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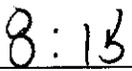
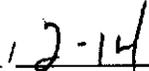
**COMMITTEE FILE COPY**

**TABLED BILL**

The **SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE** TABLED **SB 7, SB 71, SB 155**,  
by motion, on **Friday, February 11, 2005**.

  
\_\_\_\_\_  
(For the Committee)

  
\_\_\_\_\_  
(Secretary of Senate)

   
\_\_\_\_\_  
(Time) (Date)

February 14, 2005

Rita A. Tenneson, Secretary

Phone: 6799

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## SENATE STANDING COMMITTEE REPORT

February 15, 2005

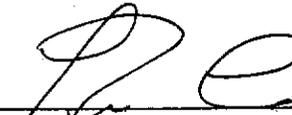
Page 1 of 2

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 287**

(first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

  
*Senator Brent R. Cromley, Chair*

**And, that such amendments read:**

1. Title, line 9.

**Following:** "GRANTS;"

**Strike:** "AND"

2. Title, line 10.

**Following:** "PROGRAM"

**Insert:** "; AND PROVIDING AND EFFECTIVE DATE"

3. Page 1, line 21.

**Following:** "Possession of"

**Insert:** "more than 9 grams of"

**Following:** "containing"

**Strike:** "more than 9 grams"

**Insert:** "any detectable quantity"

4. Page 2, line 8.

**Strike:** "business establishment that operates a"

5. Page 2, lines 9, 12, and 22.

**Strike:** "business establishment"

**Insert:** "licensed pharmacy"

**Committee Vote:**

Yes 7, No 2.

370911SC.sjo



6. Page 2, lines 13, 21, and in two places on line 24.

**Strike:** "establishment"

**Insert:** "licensed pharmacy"

7. Page 4.

**Following:** line 22

**Insert:** "NEW SECTION. Section 9. Effective date. [This act]  
is effective July 1, 2005"

**Insert:** "NEW SECTION. Section 10. Contingent voidness. If  
funds are not appropriated for the purposes of [section 6], then  
[this act] is void."



## SENATE STANDING COMMITTEE REPORT

February 14, 2005

Page 1 of 2

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 308** (first reading copy -- white) **do pass as amended.**

Signed:

  
\_\_\_\_\_  
*Senator Brent R. Cromley, Chair*

**And, that such amendments read:**

1. Title, line 6.

**Strike:** "ANOTHER"

**Insert:** "A SUPPORT"

2. Title, line 6 through line 7.

**Strike:** "WHENEVER" on line 6 through "DISCUSSION" on line 7

**Insert:** "DURING AN IN-PERSON MEETING WITH A SOCIAL WORKER  
CONCERNING EMERGENCY PROTECTIVE SERVICES"

3. Page 1, line 20.

**Following:** "hearing"

**Insert:** "and must advise the parents, parent, guardian, or other person having physical custody of the youth that the parents, parent, guardian, or other person may have a support person present during any in-person meeting with the social worker concerning emergency protective services"

4. Page 2, line 16 through line 21.

**Strike:** "The" on line 16 through "present." on line 21

5. Page 3, line 14 through line 20.

**Following:** "(d)" on line 14

**Committee Vote:**

Yes 7, No 2.

361303SC.ssc

*KF*

**Strike:** remainder of line 14 through "welfare." on line 20

**Insert:** "The petition for immediate protection and emergency protective services must include a notice advising the parents, parent, guardian, or other person having physical custody of the youth that the parents, parent, guardian, or other person may have a support person present during any in-person meeting with a social worker concerning emergency protective services. Reasonable accommodation must be made in scheduling an in-person meeting with the social worker."

- END -





PROXY VOTE

I, the undersigned, hereby authorize Senator Mass to

vote my proxy on any issue before the Senate \_\_\_\_\_

Committee held on \_\_\_\_\_, 2005.

SB - 48?  
287  
SB -  
308 no.

Carol Williams

SENATOR  
STATE OF MONTANA

Sen. September

# PROXY VOTE

I, the undersigned, hereby authorize Senator Combes to

vote my proxy on any issue before the Senate Public Health

Committee held on Feb 11, 2005.

