

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 385

An Act to amend and reenact §§ 2.2-2667 and 2.2-2668 of the Code of Virginia, relating to the Virginia Recycling Markets Development Council.

[S 12]

Approved April 12, 2004

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2667 and 2.2-2668 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2667. The Virginia Recycling Markets Development Council; membership; meetings; staff.

A. The Virginia Recycling Markets Development Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The Council shall be composed of ~~nineteen~~ 20 members as follows: the Directors, or a policy-making designee, of the Departments of ~~Economic Development~~ Business Assistance, Environmental Quality, General Services and Transportation, *who shall serve ex officio with voting privileges*; and ~~fifteen~~ 16 nonlegislative citizen members appointed by the Governor. The nonlegislative citizen members shall be appointed from among residents of the Commonwealth who are knowledgeable about recycling and the development of markets for recyclable materials. ~~Of the fifteen citizen members, and shall be comprised of:~~ one member shall be a representative of representing county governments selected from appointed following the consideration of nominations, if any, submitted by the Virginia Association of Counties; one member representing municipal government selected from governments appointed following the consideration of nominations, if any, submitted by the Virginia Municipal League; one member representing urban Planning District Commissions and one member representing rural Planning District Commissions selected from appointed following the consideration of nominations, if any, submitted from by the Association of Planning Districts; one member from the general public; and one representative each, selected from appointed following the consideration of nominations, if any, submitted by recognized industry associations representing solid waste collection and disposal, recycling, glass, paper, aluminum, plastic, tire, oil, scrap metal, *electronics*, and organic waste.

B. Citizen members of the Council shall serve four-year terms. ~~However, for the terms of the fifteen citizen members to be appointed July 1, 2001, eight shall be appointed for four-year terms and seven shall be appointed for two-year terms. Thereafter, all appointments shall be for terms of four years, except that Directors and their policy designees shall serve terms coincident with the terms of office of the director.~~ Appointments to fill vacancies shall be for the unexpired terms. *All members may be reappointed. However, no citizen member of the Council shall be eligible to serve more than two consecutive four-year terms. The remainder of any term to which a citizen member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.*

Notwithstanding any provision to the contrary, citizen members of the Council shall not receive expenses as defined in § 2.2-2813 and shall serve without compensation.

C. The Council shall elect a chairman and ~~vice-chairman~~ vice chairman annually from among its members. The Council shall meet at least quarterly on such dates and at such times as they determine. A majority of the appointed members of the Council shall constitute a quorum.

D. Staff support shall be provided by the members of the Council.

§ 2.2-2668. Powers and duties of Council.

A. The Council shall have the power and duty to:

1. ~~Promote and coordinate state agencies' and authorities' efforts to enhance~~ *Upon request, assist local governments, regional authorities and agencies of the Commonwealth in meeting recycling mandates established under state law and identify markets for recycled or recovered materials collected or generated by local governments, regional authorities or agencies of the Commonwealth;*

2. ~~Promote the purchase of products made from recycled or recovered material;~~

3. ~~2. Identify and evaluate financial and other incentives existing or proposed state statutes, policies, regulations, and procedures that may attract or deter new businesses or the expansion or retention of existing businesses that can use recycled or recovered materials generated in Virginia;~~

4. ~~Identify the Commonwealth or that may create barriers to the development of markets for or the reuse of recycled materials including existing state policies, regulations and procedures, and recommend alternatives to overcome such obstacles;~~

5. ~~Develop recommendations for the establishment of a regional or interstate marketing system for recycled materials;~~

6. ~~Encourage the use of uniform recycling definitions and standards throughout the state;~~

7. ~~Promote and encourage public/private market development initiatives;~~

8. Report annually its findings and recommendations to the Governor and the General Assembly; and

9. Determine the volume of materials by varying categories or commodities that is being recycled in the Commonwealth and to report its findings in its annual report. The Council shall investigate the frequency of situations in which, because of market conditions or other factors, materials collected for recycling are otherwise disposed of, and determine measures to avoid the recurrence of such situations. The Department of Environmental Quality shall provide staff to the Council for the purposes of this subdivision and shall cooperate with the Council in the preparation of the report.

B. The Council shall develop and monitor the implementation of a plan to strengthen Virginia's recycling infrastructure and markets that will (i) improve the supply and quantity of recyclables available; (ii) expand the capacity of collectors, processors and manufacturers to handle and use secondary materials; and (iii) incorporate strategies to increase the use of specific materials: *collected by or on behalf of local governments and regional authorities;*

3. *Facilitate access to markets for recycled or recovered materials collected by local governments, authorities, businesses, and residents of the Commonwealth;*

4. *Develop, update annually, and implement a plan to fulfill its powers and duties; and*

5. *Upon request of the Governor, resolution of the General Assembly, a standing or joint study committee, the Secretary of Natural Resources, or the Department of Environmental Quality, report its findings and recommendations as directed.*

2. That all current members of the Virginia Recycling Markets Development Council shall complete their current terms and shall be eligible, if reappointed, to the full number of terms provided by this act regardless of prior service.