governments, political subdivisions, or federal grants. *If such funds are not available to carry out the purposes of this chapter, then the Secretary of Natural Resources shall seek and accept all possible funds from other sources, including federal, state, local, and private grants, loans, and donations.*

BC. In carrying out its powers, the Department may cooperate with any federal agencies, any agency of an adjacent state, any other state agencies, local governments, political subdivisions, and authorities within the Commonwealth. Other state agencies shall cooperate and provide assistance as requested by the Director in carrying out the purposes of this article.

§ 29.1-573.1. Declaration by Governor.

Whenever the Governor declares, or in the absence of such declaration, the Emergency Management Coordinator determines pursuant to § 44-146.18:2 that the presence of nonindigenous aquatic nuisance species poses an imminent threat to public health, safety, or the environment, then the costs of any control and eradication of the nonindigenous aquatic nuisance species shall be eligible for disbursement or reimbursement from the Virginia Disaster Response Fund established pursuant to § 44-146.18:1.

§ 44-146.18:1. Virginia Disaster Response Funds disbursements; reimbursements.

There is hereby created a nonlapsing revolving fund which shall be maintained as a separate special fund account within the state treasury, and administered by the Coordinator of Emergency Management, consistent with the purposes of this chapter. All expenses, costs, and judgments recovered pursuant to this section, and all moneys received as reimbursement in accordance with applicable provisions of federal law, shall be paid into the fund. Additionally, an annual appropriation to the fund from the general fund or other unrestricted nongeneral fund, in an amount determined by the Governor, may be authorized to carry out the purposes of this chapter. All recoveries from occurrences prior to March 10, 1983, and otherwise qualifying under this section, received subsequent to March 10, 1983, shall be paid into the fund. No moneys shall be credited to the balance in the fund until they have been received by the fund. An accounting of moneys received and disbursed shall be kept and furnished to the Governor or the General Assembly upon request.

Disbursements from the fund may be made for the following purposes and no others:

1. For costs and expenses, including, but not limited to personnel, administrative, and equipment costs and expenses directly incurred by the Department of Emergency Management or by any other state agency or political subdivision or other entity, acting at the direction of the Coordinator of Emergency Management, in and for preventing or alleviating damage, loss, hardship, or suffering caused by emergencies, resource shortages, or natural or man-made disasters; and

2. For procurement, maintenance, and replenishment of materials, equipment, and supplies, in such quantities and at such location as the Coordinator of Emergency Management may deem necessary to protect the public peace, health, and safety and to preserve the lives and property and economic well-being of the people of the Commonwealth; and

3. For costs and expenses incurred by the Department of Emergency Management or by any other

INTRODUCED

HB1142

59 state agency or political subdivision or other entity, acting at the direction of the Coordinator of
60 Emergency Management, in the recovery from the effects of a disaster or in the restoration of public
61 property or facilities; and

62 *4. For costs and expenses necessary to prevent or alleviate damage caused by nonindigenous aquatic*
63 *nuisance species as defined in § 29.1-571 when the presence of such nonindigenous aquatic nuisance*
64 *species poses an imminent threat to public health and safety or the environment.*

65 The Coordinator of Emergency Management shall promptly seek reimbursement from any person
66 causing or contributing to an emergency or disaster for all sums disbursed from the fund for the
67 protection, relief and recovery from loss or damage caused by such person. In the event a request for
68 reimbursement is not paid within ~~sixty~~60 days of receipt of a written demand, the claim shall be referred
69 to the Attorney General for collection. The Coordinator of Emergency Management shall be allowed to
70 recover all legal and court costs and other expenses incident to such actions for collection. The
71 Coordinator is authorized to recover any sums incurred by any other state agency or political subdivision
72 acting at the direction of the Coordinator as provided in this paragraph.