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SENATE BILL NO. 1173

Offered January 13, 2021

Prefiled January 8, 2021

A *BILL to amend and reenact §§ 3.2-3100 and 3.2-3102 of the Code of Virginia, relating to Tobacco Region Revitalization Commission; membership.*

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Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-3100 and 3.2-3102 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-3100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Active tobacco producer" means a person actively engaged in planting, growing, harvesting, and marketing of flue-cured or burley tobacco, or who shares in the variable expenses of producing the crop.

"Agreement" means the agreement or agreements between the Commonwealth, as seller of the Tobacco Assets, and the Corporation, as purchaser of the Tobacco Assets. The sale by the Commonwealth of the Tobacco Assets pursuant to any such agreement shall be a true sale and not a borrowing.

"Commission" means the Tobacco Region Revitalization Commission created pursuant to § 3.2-3101.

"Commission Allocation" means 50 percent of the annual amount received under the Master Settlement Agreement by the Commonwealth, or that would have been received but for a sale of such allocation pursuant to an agreement, between the commencing and ending dates specified in the agreement.

"Corporation" means the Tobacco Settlement Financing Corporation as created under state law.

"Endowment" means the Tobacco Indemnification and Community Revitalization Endowment established pursuant to § 3.2-3104.

"Fund" means the Tobacco Indemnification and Community Revitalization Fund established pursuant to § 3.2-3106.

"Master Settlement Agreement" means the settlement agreement and related documents between the Commonwealth and leading United States tobacco product manufacturers dated November 23, 1998, and including the Consent Decree and Final Judgment entered in the Circuit Court of the City of Richmond on February 23, 1999, Chancery Number HJ-2241-4.

"Period of sale" means the time during which a purchaser under an agreement is entitled to receive the Commission Allocation.

"Strategic Plan" means the strategic plan required pursuant to subsection C of § 3.2-3103.

"Tobacco Assets" means all right, title, and interest in and to the portion of the Commission Allocation that may be sold to the Corporation.

"Tobacco Region" means the following jurisdictions:

The Counties of Amelia, Appomattox, Bedford, Bland, Brunswick, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Cumberland, Dickenson, Dinwiddie, Floyd, Franklin, Grayson, Greenville, Halifax, Henry, Lee, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Prince Edward, Russell, Scott, Smyth, Sussex, Tazewell, Washington, Wise, and Wythe, and the Cities of Bristol, Danville, Emporia, Galax, Martinsville, and Norton.

§ 3.2-3102. Membership; terms; vacancies; compensation and expenses; chairman; chairman's executive summary.

A. The Commission shall be composed of 28 members as follows:

1. Six members of the House of Delegates, *each of whom shall represent a district with at least 25 percent of its population residing within the Tobacco Region*, appointed by the Speaker of the House of Delegates;

2. Four members of the Senate, *each of whom shall represent a district with at least 25 percent of its population residing within the Tobacco Region*, appointed by the Senate Committee on Rules;

3. The Secretary of Commerce and Trade or his designee;

4. The Secretary of Finance or his designee;

5. The Secretary of Agriculture and Forestry or his designee;

6. Five nonlegislative citizen members who shall be active flue-cured or burley tobacco producers or active farmers appointed by the Governor from a list of seven persons provided by the members of the General Assembly appointed to the Commission. Three of the tobacco producers or active farmers shall

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59 reside in the Southside region and two shall reside in the Southwest region;

60 7. One nonlegislative citizen member who shall be a representative of the Virginia Farm Bureau
61 Federation appointed by the Governor from a list of at least three persons provided by Virginia Farm
62 Bureau Federation; and

63 8. Nine members shall be nonlegislative citizens appointed by the Governor. Of the nine
64 nonlegislative citizen members, three shall be appointed by the Governor from a list of six provided by
65 the members of the General Assembly appointed to the Commission.

66 With the exception of the Secretary of Commerce and Trade or his designee, the Secretary of
67 Finance or his designee and the Secretary of Agriculture and Forestry or his designee, all members of
68 the Commission shall reside in the Southside and Southwest regions of the Commonwealth and shall be
69 subject to confirmation by the General Assembly. To the extent feasible, appointments representing the
70 Southside and Southwest regions shall be proportional to the tobacco quota production of each region.
71 Thirteen of the 28 members shall have experience in business, economic development, investment
72 banking, finance, or education.

73 Except as otherwise provided herein, all appointments shall be for terms of four years each.
74 Legislative members, the Secretary of Commerce and Trade, the Secretary of Finance, and the Secretary
75 of Agriculture and Forestry or his designee shall serve terms coincident with their terms of office. No
76 nonlegislative citizen member shall be eligible to serve more than two successive four-year terms. After
77 expiration of a term of three years or less, two additional four-year terms may be served by such
78 member if appointed thereto. Appointments to fill vacancies, other than by expiration of a term, shall be
79 made for the unexpired terms. Any appointment to fill a vacancy shall be made in the same manner as
80 the original appointment. The remainder of any term to which a member is appointed to fill a vacancy
81 shall not constitute a term in determining the member's eligibility for reappointment.

82 B. The Commission shall appoint from its membership a chairman and a vice-chairman, both of
83 whom shall serve in such capacities at the pleasure of the Commission. The chairman, or in his absence,
84 the vice-chairman, shall preside at all meetings of the Commission. The meetings of the Commission
85 shall be held on the call of the chairman or whenever the majority of the members so request. A
86 majority of members of the Commission serving at any one time shall constitute a quorum for the
87 transaction of business.

88 C. Legislative members of the Commission shall receive such compensation as is set forth in
89 § 30-19.12, and nonlegislative members shall receive such compensation for the performance of their
90 duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary
91 expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Such
92 compensation and expenses shall be paid from the Fund.

93 D. Members and employees of the Commission shall be subject to the standards of conduct set forth
94 in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be removed
95 from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or misconduct in the manner set
96 forth therein.

97 E. Except as otherwise provided in this chapter, members and employees of the Commission shall be
98 subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

99 F. The chairman of the Commission shall submit to the Governor and the General Assembly an
100 annual executive summary of the interim activity and work of the Commission no later than the first
101 day of each regular session of the General Assembly. The executive summary shall be submitted as
102 provided in the procedures of the Division of Legislative Automated Systems for the processing of
103 legislative documents and reports and shall be posted on the General Assembly's website.