

FIRST REGULAR SESSION

SENATE BILL NO. 223

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLAND.

Read 1st time January 7, 1999, and 1,000 copies ordered printed.

L0971.011

TERRY L. SPIELER, Secretary.

AN ACT

Relating to the tobacco settlement fund commission.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. 1. There is hereby established the "Tobacco Settlement Fund Commission".

2. The commission shall be comprised of the following twenty-five members:

- (1) The attorney general;**
- (2) The state treasurer;**
- (3) The directors of the departments of health, mental health, social services, elementary and secondary education, and public safety;**
- (4) Fourteen citizen members, appointed by the governor, who have expertise in prevention, treatment, research, community programs, mental health addictions, law enforcement, special populations, rural healthcare, urban healthcare and education. At least two such members shall be less than eighteen years of age and at least two such members shall be over the age of sixty-five;**

(5) Two nonvoting advisory members of the house of representatives, one from each major political party, appointed by the speaker of the house; and

(6) Two nonvoting advisory members of the senate, one from each major political party, appointed by the president pro tem of the senate.

3. The duties of the commission shall include:

- (1) Development of strategies for best utilizing the tobacco settlement funds received by the state in accordance with the provisions of section 4 of this act;**
- (2) Approval of programs submitted by the interagency administrative body pursuant to section 3 of this act;**
- (3) Preparation of an annual report pursuant to section 2 of this act; and**

(4) Disbursement of tobacco settlement funds in accordance with the provisions of sections 1 to 5 of this act.

4. Members appointed by the governor shall serve two-year terms and all other members, except legislative members, shall serve for as long as they hold the position which made them eligible for appointment. Legislative members shall serve during their current term of office, but may be reappointed.

5. The voting members of the commission shall elect one of their members to serve as chairperson of the commission. The voting members may elect such other officers as deemed necessary.

6. The commission shall meet at least quarterly.

7. Members of the commission shall not be compensated for their services with the commission, but shall be reimbursed for actual and necessary expenses incurred during the performance of their duties.

8. The commission may promulgate rules and regulations for implementation of the provisions of sections 1 to 5 of this act. No rule or portion of a rule promulgated pursuant to the provisions of sections 1 to 5 of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 2. The commission shall annually prepare a report on the impact of the use of tobacco settlement funds. The report shall be due no later than the first October first following the initial receipt of any tobacco settlement funds by the state and by October first of each year thereafter. Copies of the report shall be submitted to the governor, attorney general and general assembly. The report shall, at a minimum, contain the following:

- (1) A summary of any actions taken by the commission;**
- (2) An accounting by category of any disbursement of tobacco settlement funds;**
- (3) The most recent health surveillance data compiled on smoking and smokeless tobacco usage in this state;**
- (4) Information relating to youth usage of tobacco and smokeless tobacco;**
- (5) Activities funded in each category using tobacco settlement funds;**
- (6) Any problems experienced in program administration;**
- (7) Research relating to tobacco and smoking which used tobacco settlement funds;**
- (8) Treatment provided, with data aggregated by age, sex, race, geographic area and type of treatment;**
- (9) Investment portfolio of the tobacco settlement endowment fund;**
- (10) The most recent law enforcement data available on tobacco purchases by minors, fines imposed on sellers of tobacco products, and local enforcement education efforts with sellers of tobacco products; and**

(11) An accounting for any disbursement of funds for uncompensated care.

Section 3. 1. The departments of health, mental health, social services, elementary and secondary education, and public safety shall create an interagency administrative body sufficient to implement any program approved by the commission. Three percent of any tobacco settlement funds received by the state shall be used for administration of such programs.

2. The delivery of goods and services for the programs shall be primarily provided through contracts issued by the interagency administrative body created in this section.

Section 4. Any tobacco settlement moneys received by the state shall be disbursed by the commission in the following manner:

- (1) Twenty-five percent for youth smoking prevention programs;**
- (2) Fifteen percent for providing health care services to the uninsured with the smoking-related health problems;**
- (3) Ten percent for treatment;**
- (4) Ten percent for special populations, including minorities, the elderly, non-English speaking individuals, current smokers, individuals who are deaf, blind, mentally ill, developmentally disabled, or permanently or totally disabled, and incarcerated substance abusers;**
- (5) Ten percent for deposit in the tobacco settlement endowment fund created in section 5 of this act;**
- (6) Eight percent for research relating to tobacco and smoking;**
- (7) Eight percent for a public relations media campaign;**
- (8) Four percent for technology;**
- (9) Four percent for county health departments;**
- (10) Three percent for administration; and**
- (11) Three percent for enforcement.**

Section 5. 1. There is hereby created in the state treasury the "Tobacco Settlement Endowment Fund". Ten percent of any tobacco settlement funds received by the state shall be deposited in the fund and invested by the state treasurer.

2. Any interest earned from the fund, beginning after the tenth year of the fund's establishment, shall be used by the interagency administrative body established in section 3 of this act to fund programs created pursuant to sections 1 to 5 of this act. After the final tobacco settlement payment is received by the state, the fund shall be used as the primary source of revenue for the continuation of tobacco settlement programs.

3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end

of the biennium.

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