JR SB 308

[Signature] [Signature] yes  
SENATOR SB  
STATE OF MONTANA 308

**MONTANA STATE SENATE  
2005 LEGISLATURE**

**VISITOR REGISTER**

**PUBLIC HEALTH, WELFARE, AND SAFETY**

DATE 2-11-05 BILLS BEING HEARD TODAY SB 281 SB 317

SJR 18

**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Beth Kaeding	585-5644	Self	281	X	
Kris Thomas	587-7193	Montana <sup>TEXAS</sup> Against <sup>Burn</sup>	281	X	
Adam Rissien	544-7698	montana chapter sierra club	281	X	
DR Edy Lwla	652-7168	Self			
Julia Kage	848-7571	Self	281	X	
Jerry Iverson	932-5840	self/NPRC	281	X	
Bud Clinch	442-6223	MT. COAL COUNCIL	281		X
John Youngberg	570-4103	MFBF	281		X
B Molineux	443-7888	Self	SJR 18	X	
Loren Frazier	444-6002	MDT	SB 281	informant/witness	
ELLEN EUGSTADT	431-9792	MT WOOD PROD ASSO.	SB 281		X
Jason Tothunter	253-3806	MT Logging Assoc.	SB 281		X
Ricky Mercurio	961-2213	Montana State Land	SB 317	X	
JAVE RAGSTALE	542-3668		SB 317	X	
Tom Elkhaff	444-5263	DEQ	SB 281		
STEVE WICK	444-4964	DEQ	SB 281	info	
Anne Hedges	443-2520	MEIC	SB 281	X	
Kay Gray	442-1040	AZ	SB 317	info	
Gary Gould	495-3316	BCBSMT	SB 317		
Glenn Dapel	443-4032	MT Beaters	SB 281		X
Mike Murphy	275-4555	MWRP	SB 281		X

**PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY**

**MONTANA STATE SENATE  
2005 LEGISLATURE**

**VISITOR REGISTER**

**PUBLIC HEALTH, WELFARE, AND SAFETY**

DATE 2-11-05 BILLS BEING HEARD TODAY SB 28 SB 317  
ST 18

**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Frank Cote	3-9070	AKIP	SB 317		X
James Senterfitt	457-2229	New West Health Services	SB 317		X
Scott Benbow	415-297-6449	Consumers Union	SB 317	X	X
Jeanne-Marie Sauvignon	220-1731	MCU	SB 281	X	
Lynn Stumborg	207-6137	Sage Forum	SB 17		X
Denise Baber	457-9143	Self	281	X	
Don Allen	443-5541	WETA	281		X
Rev. Bob Holmes	495-6725	SAC	5519	X	
Janet Ellis	495-3949	MT Audubon	SB 281	X	
Eric Schiedermayer	442-5761	MT Catholic Conference	ST 18		X
Ronda Carpenter-Wiggers	899-5059	Great Falls Chamber of Com	SB 281		X
Gene FenderSON	431-6657	PROGRESSIVE LABOR, RECORDS	SB 317	X	
Tanya Ask	444-8297	BCISSMT	SB 317		✓
Joe Mazurek	457-2050	"	"		✓ Amendment
John Bloomquist	3-2211	MT. Students	SB 281		X
Katie CADY	586-2582	self	SB 281	X	
John E Seidlitz	855-5822	Self	SB 281	X	
Angela Janararo	495-1444	MT MINING ASSOC	SB 281		✓
Ms S. KAKUK	443-7788	WETA	SB 281		✓
Ed MARTNETT	443-6820	GOLDEN SUNLIGHT	SB 281		X
DEBBE GOLDMAN	443 3949	Amer. Askeries Society	SB 281	X	

John ~~Blumquist~~ 449-993

**PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY**





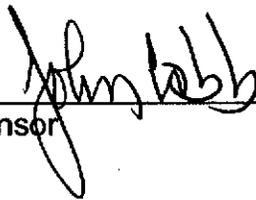


TO: Senator Brent Crowley, Chairman, Senate Public Health Committee

RE: SB 71

DATE: ~~2/9/05~~ 2/11/05

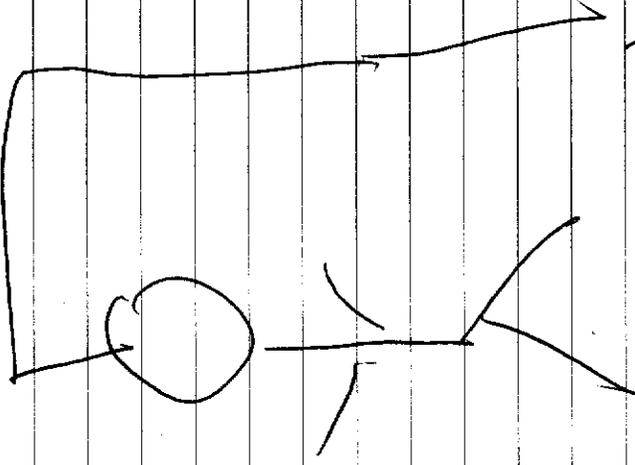
Pursuant to Senate Rule S30-70(3)(b) I request that the Senate Public Health Committee finally dispose of SB 71 without a hearing.

