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SENATE BILL NO. 1107

Senate Amendments in [] - February 5, 2015

A *BILL to amend and reenact § 10.1-1422.01 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 10.1-1415.3, and to repeal § 29.1-556.1 of the Code of Virginia, relating to release of balloons; penalty.*

Patron Prior to Engrossment—Senator McWaters

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1422.01 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-1415.3 as follows:

§ 10.1-1415.3. Release of certain balloons prohibited; civil penalty.

A. No person [over the age of 18] shall intentionally release or cause to be released into the atmosphere any balloon that (i) is inflated with a substance lighter than air and (ii) requires more than five minutes contact with air or water to degrade. Any person who violates this section shall be liable for a civil penalty not to exceed \$5 per balloon released, which shall be paid into the Litter Control and Recycling Fund established pursuant to § 10.1-1422.01. [Police officers of the Department of State Police and all other law-enforcement officers shall enforce the provisions of this section.]

B. The provisions of this section shall not apply to (i) balloons released by or on behalf of any agency of the Commonwealth or the United States or pursuant to a contract with the Commonwealth, the United States, or any other state, territory, or government for scientific or meteorological purposes or (ii) hot air balloons that are recovered after launch.

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

A. All moneys collected from civil penalties imposed under § 10.1-1415.3, the taxes imposed under §§ 58.1-1700 through 58.1-1710, and by the taxes increased by Chapter 616 of the 1977 Acts of Assembly, shall be paid into the treasury and credited to a special nonreverting fund known as the Litter Control and Recycling Fund, which is hereby established. The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund shall not revert to the general fund but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it. The Director is authorized to release money from the Fund on warrants issued by the Comptroller after receiving and considering the recommendations of the Advisory Board for the purposes enumerated in subsection B of this section.

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

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

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

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

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

2. Up to a maximum of 5% for the actual administrative expenditures authorized pursuant to subdivision B 2 of this section.

2. That § 29.1-556.1 of the Code of Virginia is repealed.

ENGROSSED

SB1107E