

**Senate Bill No. 33**

(By Senators K. Facemyer and Williams)

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[Introduced January 12, 2011; referred to the Committee on  
Agriculture; and then to the Committee on Finance.]

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A BILL to amend and reenact §4-11A-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1-4 of said code; and to amend said code by adding thereto a new section, designated §19-1-4e, all relating to the Tobacco Settlement Fund; duties of the Commissioner of the Department of Agriculture; duty to assist farmers to make the transition from growing tobacco to growing other crops or pursuing other agriculture-related businesses; creating the Transition Program for Tobacco Farmers' Fund; and creating the Transition Program for Tobacco Farmers.

*Be it enacted by the Legislature of West Virginia:*

That §4-11A-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §19-1-4 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §19-1-4e, all to read as follows:

1                   **CHAPTER 4.   THE LEGISLATURE.**

2   **ARTICLE 11A.   LEGISLATIVE APPROPRIATION OF TOBACCO SETTLEMENT**  
3                   **FUNDS.**

4   **§4-11A-3.   Receipt of settlement funds and required deposit in the**  
5                   **West Virginia Tobacco Settlement Fund.**

6           (a) There is ~~hereby created~~ continued in the State Treasury a  
7 special revenue account, designated the Tobacco Settlement Fund,  
8 which ~~shall be~~ is an interest-bearing account and may be invested  
9 in the manner permitted by the provisions of article six, chapter  
10 twelve of this code, with the interest income a proper credit to  
11 the fund. Unless contrary to federal law, fifty percent of all  
12 revenues received pursuant to the master settlement agreement shall  
13 be deposited in this fund. These funds shall be available only  
14 upon appropriation by the Legislature as part of the state budget:  
15 *Provided, That for the fiscal year 2000, the first \$5 million*  
16 *received into the fund shall be transferred to the Public Employees*  
17 *Insurance Reserve Fund created in article two, chapter five-a of*  
18 *this code.*

19           (b) Appropriations from the Tobacco Settlement Fund are  
20 limited to expenditures for the following purposes:

21           (1) Reserve funds for continued support of the programs  
22 offered by the Public Employees Insurance Agency established in  
23 article sixteen, chapter five of this code;

24           (2) Funding for expansion of the federal-state Medicaid

1 program as authorized by the Legislature or mandated by the federal  
2 government;

3 (3) Funding for public health programs, services and agencies;  
4 ~~and~~

5 (4) Funding for any state-owned or operated health facilities;  
6 and

7 (5) Five million dollars for the Transition Program for  
8 Tobacco Farmers provided in section four-e, article one, chapter  
9 nineteen of this code.

10 (c) Notwithstanding anything in this code to the contrary, on  
11 the effective date of the sale of the state's share to the  
12 authority as authorized in this article, the deposits and transfers  
13 provided in this section shall cease and no longer be required.

14 (d) Notwithstanding the provisions of section two, article  
15 two, chapter twelve of this code, moneys within the Tobacco  
16 Settlement Trust Fund may not be redesignated for any purpose other  
17 than those set forth in this section.

## 18 **CHAPTER 19. AGRICULTURE.**

### 19 **ARTICLE 1. DEPARTMENT OF AGRICULTURE.**

#### 20 **§19-1-4. Duties of commissioner.**

21 The Commissioner of Agriculture shall perform the following  
22 duties:

23 (a) Devise means of advancing the agricultural interests of  
24 the state and, in the performance of such duty, he or she ~~shall~~

1 ~~have authority to~~ may call upon any state department, or officer of  
2 the state or county, to cooperate in promoting the agricultural  
3 interests of the state. It ~~shall be~~ is the duty of any such  
4 department, or officer, upon request of the commissioner to render  
5 the assistance desired;

6 (b) Promote and encourage the organization of ~~such~~ societies  
7 and associations ~~as~~ that have for their object the improvement and  
8 development of the state's agricultural, horticultural and kindred  
9 interests, especially in production, processing for market and  
10 distribution;

