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HOUSE BILL NO. 2114

Offered January 12, 2011

Prefiled January 12, 2011

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

Patron—Armstrong

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

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

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

A. The Commission shall be composed of 31 members as follows:

1. Six *nonlegislative citizen* members of the House of Delegates appointed by the Speaker of the House of Delegates;

2. Four *nonlegislative citizen* members of the Senate 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. Three nonlegislative citizen members who shall be active flue-cured tobacco producers appointed by the Governor. Of the active flue-cured tobacco producers, two shall be appointed by the Governor from a list of six persons provided by the members of the General Assembly appointed to the Commission;

7. Three nonlegislative citizen members who shall be active burley tobacco producers appointed by the Governor. Of the active burley tobacco producers, one member shall be appointed by the Governor from a list of three persons provided by the members of the General Assembly appointed to the Commission;

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

9. Eleven members shall be nonlegislative citizens appointed by the Governor. Of the 11 nonlegislative citizen members, three shall be appointed by the Governor from a list of nine provided by the members of the General Assembly appointed to the Commission.

With the exception of the Secretary of Commerce and Trade or his designee, the Secretary of Finance or his designee and the Secretary of Agriculture and Forestry or his designee, all members of the Commission shall reside in the Southside and Southwest regions of the Commonwealth and shall be subject to confirmation by the General Assembly. To the extent feasible, appointments representing the Southside and Southwest regions shall be proportional to the tobacco quota production of each region.

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

The initial appointments of the active flue-cured tobacco producers, the active burley tobacco producers, and other nonlegislative citizen members shall be as follows: one active flue-cured tobacco producer, one active burley tobacco producer and four nonlegislative citizen members shall be appointed for terms of two years; one active flue-cured tobacco producer, one active burley tobacco producer and four nonlegislative citizen members shall be appointed for terms of three years; and one active flue-cured tobacco producer, one active burley tobacco producer and three nonlegislative citizen members shall be appointed for terms of four years. Thereafter all appointments shall be for terms of four years.

B. The Commission shall appoint from its membership a chairman and a vice-chairman, both of whom shall serve in such capacities at the pleasure of the Commission. The chairman, or in his absence,

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59 the vice-chairman, shall preside at all meetings of the Commission. The meetings of the Commission
60 shall be held on the call of the chairman or whenever the majority of the members so request. A
61 majority of members of the Commission serving at any one time shall constitute a quorum for the
62 transaction of business.

63 C. ~~Legislative members of the Commission shall receive such compensation as is set forth in~~
64 ~~§ 30-19.12, and nonlegislative~~ *Nonlegislative members of the Commission* shall receive such
65 compensation for the performance of their duties as provided in § 2.2-2813. All members shall be
66 reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as
67 provided in §§ 2.2-2813 and 2.2-2825. Such compensation and expenses shall be paid from the Fund.

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

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

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

79 **2. The initial appointments of the nonlegislative citizen members provided for in subdivisions A 1**
80 **and A 2 of this Act shall be as follows: four nonlegislative citizen members, two appointed by the**
81 **Speaker of the House of Delegates and two appointed by the Senate Committee on Rules, shall be**
82 **appointed for terms of two years; three nonlegislative citizen members, two appointed by the**
83 **Speaker of the House of Delegates and one appointed by the Senate Committee on Rules, shall be**
84 **appointed for terms of three years; and three nonlegislative citizen members, two appointed by the**
85 **Speaker of the House of Delegates and one appointed by the Senate Committee on Rules, shall be**
86 **appointed for terms of four years. Thereafter all appointments shall be for terms of four years.**

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