

15103497D

SENATE BILL NO. 1146

Offered January 14, 2015

Prefiled January 13, 2015

A *BILL to amend the Code of Virginia by adding in Chapter 3.1 of Title 62.1 an article numbered 2.6, consisting of sections numbered 62.1-44.15:80, 62.1-44.15:81, and 62.1-44.15:82, relating to the Virginia Vegetation Program.*

 Patron—Stuart

 Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 3.1 of Title 62.1 an article numbered 2.6, consisting of sections numbered 62.1-44.15:80, 62.1-44.15:81, and 62.1-44.15:82, as follows:

*Article 2.6.**Virginia Vegetation Program.***§ 62.1-44.15:80. Definitions.**

As used in this article, unless the context requires a different meaning:

"Department" means the Department of Environmental Quality.

"Program volunteer" means any group, organization, business, or individual assigned a stormwater management basin in which to plant vegetation in accordance with this article, or a representative of such group, organization, or business or designee of such individual.

"Stormwater management basin" means an excavation or embankment and related areas designed to retain stormwater runoff, including a detention or infiltration basin that is normally dry, a retention basin that retains water in a permanent pool, and an area of constructed wetlands that is planted mainly with wetland vegetation.

"Vegetation" means any noninvasive plant native to Virginia.

§ 62.1-44.15:81. Virginia Vegetation Program established.

A. The Department shall establish the Virginia Vegetation Program to use volunteer labor in a cooperative effort with local government to plant and maintain vegetation on certain lands throughout the Commonwealth.

B. The Department shall (i) establish criteria for the planting of vegetation on unimproved lands owned, operated, or managed by the Virginia Department of Transportation or on stormwater management basins located on Commonwealth-owned lands; (ii) develop a packet of information and instructions and, within the limits of funds made available therefor, provide seeds and other planting materials for use by program volunteers in planting vegetation in accordance with this article; (iii) coordinate with program volunteers and appropriate local government officials in arranging for the planting of vegetation; and (iv) create and maintain a list of sites where such planting of vegetation would be beneficial and feasible.

C. The Department may, in consultation with the Department of Education and citizen, educational, and environmental groups, prepare educational materials on the decline in wildlife populations, including butterfly populations, and the ways in which all residents can create and conserve wildlife habitats, and distribute these educational materials to school districts and public interest organizations.

D. The Department may charge each program volunteer a reasonable fee to cover the reasonable costs of any information and instruction packets and seeds and other planting materials distributed. The Department is authorized to accept donations of funds, supplies, or services for use in the Virginia Vegetation Program.

§ 62.1-44.15:82. Operation of program.

A. Any group, organization, business, or individual interested in participating in the Virginia Vegetation Program by planting vegetation in accordance with this article shall notify the Department. Such notification may include a request to plant vegetation, if possible, upon a specified site. Upon receipt of a notification of interest, the Department shall (i) assign to the group, organization, business, or individual an appropriate planting site, either (a) a site on unimproved lands owned, operated, or managed by the Virginia Department of Transportation or (b) a stormwater management basin on Commonwealth-owned lands, and (ii) notify the group, organization, business, or individual of that assignment and provide the packet of information and instructions required pursuant to subsection B of § 62.1-44.15:81.

B. Upon receipt from the Department of notification of its assigned planting site, the program

INTRODUCED

SB1146

59 *volunteer or a representative of the volunteering group, organization, or business shall notify the clerk*
60 *of the locality in which the site is located so that the locality will be aware of the program volunteer's*
61 *activities and may, at its discretion, provide assistance. If the planting site owned, operated, or managed*
62 *by the Virginia Department of Transportation, the volunteer or representative shall also notify the*
63 *Virginia Department of Transportation.*

64 *C. No department, agency, institution, board, commission, officer, agent, or employee of the*
65 *Commonwealth, or of any locality, shall be liable to any person for any injury or damages that may be*
66 *caused or sustained by a program volunteer while planting vegetation in an assigned planting site. As a*
67 *condition of participating in the program, a prospective program volunteer shall sign a waiver releasing*
68 *the Department, the Commonwealth, and any other appropriate governmental entity, and all employees*
69 *thereof, from liability for any injury or damages that may be caused or sustained by that volunteer*
70 *while planting vegetation in an assigned planting site.*

71 *D. No program volunteer shall be considered an employee for purposes of the Virginia Tort Claims*
72 *Act, Article 18.1 (§ 8.01-195.1 et seq.) of Chapter 3 of Title 8.01, or otherwise be accorded any of the*
73 *protections set forth therein.*