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HOUSE BILL NO. 1549

Offered January 18, 2008

A *BILL to amend and reenact §§ 4.1-103 and 10.1-1422.01 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-1422.7, relating to recycling of glass containers by on-premises licensees.*

 Patron—Cosgrove

 Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-103 and 10.1-1422.01 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-1422.7 as follows:

§ 4.1-103. General powers of Board.

The Board shall have the power to:

1. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;

2. Buy and sell any mixers;

3. Control the possession, sale, transportation and delivery of alcoholic beverages;

4. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;

5. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;

6. Lease, occupy and improve any land or building required for the purposes of this title;

7. Purchase or otherwise acquire title to any land or building required for the purposes of this title and sell and convey the same by proper deed, with the consent of the Governor;

8. Purchase, lease or acquire the use of, by any manner, any plant or equipment which may be considered necessary or useful in carrying into effect the purposes of this title, including rectifying, blending and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;

9. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon;

10. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;

11. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and make summary decisions, subject to final decision by the Board, on application of any party aggrieved;

12. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

13. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111 of this chapter;

14. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

15. Assess and collect civil penalties and civil charges for violations of this title and Board regulations;

16. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

17. Establish minimum food sale requirements for all retail licensees; ~~and~~

18. Do all acts necessary or advisable to carry out the purposes of this title; ~~and~~

19. *Enforce the provisions of § 10.1-1422.7.*

§ 10.1-1422.01. Litter Control and Recycling Fund established; use of moneys; purpose of Fund.

INTRODUCED

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59 A. All moneys collected from the taxes imposed under §§ 58.1-1700 through 58.1-1710 and by the
60 taxes increased by Chapter 616 of the 1977 Acts of Assembly, *and civil penalties imposed pursuant to*
61 *§ 10.1-1422.7*, shall be paid into the treasury and credited to a special nonreverting fund known as the
62 Litter Control and Recycling Fund, which is hereby established. The Fund shall be established on the
63 books of the Comptroller. Any moneys remaining in the Fund shall not revert to the general fund but
64 shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it.
65 The Director is authorized to release money from the Fund on warrants issued by the Comptroller after
66 receiving and considering the recommendations of the Advisory Board for the purposes enumerated in
67 subsection B of this section.

68 B. Moneys from the Fund shall be expended, according to the allocation formula established in
69 subsection C of this section, for the following purposes:

70 1. Local litter prevention and recycling grants to localities that meet the criteria established in
71 § 10.1-1422.04;

72 2. Litter prevention and recycling grants to localities and nonprofit entities meeting the criteria
73 established in § 10.1-1422.05; and

74 3. Payment to (i) the Department to process the grants authorized by this article and (ii) the actual
75 administrative costs of the Advisory Board. The Director shall assign one person in the Department to
76 serve as a contact for persons interested in the Fund.

77 C. All moneys deposited into the Fund shall be expended pursuant to the following allocation
78 formula:

79 1. Ninety percent for grants made to localities pursuant to subdivision B 1 of this section;

80 2. Five percent for litter prevention and recycling grants made pursuant to subdivision B 2 of this
81 section; and

82 3. Up to a maximum of 5% for the actual administrative expenditures authorized pursuant to
83 subdivision B 3 of this section.

84 *§ 10.1-1422.7. On-premises licensees to recycle glass containers; civil penalty.*

85 A. *Every retail on-premises licensee of the Virginia Alcoholic Beverage Control Board, located in a*
86 *county, city, or town whose jurisdictional limits are within 50 miles of a recycling facility or center,*
87 *shall recycle all glass waste that is generated by the business. The glass waste shall be recycled as*
88 *required by local recycling ordinances or regulations, or in the event that no local ordinance or*
89 *regulation exist, as provided for by industry practices.*

90 B. *Any person who violates this section shall be assessed a civil penalty of \$50 by the Virginia*
91 *Alcoholic Control Board. Each day of violation shall constitute a separate offense. Any civil penalty*
92 *assessed pursuant to this section shall be deposited in the Litter Control and Recycling Fund established*
93 *in § 10.1-1422.01.*

94 C. *The Department shall cooperate with and assist the Virginia Alcoholic Beverage Control Board in*
95 *carrying out the provisions of this section.*