

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

136D0596

HOUSE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **SB196** - 2/23/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Senator Frederick

1 FOR AN ACT ENTITLED, An Act to amend the General Appropriations Act for fiscal year
2 2000 and to create a tobacco prevention and cessation program and trust fund and to make
3 an appropriation therefor.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That certain programs in chapter 19 of the 1999 Session Laws be amended to read
6 as follows:

7 DEPARTMENT OF EXECUTIVE MANAGEMENT

8 South Dakota Public Broadcasting

9 Operating Expenses, delete "\$1,479,923" and insert "\$4,479,923".

10 State Radio

11 Operating Expenses, delete "\$576,330" and insert "\$4,576,330".

12 DEPARTMENT OF TOURISM

13 Tourism

14 Operating Expenses, delete the first "\$0" and insert "\$500,000".

15 DEPARTMENT OF HUMAN SERVICES

16 Administration, Secretary of Human Services

1 Operating Expenses, delete "\$126,355" and insert "\$1,126,355".

2 BOARD OF REGENTS

3 Regents Central Office

4 Operating expenses, delete "\$2,446,360" and insert "\$7,446,360".

5 Adjust all totals accordingly.

6 Section 2. Any general funds appropriated by this Act which are unspent at the end of fiscal
7 year 2000 shall be carried over to fiscal year 2001.

8 Section 3. Section 1 of this Act is effective June 20, 2000.

9 Section 4. The tobacco prevention and reduction trust fund is established in the state
10 treasury. Interest earned on money in the fund shall be credited to the fund. Any money from
11 gifts, grants, or other funds may be deposited in the fund. The principal and interest may be
12 appropriated from the fund. The fund shall be invested according to §§ 4-5-23 and 4-5-26.

13 Section 5. Interest earned on money received from the Master Settlement Agreement signed
14 November 23, 1998, by the attorneys general of several states and by various tobacco companies
15 shall be deposited in the tobacco prevention and reduction trust fund. This section is repealed
16 when three million dollars of interest earnings has been deposited in the tobacco prevention and
17 reduction trust fund or on July 1, 2001.

18 Section 6. Money in the tobacco prevention and reduction trust fund shall be used for
19 tobacco use prevention and cessation programs and grants as follows:

- 20 (1) Community based programs;
- 21 (2) School based programs;
- 22 (3) State-wide programs;
- 23 (4) Cessation programs;
- 24 (5) Public education and counter marketing;
- 25 (6) Enforcement of effective tobacco laws;

1 (7) Evaluation of tobacco programs; and

2 (8) Administration and oversight.

3 Section 7. There is created an eleven member Tobacco Prevention and Reduction Trust Fund
4 Advisory Board. The Governor shall appoint six members to the board, the Speaker of the
5 House of Representatives shall appoint three members to the board, and the President Pro
6 Tempore of the Senate shall appoint two members to the board. The terms of the initial
7 appointments shall be: four members appointed to a one year term, four members appointed to
8 a two year term, and three members appointed to a three year term. All subsequent appointments
9 shall be for a three year term. Any member appointed to fill a vacancy other than the natural
10 expiration of a term shall serve for only the unexpired portion of the term. No member of the
11 board may be affiliated with the tobacco industry. The board shall meet at least two times per
12 year.

13 Section 8. The Tobacco Prevention and Reduction Trust Fund Advisory Board, in
14 collaboration with the Department of Human Services, shall develop and approve a state-wide
15 strategic plan to prevent and reduce tobacco use. The plan shall set forth short term and long
16 term goals, adequate benchmarks and standards by which measures of program success under
17 section 5 of this Act may be appropriately evaluated. The board shall be responsible for
18 establishing program priorities, criteria for awarding grants, and assessing overall program
19 performance.

20 Section 9. The Tobacco Prevention and Reduction Trust Fund Advisory Board shall submit
21 an annual report to the Governor and the Legislature. The annual report shall detail the progress
22 toward meeting program goals and objectives, including reporting on changes in tobacco
23 consumption, tobacco use rates and attitudes towards tobacco, especially among children and
24 other high risk populations.

25 Section 10. There is hereby appropriated from the tobacco prevention and reduction trust

1 fund the sum of three million dollars (\$3,000,000), or so much thereof as may be necessary, to
2 the Department of Human Services to implement a comprehensive tobacco prevention and
3 cessation program.

4 Section 11. The secretary of the Department of Human Services shall approve vouchers and
5 the state auditor shall draw warrants to pay expenditures authorized by section 9 of this Act.

6 Section 12. Any amounts appropriated in section 9 of this Act not lawfully expended or
7 obligated by June 30, 2001, shall revert in accordance with § 4-8-21.

1 **BILL HISTORY**

2 1/24/00 First read in Senate and referred to Appropriations. S.J. 169

3 2/2/00 Scheduled for Committee hearing on this date.

4 2/2/00 Deferred by Chair.

5 2/8/00 Appropriations Hog Housed.

6 2/8/00 Scheduled for Committee hearing on this date.

7 2/8/00 Appropriations Do Pass Amended, Passed, AYES 9, NAYS 1. S.J. 346

8 2/10/00 Senate Do Pass Amended, Passed, AYES 33, NAYS 2. S.J. 425

9 2/11/00 First read in House and referred to Appropriations. H.J. 609

10 2/18/00 Scheduled for Committee hearing on this date.

11 2/18/00 Appropriations Deferred to another day.

12 2/22/00 Scheduled for Committee hearing on this date.

13 2/22/00 Appropriations Do Pass Amended, Passed, AYES 7, NAYS 3. H.J. 771