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HOUSE BILL NO. 2813

Offered January 19, 2001

A BILL to amend and reenact § 9-383 of the Code of Virginia, relating to the Tobacco Indemnification and Community Revitalization Commission; dispute resolution.

Patrons—Tate, Clement, Johnson, Phillips and Stump

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 9-383 of the Code of Virginia is amended and reenacted as follows:

§ 9-383. Powers and duties of the Commission.

A. The Commission is hereby granted, shall have, and may exercise all powers necessary or appropriate to carry out and effectuate its corporate purposes, including, without limitation, the following:

1. To adopt, use, and alter at will an official seal;
2. To make bylaws for the management and regulation of its affairs;
3. To maintain an office at such place or places within this Commonwealth as it may designate;
4. To accept, hold, and administer moneys, grants, securities, or other property transferred, given, or bequeathed to the Commission, absolutely or in trust, for the purposes for which the Commission is created;

5. To determine how moneys in the Fund are to be distributed and to authorize distribution of moneys in the Fund for the purposes set forth in this chapter;

6. To make and execute contracts and all other instruments and agreements necessary or convenient for the exercise of its powers and functions;

7. To invest its funds as provided in this chapter or permitted by applicable law; and

8. To do any lawful act necessary or appropriate to carry out the powers herein granted or reasonably implied, including use of whatever lawful means may be necessary and appropriate to recover any payments wrongfully made from the Fund.

B. The Commission shall cause moneys in the Fund to be distributed as follows:

1. To cause payment to be made to tobacco farmers in the Commonwealth for the decline or elimination of tobacco quota based on averaging the basic burley and flue-cured quota as allocated by the USDA for the crop years 1995 through 1998. To the extent such tobacco farmers are not otherwise compensated by a national tobacco community trust fund and to the extent moneys are available in the Fund, the Commission shall cause compensation to be paid to such tobacco farmers in an amount equal to the total lost asset value in quota incurred annually by such tobacco farmers. To the extent an active tobacco producer is not otherwise compensated by a national tobacco community trust fund and to the extent moneys are available in the Fund, the Commission shall also cause compensation to be paid to an active tobacco producer for the economic loss resulting from any annual quota reduction. The total asset loss value in quota and economic losses for active tobacco producers in Virginia is estimated to be \$1.2 billion. The Commission shall establish criteria for determining economic loss resulting from any annual quota reduction. When establishing such criteria, the Commission shall consider any similar criteria established pursuant to creation of a national tobacco community trust fund; and

2. To promote economic growth and development in tobacco dependent communities in an equitable manner throughout the southside and southwest regions of the Commonwealth, in order to assist such communities in reducing their dependency on tobacco and tobacco-related business.

C. The Commission shall develop an administrative process for resolving (i) errors or omissions regarding any payments made to tobacco farmers pursuant to subsection B and (ii) disputes regarding such payments between quota holders, growers, and sharecroppers.

D. The Commission shall undertake studies and gather information and data in order to determine (i) the economic consequences of the reduction in or elimination of quota for tobacco growers, (ii) the potential for alternative cash crops, and (iii) any other matters the Commission believes will affect tobacco growers in the Commonwealth.

INTRODUCED

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