

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 10.1-1424.4, relating to Oyster*
3 *Shell Waste Diversion Fund created.*

4 [S 997]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 10.1-1424.4 as follows:**8 **§ 10.1-1424.4. Oyster Shell Waste Diversion Fund.**

9 *A. There is hereby created in the state treasury a special nonreverting fund to be known as the*
10 *Oyster Shell Waste Diversion Fund, referred to in this section as "the Fund." The Fund shall be*
11 *established on the books of the Comptroller. All funds appropriated for such purpose and any gifts,*
12 *donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury*
13 *and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be*
14 *credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal*
15 *year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be*
16 *used solely for the purposes of promoting the diversion of oyster shells from landfills and promoting the*
17 *beneficial reuse of such shells in oyster restoration activities by means of the expenditures in subsection*
18 *C. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants*
19 *issued by the Comptroller upon written request signed by the Director.*

20 *B. The Fund shall be administered by the Department, which shall be authorized to contract with an*
21 *entity that is exempt from taxation pursuant to § 501(c)(3) of the Internal Revenue Code and is engaged*
22 *in oyster restoration activities to manage Fund operations consistent with the purposes of the Fund.*

23 *C. Moneys from the Fund shall be expended for the following purposes:*

24 *1. Providing grants to any person who donates oyster shells for use in oyster restoration projects,*
25 *including planting and replanting with seed oysters, oyster shells, or other material that will catch,*
26 *support, and grow oyster populations, when such shells are donated to an entity that is exempt from*
27 *taxation pursuant to § 501(c)(3) of the Internal Revenue Code and is engaged in oyster restoration*
28 *activities. Such grants may be awarded in an amount equal to \$4 per bushel of oyster shells, as*
29 *described in § 28.2-526, donated during a calendar year but not to exceed an aggregate grant of \$1,500*
30 *for all such donations made by any person during such year. The aggregate amount of grants available*
31 *under this section for each calendar year shall not exceed \$250,000;*

32 *2. Providing grants for the establishment, maintenance, management, and operation of oyster shell*
33 *recycling collection bins;*

34 *3. Paying the costs of managing the Fund activities as incurred by a nonprofit entity pursuant to*
35 *subsection B, provided that such costs shall not exceed eight percent of any annual appropriation to the*
36 *Fund.*

ENROLLED

SB997ER