

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 334

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 3, and 9, in each instance strike "Tobacco" and substitute "Cigarette"; strike beginning with the second "establishing" in line 3 down through "Act" in line 8 and substitute "providing for the distribution of certain revenues to the Fund; providing for expenditures from the Fund by appropriation; prohibiting the Fund from being expended in violation of certain restrictions or limitations; requiring the Fund to be expended for certain purposes; requiring that priority be given to certain purposes; providing that disbursements from the Fund to certain programs be used in a certain manner; authorizing certain funds to be expended for any legal purpose; requiring the Governor to prepare a certain plan; requiring the Governor to submit a certain plan to the General Assembly by a certain date; requiring the Governor to include certain information in the annual State budget submission; requiring the Governor to report certain information; providing that this Act applies to certain funds estimated in a certain State budget".

AMENDMENT NO. 2

On page 1, after line 14, insert:

"Preamble

WHEREAS, The State of Maryland has agreed to the settlement of litigation against tobacco manufacturers; and

WHEREAS, The basis of the tobacco settlement is injury to State finances caused by smoking-related illnesses of Maryland citizens; and

WHEREAS, The federal government may seek recoupment of a portion of the tobacco settlement revenues if those revenues are not used for certain purposes; and

(Over)

WHEREAS, African American publications contain approximately 12% more cigarette advertising than other widespread publications and the density of tobacco billboard advertising is consistently highest in African American communities; and

WHEREAS, The General Assembly finds it is necessary to establish a process to account for and allocate the tobacco settlement funds in a manner that meets critical needs and retains State control of the funds; now, therefore,.”

AMENDMENT NO. 3

On page 1, in line 19, strike “TOBACCO” and substitute “CIGARETTE”; in line 22, after “(2)” insert “THERE SHALL BE CREDITED TO THE FUND”; and in line 28, strike “SHALL BE CREDITED TO THE FUND”.

On page 2, in line 2, strike “HOLDINGS”; and in line 12, after “(III)” insert “DETERMINED TO BE”; and in line 17, after “LAW” insert “AS PROVIDED BY THIS SECTION.”

(F) (1) EXPENDITURES FROM THE CIGARETTE RESTITUTION FUND SHALL BE MADE FOR THE FOLLOWING PURPOSES:

(I) REDUCTION OF THE USE OF TOBACCO PRODUCTS BY MINORS;

(II) IMPLEMENTATION OF THE SOUTHERN MARYLAND REGIONAL STRATEGY-ACTION PLAN FOR AGRICULTURE ADOPTED BY THE TRI-COUNTY COUNCIL FOR SOUTHERN MARYLAND WITH AN EMPHASIS ON ALTERNATIVE CROP USES FOR AGRICULTURAL LAND NOW USED FOR GROWING TOBACCO;

(III) PUBLIC AND SCHOOL EDUCATION CAMPAIGNS TO DECREASE TOBACCO USE WITH INITIAL EMPHASIS ON AREAS TARGETED BY TOBACCO MANUFACTURERS IN MARKETING AND PROMOTING CIGARETTE AND TOBACCO PRODUCTS;

(IV) SMOKING CESSATION PROGRAMS;

(V) ENFORCEMENT OF THE LAWS REGARDING TOBACCO SALES;

(VI) THE PURPOSES OF THE MARYLAND HEALTH CARE FOUNDATION UNDER TITLE 20, SUBTITLE 5 OF THE HEALTH - GENERAL ARTICLE;

(VII) PRIMARY HEALTH CARE IN RURAL AREAS OF THE STATE AND AREAS TARGETED BY TOBACCO MANUFACTURERS IN MARKETING AND PROMOTING CIGARETTE AND TOBACCO PRODUCTS;

(VIII) PREVENTION, TREATMENT, AND RESEARCH CONCERNING CANCER, HEART DISEASE, LUNG DISEASE, TOBACCO PRODUCT USE, AND TOBACCO CONTROL, INCLUDING OPERATING COSTS AND RELATED CAPITAL PROJECTS;

(IX) SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAMS; AND

(X) ANY OTHER PUBLIC PURPOSE.

(2) THE PROVISIONS OF THIS SUBSECTION MAY NOT BE CONSTRUED TO AFFECT THE GOVERNOR'S POWERS WITH RESPECT TO A REQUEST FOR AN APPROPRIATION IN THE ANNUAL BUDGET BILL.

(G) (1) AMOUNTS MAY ONLY BE EXPENDED FROM THE FUND THROUGH APPROPRIATIONS IN THE STATE BUDGET BILL AS PROVIDED IN THIS SUBSECTION.

(2) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL APPROPRIATIONS FROM THE FUND EQUIVALENT TO THE LESSER OF \$100,000,000 OR 90% OF THE FUNDS ESTIMATED TO BE AVAILABLE TO THE FUND IN THE FISCAL YEAR FOR WHICH THE APPROPRIATIONS ARE MADE.

(3) FOR EACH FISCAL YEAR FOR WHICH APPROPRIATIONS ARE MADE, AT LEAST 50% OF THE APPROPRIATIONS SHALL BE MADE FOR THOSE

(Over)

PURPOSES ENUMERATED IN SUBSECTION (F)(1)(I) THROUGH (IX) OF THIS SECTION SUBJECT TO THE REQUIREMENT OF SUBSECTION (E)(2) OF THIS SECTION.

(4) ANY ADDITIONAL APPROPRIATIONS, NOT SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, MAY BE MADE FOR ANY LAWFUL PURPOSE.

(H) 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 § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY NO LATER THAN OCTOBER 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.

SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall prepare a statewide plan for accessing funds available under the Public Education Fund and the Tobacco Enforcement Fund established under the Master Tobacco Settlement Agreement. This plan shall be submitted to the General Assembly no later than January 1, 2000.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to any funds estimated in the fiscal 2000 State Budget (Chapter (H.B. 120) of the Acts of the General Assembly of 1999) and appropriated to the Dedicated Purpose Fund”.

On page 2, in line 18, strike “2.” and substitute “4.”.