CHAPTER 30

Tobacco Economy

ARTICLE 3

South Carolina Tobacco Community Development Board

**SECTION 46‑30‑210.** Definitions.

As used in this article:

(1) "Board" means the South Carolina Tobacco Community Development Board.

(2) "Master Settlement Agreement" means the settlement agreement and related documents entered into on November 23, 1998, by the State and United States tobacco product manufacturers. The Master Settlement Agreement shall be transmitted by the Attorney General to the Secretary of State, maintained as a permanent record in the office of the Secretary of State, and be available as a copy or certified copy to members of the public, upon request and payment of copying costs.

(3) "Tobacco grower" means an individual or entity who, during a base period established by the board, was one or more of the following:

(a) the principal producer of tobacco for use in cigarettes on a farm where tobacco was produced pursuant to a tobacco farm marketing quota or farm acreage allotment established under the Agricultural Adjustment Act of 1938, 7 U.S.C. Section 1281. This definition may include an operator, tenant, or sharecropper who shared in the risk of producing a crop and who was entitled to share in the revenues derived from marketing the cigarette tobacco crop from the farm;

(b) a producer who owned a farm that produced tobacco for use in cigarettes pursuant to a lease and transfer to that farm of all or a part of a tobacco farm marketing quota or farm acreage allotment established under the Agricultural Adjustment Act of 1938, 7 U.S.C. Section 1281.

(c) a producer who rented farm land to produce tobacco for use in cigarettes under a tobacco farm marketing quota or farm acreage allotment established under the Agricultural Adjustment Act of 1938, 7 U.S.C. Section 1281.

(d) In the event of the death of a "tobacco grower", "tobacco grower" also shall include the estate, any trust for family members, and any successors in interest of the tobacco grower" as established to the satisfaction of the board.

(4) "Tobacco quota owner" means the owner of record of a tobacco farm marketing quota or farm acreage allotment established under the Agricultural Adjustment Act of 1938, 7 U.S.C. Section 1281, during a base period established by the board.

In the event of the death of a "tobacco quota owner", "tobacco quota owner" also shall include the estate, any trust for family members, and any successors in interest of the "tobacco quota owner" as established to the satisfaction of the board.

(5) "Trust" means the National Tobacco Grower Settlement Trust.

HISTORY: 1999 Act No. 77, Section 1, eff June 11, 1999.

**SECTION 46‑30‑230.** South Carolina Tobacco Community Development Board.

(A) There is created the South Carolina Tobacco Community Development Board. The board is composed of the following fourteen members:

(1) Governor who shall serve as chairman;

(2) Commissioner of Agriculture who shall serve as vice‑chairman;

(3) Attorney General who shall serve as secretary;

(4) one member of the State Senate to be appointed by the President of the Senate;

(5) one member of the House of Representatives to be appointed by the Speaker of the House of Representatives;

(6) two members of the state's congressional delegation selected by a majority of the delegation with each member having one vote;

(7) six active flue‑cured tobacco farmers of the State to be appointed by the Governor; and

(8) one citizen of the State with a distinguished record of public service to be appointed by the Governor.

(B) The chairman, vice‑chairman, secretary, and congressional members serve by virtue of their office. The Senate and House members serve at the pleasure of the President of the Senate and the Speaker of the House of Representatives, respectively. The members of the board appointed by the Governor serve at the Governor's pleasure.

(C) Members serve for a term of four years and until their successors are appointed and qualify. A vacancy on the board must be filled in the same manner as the original appointment for the remainder of the term. A member is not eligible to serve more than two successive four‑year terms; however, two additional terms may be served by a member appointed to fill a vacancy when the remainder of that term is three years or less.

(D) Notwithstanding the provisions of subsection (C), the initial members of the board listed below shall serve a two‑year term:

(1) one member of the congressional delegation;

(2) three of the tobacco farmers; and

(3) the citizen with a distinguished record of public service.

The other initial members of the board shall serve a four‑year term. Successors to each member whose term has expired shall then serve a four‑year term.

(E) Members of the board serve without pay but are allowed the usual mileage, per diem, and subsistence as provided by law for members of state boards, committees, and commissions.

(F) Notwithstanding any other provision of law, tobacco farmers may serve on the board; provided, however, members of the board and its employees are subject to the provisions of Chapter 13 of Title 8 of the 1976 Code, the Ethics, Government Accountability and Campaign Reform Act, and Chapter 17 of Title 2 of the 1976 Code, the Lobbyist Reform Act.

HISTORY: 1999 Act No. 77, Section 1, eff June 11, 1999.

**SECTION 46‑30‑250.** Purposes and powers of Tobacco Community Development Board.

(1) The board is established for the purposes of:

(a) assisting the trust in providing economic aid to the tobacco growers and tobacco quota holders within the State in a manner consistent with provisions of the trust agreement executed by the State for the trust such as:

(i) identifying the tobacco growers and tobacco quota holders of the State that shall receive a payment from the trust;

(ii) determining the respective amount of payment the eligible tobacco farmer and tobacco quota holder shall receive; and

(iii) submitting this information to the trustees of the trust;

(b) carrying out any other responsibilities that assist the trust agreement and are consistent with state law and the purposes of this article.

(2) The board has the power to do any and all lawful acts that may be necessary for the furtherance and accomplishments of the purposes of this board.

HISTORY: 1999 Act No. 77, Section 1, eff June 11, 1999.

**SECTION 46‑30‑270.** Administration of Tobacco Community Development Board.

For administrative assistance, the board may use the services of the Department of Agriculture or other agencies as needed.

HISTORY: 1999 Act No. 77, Section 1, eff June 11, 1999.

**SECTION 46‑30‑290.** Tobacco Community Development Board exempt from Administrative Procedures Act.

The board and its actions are not subject to Chapter 23 of Title 1, the Administrative Procedures Act.

HISTORY: 1999 Act No. 77, Section 1, eff June 11, 1999.

**SECTION 46‑30‑310.** Prohibition against using monies to influence legislation or political campaigns.

Monies paid out by the trust to the board, tobacco growers, and tobacco quota owners may not be used, directly or indirectly, to influence legislation or to participate in political campaigns.

HISTORY: 1999 Act No. 77, Section 1, eff June 11, 1999.