

SB0001/519531/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Young**” and substitute “**Young, Augustine, Benson, Carozza, Carter, Eckardt, Edwards, Elfreth, Ellis, Ferguson, Guzzone, Hester, Jackson, Kagan, King, Klausmeier, Kramer, Lee, McCray, Peters, Pinsky, Reilly, Rosapepe, Salling, Simonaire, Smith, West, and Zucker**”; and in line 26, after “State,” insert “requiring the Cigarette Restitution Fund to include a separate account consisting of payments received by the State as a result of certain litigation; requiring distributions from a certain separate account to supplant a certain general fund appropriation;”.

On page 2, in line 13, after “agreement;” insert “making conforming changes;”; in line 23, after “6–226(a)(2)(i)” insert “and 7–317(a)”; in line 28, after “123.” insert “and 7–317(b), (e), and (h)”; and in line 33, after “6–226(a)(2)(ii)124.” insert “and 7–317(h)”.

AMENDMENT NO. 2

On page 4, in lines 10 and 16, in each instance, strike “**FOR**” and substitute “**SUBJECT TO SUBSECTION (D) OF THIS SECTION, FOR**”.

On page 5, in line 1, strike “**FOR**” and substitute “**SUBJECT TO SUBSECTION (D) OF THIS SECTION, FOR**”.

On page 6, after line 4, insert:

**“(D) IF THE SPECIAL ACCOUNT IN THE CIGARETTE RESTITUTION FUND ESTABLISHED UNDER § 7–317 OF THE STATE FINANCE AND PROCUREMENT ARTICLE HAS A BALANCE, THE GOVERNOR SHALL USE THE BALANCE TO**

(Over)

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**SUPPLANT THE GENERAL FUND APPROPRIATION TO THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES REQUIRED UNDER THIS SECTION.**”;

and in line 5, strike “(D)” and substitute “(E)”.

On page 8, after line 9, insert:

“7-317.

(a) There is a Cigarette Restitution Fund.

(b) (1) The Fund is a continuing, nonlapsing fund that is not subject to § 7-302 of this subtitle.

(2) [There] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, THERE shall be credited to the Fund all revenues consisting of funds received by the State from any source resulting, directly or indirectly, from any judgment against or settlement with tobacco product manufacturers, tobacco research associations, or any other person in the tobacco industry relating to litigation, administrative proceedings, or any other claims made or prosecuted by the State to recover damages for violations of State law.

(3) There shall be credited to the Fund all money collected under § 24-508 of the Health – General Article or § 5-608 of the Labor and Employment Article.

(e) (1) The Fund shall be expended subject to any restrictions on its use or other limitations on its allocation that are:

(i) expressly provided by statute;

(ii) required as a condition of the acceptance of funds; or

(iii) determined to be necessary to avoid recoupment by the federal government of money paid to the Fund.

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(2) [Disbursements] EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (H) OF THIS SECTION, DISBURSEMENTS from the Fund to programs funded by the State or with federal funds administered by the State shall be used solely to supplement, and not to supplant, funds otherwise available for the programs under federal or State law as provided in this section.

(H) (1) THE FUND SHALL INCLUDE A SEPARATE ACCOUNT CONSISTING OF PAYMENTS RECEIVED BY THE STATE AS A RESULT OF LITIGATION BY PARTICIPATING MANUFACTURERS RELATED TO THE STATE'S DILIGENT ENFORCEMENT OF TITLE 16, SUBTITLE 4 OF THE BUSINESS REGULATION ARTICLE.

(2) DISTRIBUTIONS FROM THE SEPARATE ACCOUNT MAY BE USED ONLY TO SUPPLANT THE GENERAL FUND APPROPRIATION TO THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES REQUIRED UNDER § 15-126 OF THE EDUCATION ARTICLE.

[(h)] (I) For each program, project or activity receiving funds appropriated under subsection (g)(3) of this section, the Governor shall:

(1) develop appropriate statements of vision, mission, key goals, key objectives, and key performance indicators and report these statements in a discrete part of the State budget submission, which shall also provide data for key performance indicators; and

(2) report annually, subject to § 2-1257 of the State Government Article, to the General Assembly no later than November 1 on:

(i) total funds expended, by program and subdivision, in the prior fiscal year from the Fund established under this section; and

(ii) the specific outcomes or public benefits resulting from that expenditure.”