

1 **TOBACCO PREVENTION AND TREATMENT**

2 **ENDOWMENT**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: D. Edgar Allen**

6 AN ACT RELATING TO THE TOBACCO SETTLEMENT ACCOUNT; AMENDING THE
7 NAME OF THE TOBACCO SETTLEMENT ACCOUNT; CREATING A SECOND
8 RESTRICTED ACCOUNT KNOWN AS THE TOBACCO PREVENTION AND TREATMENT
9 ENDOWMENT; REQUIRING THAT 25% OF ALL TOBACCO SETTLEMENT FUNDS BE
10 DEPOSITED INTO THE ENDOWMENT; PERMITTING ONLY THE INTEREST EARNED
11 ON THE ENDOWMENT TO BE APPROPRIATED; ESTABLISHING THE PURPOSES FOR
12 WHICH INTEREST MAY BE APPROPRIATED; APPROPRIATING INTO THE
13 ENDOWMENT 25% OF ANY TOBACCO SETTLEMENT FUNDS RECEIVED BY THE
14 STATE BEFORE THE EFFECTIVE DATE OF THIS ACT; AND ESTABLISHING AN
15 EFFECTIVE DATE.

16 This act affects sections of Utah Code Annotated 1953 as follows:

17 AMENDS:

18 **63-97-101**, as enacted by Chapter 78, Laws of Utah 1999

19 ENACTS:

20 **63-97-301**, Utah Code Annotated 1953

21 RENUMBERS AND AMENDS:

22 **63-97-201**, (Renumbered from 63-97-102, as enacted by Chapter 78, Laws of Utah 1999)

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **63-97-101** is amended to read:

25 **CHAPTER 97. TOBACCO SETTLEMENT ACCOUNTS**

26 **Part 1. General Provision**

27 **63-97-101. Title.**

28 This chapter is known as ~~[the]~~ "Tobacco Settlement ~~[Account]~~ Accounts."

29 Section 2. Section **63-97-201**, which is renumbered from Section 63-97-102 is renumbered
30 and amended to read:

31 **Part 2. Tobacco Settlement Restricted Account**

32 ~~[63-97-102]~~. **63-97-201. Creation of Tobacco Settlement Restricted Account.**

33 (1) There is created within the General Fund a restricted account known as the Tobacco
34 Settlement Restricted Account.

35 (2) The account shall earn interest.

36 ~~[(2)]~~ (3) The account shall consist of:

37 (a) 75% of all funds of every kind received by the state that are related to the settlement
38 agreement that the state entered into with leading tobacco manufacturers on November 23, 1998;
39 and

40 (b) interest earned on the account.

41 ~~[(3)]~~ (4) Funds in the account may only be used as directed by the Legislature through
42 appropriation.

43 Section 3. Section **63-97-301** is enacted to read:

44 **Part 3. Tobacco Prevention and Treatment Endowment.**

45 **63-97-301. Tobacco Prevention and Treatment Endowment.**

46 (1) There is created within the General Fund a restricted account known as the Tobacco
47 Prevention and Treatment Endowment.

48 (2) The account shall earn interest.

49 (3) The account shall consist of:

50 (a) 25% of all funds of every kind that are received by the state that are related to the
51 settlement agreement that the state entered into with leading tobacco manufacturers on November
52 23, 1998; and

53 (b) interest earned on the account.

54 (4) Tobacco settlement funds deposited into the account pursuant to Subsection (3)(a) may
55 not be appropriated for any purpose, but shall remain in the account for the purpose of earning
56 interest to be appropriated in accordance with Subsection (5).

57 (5) The Legislature § ~~[shall]~~ **MAY** § annually appropriate all interest earned on the account
57a for the
58 following purposes:

- 59 (a) to discourage the use of tobacco products;
- 60 (b) to reduce the use of tobacco products; and
- 61 (c) to help pay for the ongoing costs of treating tobacco-related illnesses and diseases.

62 Section 4. **Appropriation.**

63 There is appropriated 25% of any funds that are deposited into the Tobacco Settlement
64 Account within the General Fund before July 1, 2000, to the Tobacco Prevention and Treatment
65 Endowment within the General Fund to ensure that the starting fund balance in each account is
66 consistent with the provisions of this act.

67 Section 5. **Effective date.**

68 This act takes effect on July 1, 2000.

Legislative Review Note
as of 1-21-00 1:42 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel