

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 798

An Act to amend the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8, 2.2-2699.9, and 2.2-2699.10, relating to Plastic Waste Prevention Advisory Council.

[H 1354]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8, 2.2-2699.9, and 2.2-2699.10, as follows:

Article 36.

Plastic Waste Prevention Advisory Council.

§ 2.2-2699.8. Plastic Waste Prevention Advisory Council; purpose; membership; compensation; chairman.

A. The Plastic Waste Prevention Advisory Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council is to advise the Governor on policy and funding priorities to eliminate plastic waste impacting native species and polluting the Commonwealth's environment and to contribute to achieving plastics packaging circular economy industry standards.

B. The Council shall have a total membership of 10 members that shall consist of two legislative members, four nonlegislative citizen members, and four ex officio members. Members shall be appointed as follows: the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources, or their designees, and four nonlegislative citizen members to be appointed by the Governor, subject to confirmation by the General Assembly. The Director of the Department of Environmental Quality or his designee, the State Health Commissioner or his designee, and the presidents of the Virginia Chamber of Commerce and the Virginia Manufacturers Association or their designees shall serve ex officio with voting privileges. Nonlegislative citizen members of the Council shall be citizens of the Commonwealth.

Legislative members and ex officio members of the Council shall serve terms coincident with their terms of office. Gubernatorial appointees shall serve for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

No nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members shall serve without compensation. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of legislative members shall be provided by the operating budgets of the Clerk of the House of Delegates and the Clerk of the Senate upon approval of the Joint Rules Committee. Funding for the costs of expenses of the nonlegislative citizen members and all other expenses of the Council shall be provided by the Office of the Secretary of Natural Resources.

D. The Council shall elect a chairman and a vice-chairman annually from among its membership. A majority of the members shall constitute a quorum. The meetings of the Council shall be held at the call of the chairman or whenever the majority of the members so request.

E. The Department of Environmental Quality shall provide staff support to the Council. All agencies of the Commonwealth shall provide assistance to the Council, upon request.

§ 2.2-2699.9. Powers and duties of the Council.

The Council shall have the power and duty to:

1. Study all aspects of plastic pollution problems in the Commonwealth with the mission of (i) eliminating plastic waste that impacts native species and pollutes the Commonwealth's environment and (ii) contributing to the achievement of plastics packaging circular economy industry standards;

2. Obtain from other federal, state, or local agencies any relevant data on plastic pollution and any associated costs of cleanup as it relates to eliminating plastic waste;

3. Perform any relevant analysis and develop a plan or recommendations as appropriate for the legislature, localities, or any other stakeholder;

4. Coordinate the legislative recommendations of all other state entities having responsibilities with respect to plastic pollution issues; and

5. Submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Council no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 2.2-2699.10. Sunset.

This article shall expire on June 30, 2023.

2. That the Plastic Waste Prevention Advisory Council shall submit to the Governor and the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources an initial report that provides recommendations on legislation to accelerate the elimination of plastic bags and polystyrene packaging used or sold in the Commonwealth no later than November 1, 2020.