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HOUSE BILL NO. 1543

Offered January 14, 2015

Prefiled January 6, 2015

A *BILL to amend the Code of Virginia by adding sections numbered 3.2-3103.1 and 3.2-3103.2 and by adding in Title 30 a chapter numbered 57, consisting of sections numbered 30-359 through 30-362, relating to projects of the Tobacco Indemnification and Community Revitalization Commission and establishing the Tobacco Funds Expenditure Review Commission to review such projects.*

Patron—Lingamfelter

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 3.2-3103.1 and 3.2-3103.2 and by adding in Title 30 a chapter numbered 57, consisting of sections numbered 30-359 through 30-362, as follows:

§ 3.2-3103.1. Commission to report on future projects.

A. Each year by October 1 the Commission shall submit to the Tobacco Funds Expenditure Review Commission established under Chapter 57 (§ 30-359 et seq.) of Title 30 a written report of all projects for which the Commission anticipates that it will expend, obligate, or otherwise encumber at least \$1 million. The report shall include only those projects that the Commission plans to commence or undertake beginning in the immediately following calendar year. For each project included in the report, the Commission shall include (i) a detailed description of the project, (ii) the purpose of the project, (iii) an explanation of how the project relates to the duties and responsibilities of the Commission, (iv) the anticipated total cost of the project, (v) all anticipated sources of funding for the project, (vi) if applicable, the assumed return on investment from the project, and (vii) the location of the project.

B. 1. All related projects shall be reported as a single project on the report.

2. The report shall not include day-to-day operating expenses of the Commission.

C. The Commission shall not in any way undertake or commit to undertake any project included in the report required under subsection A (i) unless it has received notice under § 30-360 that the project will not be reviewed by the Tobacco Funds Expenditure Review Commission or (ii) until the expiration of the 45-day period for reviewing the project pursuant to § 30-360.

§ 3.2-3103.2. Prohibition on pledging Commonwealth funds.

Neither the Commission nor any member, employee, contractor, affiliate, or agent thereof shall promise, negotiate, or pledge, whether conditionally or unconditionally or directly or indirectly, any moneys from the state treasury to any project or purpose unless the General Assembly has appropriated such moneys to the project or purpose. This prohibition shall not apply to any moneys deposited into the Tobacco Indemnification and Community Revitalization Fund established under § 3.2-3106.

CHAPTER 57.**TOBACCO FUNDS EXPENDITURE REVIEW COMMISSION.**

§ 30-359. Tobacco Funds Expenditure Review Commission; purpose; membership; terms; compensation and expenses.

A. As used in this chapter, "Commission" means the Tobacco Funds Expenditure Review Commission.

B. The Commission is established as an advisory commission in the legislative branch of state government. The purpose of the Commission is to review Tobacco Indemnification and Community Revitalization Commission projects of \$1 million or more as identified in the annual report required under § 3.2-3103.1.

C. The Commission shall consist of nine members as follows: the chair of the House Committee on Appropriations, or his designee, and four members of the House Committee on Appropriations appointed by the chair and the chair of the Senate Committee on Finance, or his designee, and two members of the Senate Committee on Finance appointed by the chair. In addition, the Auditor of Public Accounts shall serve as an ex officio, nonvoting member of the Commission.

D. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms shall be filled in the same manner as the original appointments.

E. The members of the Commission shall elect a chairman and vice-chairman annually. A majority of the voting members of the Commission shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

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59 *F. Members of the Commission shall receive such compensation and reimbursement of expenses as*
60 *provided in the general appropriation act.*

61 **§ 30-360. Review of Tobacco Indemnification and Community Revitalization Commission projects.**

62 *A. Within 10 days of receipt of the projects report required under § 3.2-3103.1, the Commission shall*
63 *determine which, if any, of the projects listed on the report that it has elected to review and shall notify*
64 *the Tobacco Indemnification and Community Revitalization Commission of the projects that will and will*
65 *not be reviewed. For those projects reviewed, the Commission shall provide its findings and*
66 *recommendations to the Tobacco Indemnification and Community Revitalization Commission within 45*
67 *days of receipt of the projects report. If no findings or recommendations are provided by the*
68 *Commission, the Commission shall be deemed to have no findings or recommendations. The Tobacco*
69 *Indemnification and Community Revitalization Commission shall provide any additional information*
70 *regarding a project under review upon the request of the Commission, provided that such information is*
71 *available or can be obtained.*

72 *B. Findings and recommendations of the Commission may include conclusions relating to (i) whether*
73 *matching funds from sources other than the Tobacco Indemnification and Community Revitalization*
74 *Fund established under § 3.2-3106 are appropriate for the particular project, (ii) an analysis of the*
75 *potential financial impact of the project, and (iii) a review of the policy aspects of the project. Review*
76 *by the Commission shall not be construed to constitute approval of any appropriations necessary to*
77 *implement any portion of the project.*

78 *C. Findings and recommendations of the Commission shall require an affirmative vote by three of*
79 *the five members from the House Committee on Appropriations and two of the three members from the*
80 *Senate Committee on Finance.*

81 **§ 30-361. Confidentiality of certain records submitted to the Commission.**

82 *Records and information afforded protection under § 3.2-3111 that are required to be provided to*
83 *the Commission shall continue to be protected from disclosure when in the possession of the*
84 *Commission.*

85 **§ 30-362. Staff; cooperation from other state agencies.**

86 *Administrative staff support shall be provided by the staffs of the House Committee on*
87 *Appropriations and the Senate Committee on Finance. Additional assistance as needed shall be provided*
88 *by the Virginia Economic Development Authority.*