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## HOUSE BILL NO. 2432

## FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Hamilton  
on February 4, 2001)

(Patron Prior to Substitute—Delegate O'Bannon)

A BILL to amend and reenact §§ 32.1-355 and 32.1-356 of the Code of Virginia, relating to the Virginia Tobacco Settlement Fund.

**Be it enacted by the General Assembly of Virginia:****1. That §§ 32.1-355 and 32.1-356 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-355. Virginia Tobacco Settlement Foundation created; purposes.

The Virginia Tobacco Settlement Foundation is hereby created as a body corporate and a political subdivision of the Commonwealth and as such shall have, and is hereby vested with, all of the politic and corporate powers as are set forth in this chapter. The Foundation is established for the purposes of determining the appropriate recipients of moneys in the Virginia Tobacco Settlement Fund and causing distribution of such moneys for the purposes provided in this chapter, including using moneys in the Virginia Tobacco Settlement Fund to assist in for financing efforts to restrict the use of tobacco products by minors through such means as educational and awareness programs on the health effects of tobacco use on minors and enforcement of laws restricting the distribution of tobacco products to minors. The Foundation shall have only those powers enumerated in § 32.1-356.

§ 32.1-356. Powers of the Foundation.

The Foundation is hereby granted all powers necessary or appropriate to carry out and effectuate its corporate purposes, including, without limitation, the following:

1. To have an official seal and to alter the same at pleasure;

2. To maintain an office at such place or places within this Commonwealth as it may designate;

3. To accept, hold, and administer moneys, grants, securities, or other property transferred, given, or bequeathed to the Foundation, absolutely or in trust, for the purposes for which the Foundation is created;

4. To determine how moneys in the Fund are to be distributed and to authorize distribution of moneys in the Fund, *on such terms and in such amounts as determined by the Board*, to entities whose goal is to ~~discourage, eliminate or prevent~~ *promote the safety, health, welfare and knowledge of the citizens of the Commonwealth by discouraging, eliminating or preventing* the use of tobacco products by minors ~~in the Commonwealth, on such terms and in such amounts as determined by the Board~~;

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

6. To appoint and prescribe the duties of such officers, agents, employees, advisors, and consultants as may be necessary to carry out its functions, and to fix and pay such compensation to them for their services as the Foundation may determine;

7. To adopt and from time to time amend and repeal bylaws, not inconsistent with this chapter, to carry into effect the powers and purposes of the Foundation;

8. To receive and accept aid, grants, contributions and cooperation of any kind from any source for the purposes of this chapter subject to such conditions, acceptable to the Foundation, upon which such aid, grants, contributions and cooperation may be made;

9. 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.

HOUSE SUBSTITUTE

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