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HOUSE BILL NO. 2344

Offered January 12, 2011

Prefiled January 12, 2011

A BILL to amend and reenact § 10.1-1422.01 and to amend the Code of Virginia by adding a section numbered 10.1-1415.3, relating to the disposal of cigarette butts; civil penalty.

Patron—Morrissey

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1422.01 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. Disposal of cigarette butts; civil penalty.

No person shall improperly dispose of cigarette butts on public property, including a public highway, right-of-way, or property adjacent to such highway or right-of-way, or on private property without the consent of the owner of such property. Any person in violation of this section may be assessed a civil penalty of \$100 for each improperly disposed of cigarette butt. The provisions of this section shall be enforced as provided for in § 10.1-1417. All civil penalties imposed under this section shall be deposited in the Litter Control and Recycling Fund established in § 10.1-1422.01.

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

A. All moneys collected from 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, *and from civil penalties assessed pursuant to § 10.1-1415.3* 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.

INTRODUCED

HB2344