  
\_\_\_\_\_  
Sponsor

Need a Motion to

Table - SPT

Granting SB 711  
Rem



your job

SENATE BILL NO. 71

INTRODUCED BY J. COBB

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THOSE PROVISIONS OF LAW TEMPORARILY ENACTED BY THE 58TH SESSION OF THE MONTANA LEGISLATURE PROVIDING FOR USE OF TOBACCO SETTLEMENT FUND PROCEEDS FOR THE FUNDING OF HEALTH AND HUMAN SERVICES PROGRAMS ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REQUIRING AN ONGOING TRANSFER FROM A STATE SPECIAL REVENUE ACCOUNT TO THE PREVENTION AND STABILIZATION ACCOUNT; AMENDING SECTION 17-6-606, MCA; REPEALING SECTION 8, CHAPTER 608, LAWS OF 2003; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 17-6-606, MCA, is amended to read:

"17-6-606. (Temporary) Tobacco settlement accounts -- purpose -- uses. (1) The purpose of this section is to dedicate a portion of the tobacco settlement proceeds to fund a statewide comprehensive tobacco disease prevention program designed to:

- (a) discourage children from starting use of tobacco;
- (b) assist adults in quitting use of tobacco;
- (c) provide funds for the children's health insurance program;
- (d) provide funds for the comprehensive health association programs; and
- (e) fund human services programs.

(2) An amount equal to 32% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5) (6), the funds referred to in this subsection may be used only for funding a statewide tobacco prevention program designed to prevent children from starting tobacco use and to help adults who want to quit tobacco use and for funding human services programs, as provided in subsection (4). The department of public health and human services shall manage the tobacco prevention program and shall adopt rules to implement the program. In adopting rules, the department shall consider the standards contained in Best Practices for Comprehensive Tobacco Control

1 ~~this subsection may be used only for funding a statewide tobacco prevention program designed to prevent~~  
 2 ~~children from starting tobacco use and to help adults who want to quit tobacco use. The department of public~~  
 3 ~~health and human services shall manage the tobacco prevention program and shall adopt rules to implement~~  
 4 ~~the program. In adopting rules, the department shall consider the standards contained in Best Practices for~~  
 5 ~~Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by the U.S.~~  
 6 ~~department of health and human services, centers for disease control and prevention.~~

7 ~~----- (3) An amount equal to 17% of the total yearly tobacco settlement proceeds received after June 30,~~  
 8 ~~2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in~~  
 9 ~~this subsection may be used only for:~~

10 ~~----- (a) matching funds to secure the maximum amount of federal funds for the Children's Health Insurance~~  
 11 ~~Program Act provided for in Title 53, chapter 4, part 10; and~~

12 ~~----- (b) programs of the comprehensive health association provided for in Title 33, chapter 22, part 15, with~~  
 13 ~~funding use subject to 33-22-1513.~~

14 ~~----- (4) Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are~~  
 15 ~~not appropriated within 2 years after the date of deposit must be transferred to the trust fund.~~

16 ~~----- (5) The legislature shall appropriate money from the state special revenue accounts provided for in this~~  
 17 ~~section for tobacco disease prevention, for the programs referred to in the subsection establishing the account,~~  
 18 ~~and for funding the tobacco prevention advisory board.~~

19 ~~----- (6) Programs funded under this section that are private in nature may be funded through contracted~~  
 20 ~~services."~~

21

22 NEW SECTION. Section 2. Repealer. Section 8, Chapter 608, Laws of 2003, is repealed.

23

24 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2005.

25

- END -

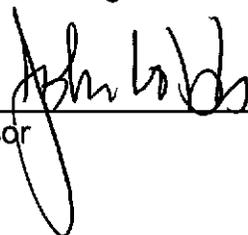
TO: Senator Brent Cromley, Chairman, Senate Public Health Committee

RE: SB 155

DATE: 2/9/05

Pursuant to Senate Rule S30-70(3)(b) I request that the Senate Public Health Committee finally dispose of SB 155 without a hearing.

