

SENATE BILL 772

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1999 Regular Session
9r2488

By: **Senators Mitchell, Lawlah, Conway, Hughes, Exum, McFadden, Currie,
Blount, and Kelley**

Introduced and read first time: March 4, 1999

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study the Tobacco Litigation Settlement Money to the State of**
3 **Maryland**

4 FOR the purpose of establishing a Task Force to Study the Tobacco Litigation
5 Settlement Money to the State of Maryland; providing for the membership,
6 duties, and staffing of the Task Force; providing for the effective date and
7 termination of this Act; requiring a final report by a certain date; and generally
8 relating to the Task Force to Study the Tobacco Settlement Money to the State of
9 Maryland.

10 BY adding to
11 Article 41 - Governor - Executive and Administrative Departments
12 Section 18-317
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1998 Supplement)

15 Preamble

16 WHEREAS, On November 23, 1998, the Attorneys General and other
17 representatives of 46 states, Puerto Rico, the U.S. Virgin Islands, the Northern
18 Mariana Islands, Guam, and the District of Columbia signed an agreement with the
19 five largest tobacco manufacturers, ending a 4-year legal battle between the states
20 and the industry; and

21 WHEREAS, The historic settlement with the tobacco industry settles all
22 antitrust, consumer protection, common law negligence, statutory, common law, and
23 equitable claims for monetary, restitutionary, equitable, and injunctive relief alleged
24 by any of the settling states; and

25 WHEREAS, Tobacco manufacturers have admitted to targeting children and
26 minority communities with their marketing and advertising campaigns; and

27 WHEREAS, Over the next 25 years, the states will receive over \$206 billion
28 from the settlement; and

1 WHEREAS, The State of Maryland can expect to receive approximately \$4.5
2 billion from the settlement through the year 2025; now, therefore,

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article 41 - Governor - Executive and Administrative Departments**

6 18-317.

7 (A) THERE IS A TASK FORCE TO STUDY THE TOBACCO LITIGATION
8 SETTLEMENT MONEY TO THE STATE OF MARYLAND.

9 (B) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

10 (1) TWO MEMBERS OF THE SENATE OF MARYLAND, AS SUBMITTED BY
11 THE PRESIDENT OF THE SENATE;

12 (2) TWO MEMBERS OF THE MARYLAND HOUSE OF DELEGATES, AS
13 SUBMITTED BY THE SPEAKER OF THE HOUSE;

14 (3) THE ATTORNEY GENERAL OR A DESIGNEE OF THE ATTORNEY
15 GENERAL;

16 (4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
17 SECRETARY'S DESIGNEE;

18 (5) THE SECRETARY OF BUDGET AND MANAGEMENT OR THE
19 SECRETARY'S DESIGNEE;

20 (6) ONE REPRESENTATIVE OF THE COMPTROLLER'S OFFICE;

21 (7) ONE REPRESENTATIVE FROM THE MARYLAND HOSPITAL
22 ASSOCIATION;

23 (8) TWO REPRESENTATIVES FROM NONPROFIT GROUPS WORKING WITH
24 YOUTH ADVOCACY;

25 (9) TWO REPRESENTATIVES FROM NONPROFIT GROUPS WORKING WITH
26 SUBSTANCE ABUSERS;

27 (10) ONE REPRESENTATIVE FROM THE AMERICAN HEART ASSOCIATION;

28 (11) TWO REPRESENTATIVES FROM THE AREA OF RECREATION AND
29 PARKS STATEWIDE; AND

30 (12) TWO REPRESENTATIVES FROM STATEWIDE ORGANIZATIONS
31 WORKING WITH MINORITY GROUP ADVOCACY.

32 (C) THE GOVERNOR SHALL APPOINT THE MEMBERS AND DESIGNATE THE
33 CHAIRMAN OF THE TASK FORCE.

1 (D) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION.

2 (E) THE GOVERNOR'S OFFICE AND THE DEPARTMENT OF LEGISLATIVE
3 SERVICES SHALL PROVIDE STAFF SUPPORT FOR THE TASK FORCE.

4 (F) THE TASK FORCE SHALL:

5 (1) EXAMINE THE VARIOUS OPTIONS AVAILABLE TO THE STATE FOR
6 APPROPRIATELY USING THE REVENUES IT WILL RECEIVE FROM THE TOBACCO
7 LITIGATION SETTLEMENT;

8 (2) HOLD AT LEAST FIVE PUBLIC HEARINGS IN THE MAIN GEOGRAPHIC
9 REGIONS OF THE STATE, INCLUDING WESTERN MARYLAND, EASTERN SHORE,
10 BALTIMORE METROPOLITAN AREA, SOUTHERN MARYLAND, AND SUBURBAN
11 WASHINGTON, D.C., TO SOLICIT PUBLIC OPINION REGARDING APPROPRIATE WAYS TO
12 USE THE REVENUES THE STATE WILL RECEIVE FROM THE TOBACCO LITIGATION
13 SETTLEMENT;

14 (3) COLLECT DATA TO DETERMINE HOW OTHER STATES PLAN TO
15 UTILIZE ANY REVENUES RECEIVED FROM THE TOBACCO LITIGATION SETTLEMENT;

16 (4) STUDY THE ACTUAL IMPACT ON STATE AND LOCAL PROGRAMS THAT
17 WOULD BENEFIT FROM A PORTION OF THE REVENUES THE STATE WILL RECEIVE
18 FROM THE TOBACCO LITIGATION SETTLEMENT; AND

19 (5) TAKE ANY OTHER ACTION NECESSARY AND PROPER TO CARRY OUT
20 THE PURPOSE OF THIS SECTION.

21 (G) THE TASK FORCE SHALL ISSUE A FINAL REPORT OF ITS FINDINGS AND
22 RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
23 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY BY NOVEMBER 1, 1999.

24 (H) THIS SECTION SHALL BE VOID AND OF NO EFFECT AFTER DECEMBER 31,
25 1999 WITH NO FURTHER ACTION REQUIRED BY THE GENERAL ASSEMBLY.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect July 1, 1999.