11 (c) Conduct cooperative work with the United States Department  
12 of Agriculture in inspecting and determining the grade and  
13 condition of farm produce at collecting centers, receiving centers  
14 and shipping points;

15 (d) Induce the investment of capital in, and immigration into,  
16 this state by the dissemination of information relative to the  
17 soil, climate, health, natural resources, market opportunities and  
18 advantages of the state;

19 (e) Investigate and report upon the kinds, conditions and  
20 extent of the mineral products of the state and their value;

21 (f) Take charge of the museum of the Department of  
22 Agriculture, collect, preserve and exhibit ~~therein~~ in the museum  
23 specimens of agricultural, horticultural and kindred products,  
24 products of the forests, minerals, flora and fauna of the state;

1 (g) Publish and distribute, from time to time, ~~such~~ reports  
2 and bulletins concerning agriculture, horticulture and kindred  
3 subjects as may be of value to the farmers of the state and, as  
4 conditions may demand, publish a handbook giving the resources of  
5 the several counties of the state, the varieties of soil and  
6 products, both mineral and vegetable, and the adaptability of the  
7 different sections of the state to the different branches of  
8 agriculture, horticulture and kindred interests;

9 (h) Assist farmers to make the transition from growing tobacco  
10 to growing other crops or pursuing other agricultural-related  
11 businesses through the Transition Program for Farmers provided in  
12 section four-e of this article;

13 ~~(h)~~ (i) Submit a biennial report to the Governor and  
14 Legislature containing such information as to the operations of the  
15 department as may be helpful to the agricultural interests of the  
16 state, together with an itemized statement of all receipts and  
17 disbursements during the biennial period covered ~~thereby~~ by the  
18 report and giving the name of every person employed during ~~such~~ the  
19 period, the time employed and the amount paid each employee;

20 ~~(i)~~ (j) Perform ~~such~~ other duties and exercise such other  
21 powers as are provided in this chapter and by general law; and

22 ~~(j)~~ (k) Propose rules, including regulatory standards, for  
23 legislative approval in accordance with the provisions of article  
24 three, chapter twenty-nine-a of this code for the purpose of

1 carrying out the requirements of this chapter.

2 **§19-1-4e. Transition program for tobacco farmers; creation of**  
3 **special revenue account.**

4 (a) The commissioner shall propose rules for legislative  
5 approval in accordance with the provisions of article three,  
6 chapter twenty-nine-a of this code, designed to establish and  
7 implement the transition program for tobacco farmers, no later than  
8 September 1, 2011. The program's primary purpose is to assist  
9 tobacco farmers in the transition from growing tobacco to growing  
10 other crops or pursuing other agricultural-related businesses. In  
11 addition to the authority granted in section four-a of this  
12 article, the commissioner is authorized to accept grants and incur  
13 indebtedness to fund the program.

14 (b) There is created in the State Treasury a special revenue  
15 account, designated the "Transition Program for Tobacco Farmers'  
16 Fund." No later than September 1, 2011, \$5 million shall be  
17 transferred from the Tobacco Settlement Fund provided under section  
18 three, article eleven-a, chapter four of this code to the  
19 Transition Program for Tobacco Farmers' Fund which shall be  
20 allocated for use in the program's initial three-year phase. The  
21 Transition Program for Tobacco Farmers' Fund may also receive  
22 grants and loans or other sources of funding as provided under  
23 section four-a of this article, at the commissioner's discretion,  
24 and the commissioner shall administer the fund in accordance with

1 the purposes of the Transition Program for Tobacco Farmers' Fund.

NOTE: The purpose of this bill is to provide a system to assist farmers to make the transition from growing tobacco to growing other crops or pursuing other agricultural endeavors. The bill includes provisions which create the "Transition Program for Tobacco Farmers" as well as the "Transition Program for Tobacco Farmers' Fund." The bill also provides for use of the Tobacco Settlement Fund for the program.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§19-1-4e is new; therefore, strike-throughs and underscoring have been omitted.