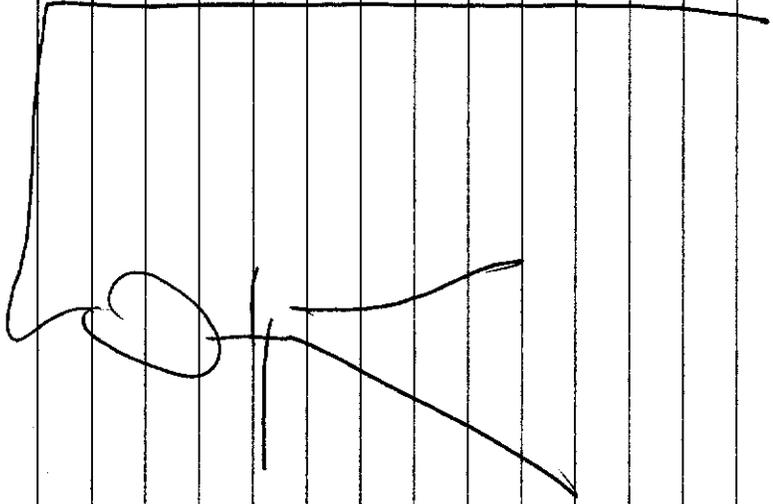
Sponsor



Need a Motion

to Table! Rita

Thank you! SP/SS



S BILL NO. 155

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INTRODUCED BY Cobb  
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING MEDICAL CARE SAVINGS ACCOUNTS TO BE USED TO MAKE HEALTH INSURANCE PREMIUM PAYMENTS BY AMENDING THE DEFINITION OF "ELIGIBLE MEDICAL EXPENSE"; AMENDING SECTION 15-61-102, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 15-61-102, MCA, is amended to read:

**"15-61-102. Definitions.** As used in this chapter, unless it clearly appears otherwise, the following definitions apply:

- (1) "Account administrator" means:
  - (a) a state or federally chartered bank, savings and loan association, credit union, or trust company;
  - (b) a health care insurer as defined in 33-22-125;
  - (c) a certified public accountant licensed to practice in this state pursuant to Title 37, chapter 50;
  - (d) an employer if the employer has a self-insured health plan under ERISA;
  - (e) the account holder or an employee for whose benefit the account in question is established;
  - (f) a broker, insurance producer, or investment adviser regulated by the commissioner of insurance;
  - (g) an attorney licensed to practice law in this state;
  - (h) a licensed public accountant or a person who is an enrolled agent allowed to practice before the United States internal revenue service.

(2) "Account holder" means an individual who is a resident of this state and who establishes a medical care savings account or for whose benefit the account is established.

(3) "Dependent" means the spouse of the employee or account holder or a child of the employee or account holder if the child is:

- (a) under 23 years of age and enrolled as a full-time student at an accredited college or university or is under 19 years of age;
- (b) legally entitled to the provision of proper or necessary subsistence, education, medical care, or other care necessary for the health, guidance, or well-being of the child and is not otherwise emancipated,

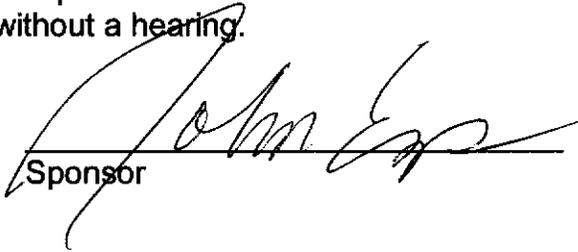


TO: Senator Brent Cromley, Chairman, Senate Public Health Committee

RE: SB 7

DATE: ~~2/9/05~~ 2/11/05

Pursuant to Senate Rule S30-70(3)(b) I request that the Senate Public Health Committee finally dispose of SB 7 without a hearing.

  
\_\_\_\_\_  
Sponsor



1 self-supporting, married, or a member of the armed forces of the United States; or

2 (c) mentally or physically incapacitated to the extent that the child is not self-sufficient.

3 (4) "Eligible medical expense" means an expense paid by the employee or account holder for any of  
4 the following:

5 (a) medical care defined by 26 U.S.C. 213(d) for the employee or account holder or a dependent of the  
6 employee or account holder; or

7 (b) health insurance premium payments.

