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SENATE BILL 349

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO TOBACCO SETTLEMENT REVENUE; PROVIDING FOR
DISTRIBUTIONS TO THE TOBACCO SETTLEMENT PROGRAM FUND AND
AUTHORIZING APPROPRIATIONS FROM THE FUND TO THE UNIVERSITY OF
NEW MEXICO HEALTH SCIENCES CENTER; AMENDING SECTIONS OF THE
NMSA 1978; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 6-4-9 NMSA 1978 (being Laws 1999,
Chapter 207, Section 1) is amended to read:

"6-4-9. TOBACCO SETTLEMENT PERMANENT FUND--INVESTMENT--
DISTRIBUTION.--

A. The "tobacco settlement permanent fund" is
created in the state treasury. The fund shall consist of
money distributed to the state pursuant to the master
settlement agreement entered into between tobacco product
manufacturers and various states, including New Mexico, and

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underscored material = new
~~[bracketed material]~~ = delete

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1 executed November 23, 1998 or from a qualified escrow fund
2 authorized by a qualifying state statute enacted pursuant to
3 the master settlement agreement. Money in the fund shall be
4 invested by the state investment officer as land grant
5 permanent funds are invested pursuant to Chapter 6, Article 8
6 NMSA 1978. Income from investment of the fund shall be
7 credited to the fund. Money in the fund shall not be
8 expended for any purpose [~~except by appropriation of the~~
9 ~~second session of the forty-fourth and subsequent~~
10 ~~legislatures~~], but an annual distribution shall be made to
11 the tobacco settlement program fund in accordance with
12 Subsection B of this section.

13 B. On July 1 of fiscal year 2001 and on July 1 of
14 each fiscal year thereafter, an annual distribution shall be
15 made from the tobacco settlement permanent fund to the
16 tobacco settlement program fund of an amount equal to forty
17 percent of the total amount of money distributed to the
18 tobacco settlement permanent fund in the immediately
19 preceding fiscal year until that amount is less than an
20 amount equal to four and seven-tenths percent of the average
21 of the year-end market values of the tobacco settlement
22 permanent fund for the immediately preceding five calendar
23 years. Thereafter, the amount of the annual distribution
24 shall be four and seven-tenths percent of the average of the
25 year-end market values of the tobacco settlement permanent
fund for the immediately preceding five calendar years."

Section 2. Section 6-4-10 NMSA 1978 (being Laws 1999,

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1 Chapter 207, Section 2) is amended to read:

2 "6-4-10. TOBACCO SETTLEMENT [~~INCOME~~] PROGRAM FUND
3 CREATED--PURPOSE.--

4 A. The "tobacco settlement [~~income~~] program fund"
5 is created in the state treasury and shall consist of
6 [~~appropriations~~] distributions made to the fund from the
7 tobacco settlement permanent fund. Income from investment of
8 the tobacco settlement program fund shall be credited to the
9 fund. Money distributed to the tobacco settlement program
10 fund on July 1 of fiscal year 2001 in accordance with the
11 provisions of Subsection B of Section 6-4-9 NMSA 1978 may be
12 appropriated by the second session of the forty-fourth
13 legislature. Beginning in fiscal year 2002, money in the
14 tobacco settlement program fund may be appropriated by the
15 legislature for [~~any of~~] the purposes specified in Subsection
16 B of this section. Balances in the tobacco settlement
17 program fund at the end of any fiscal year shall remain in
18 the fund.

19 B. Money may be appropriated from the tobacco
20 settlement [~~income~~] program fund [~~for health and educational~~
21 ~~purposes, including:~~

22 (1) ~~support of additional public school~~
23 ~~programs, including extracurricular and after school programs~~
24 ~~designed to involve students in athletic, academic, musical,~~
25 ~~cultural, civic, mentoring and similar types of activities;~~

(2) ~~any health or health care program or~~
~~service for prevention or treatment of disease or illness;~~

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[bracketed material] = delete

1 ~~(3) basic and applied research conducted by~~
2 ~~higher educational institutions or state agencies addressing~~
3 ~~the impact of smoking or other behavior on health and~~
4 ~~disease;~~

5 ~~(4) public health programs and needs; and~~

6 ~~(5) tobacco use cessation and prevention~~
7 ~~programs, including public information, education and media~~
8 ~~campaigns] to the university of New Mexico health sciences~~
9 ~~center for research and clinical care programs in tobacco-~~
10 ~~related illnesses, including programs in the following areas:~~
11 ~~laboratory science, genomics, epidemiology, education and~~
12 ~~training, clinical intervention, clinical trials and~~
13 ~~community outreach."~~

14 Section 3. APPROPRIATION.--Seventeen million five
15 hundred seventy-four thousand dollars (\$17,574,000) is
16 appropriated from the tobacco settlement program fund to the
17 board of regents of the university of New Mexico for the
18 health sciences center for expenditure in fiscal year 2001
19 for research and clinical care programs in tobacco-related
20 illnesses, including programs in the following areas:
21 laboratory science, genomics, epidemiology, education and
22 training, clinical intervention, clinical trials and
23 community outreach. Any unexpended or unencumbered balance
24 remaining at the end of fiscal year 2001 shall revert to the
25 tobacco settlement program fund.