8 (5) "Employee" means an employed individual for whose benefit or for the benefit of whose dependents  
9 a medical care savings account is established. The term includes a self-employed individual.

10 (6) "ERISA" means the Employee Retirement Income Security Act of 1974, Public Law 93-406.

11 (7) "Medical care savings account" or "account" means an account established with an account  
12 administrator in this state pursuant to 15-61-201."

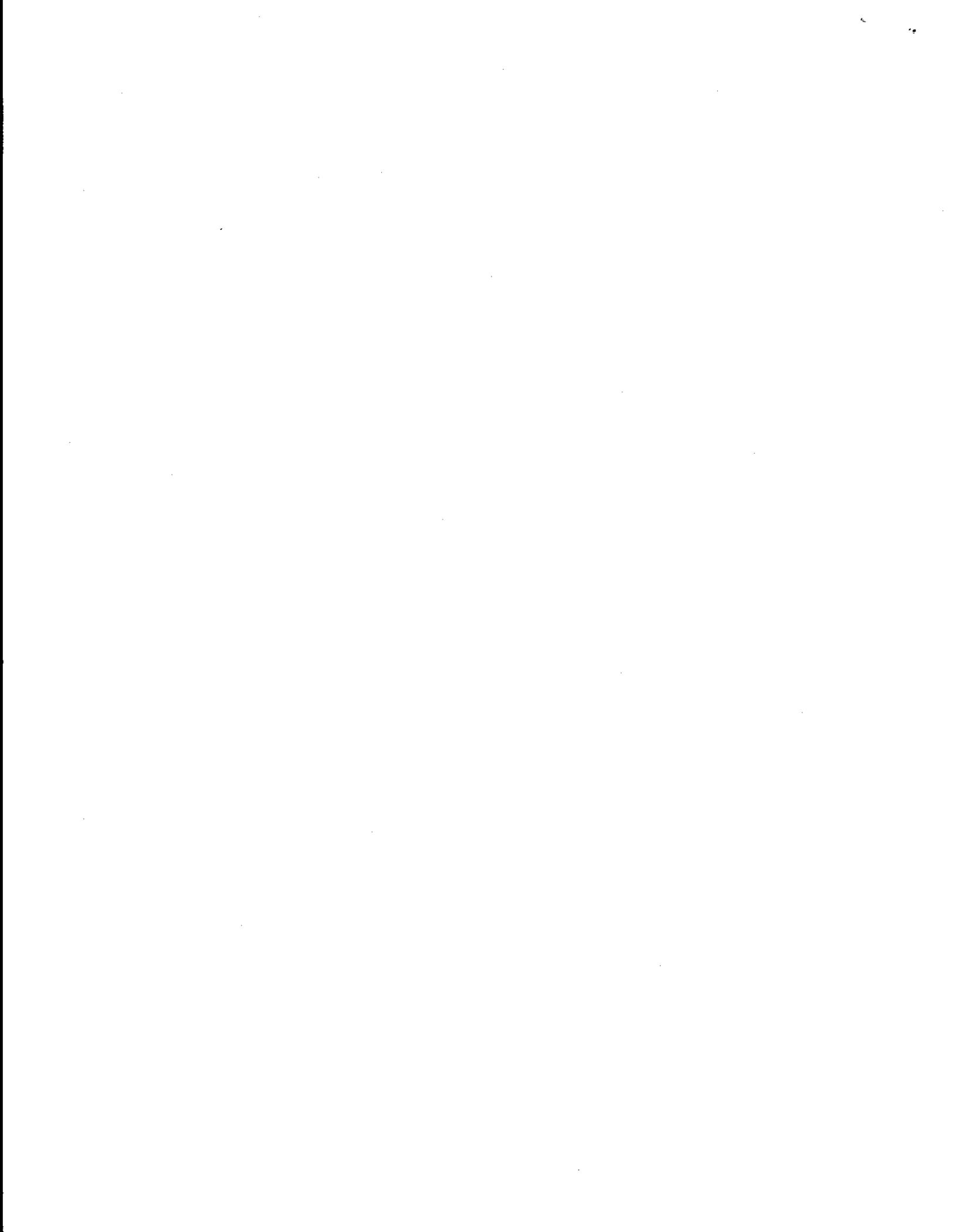
13

14 NEW SECTION. Section 2. Applicability. [This act] applies to health insurance premium payments  
15 made after [the effective date of this act].

16

- END -





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1 Programs--August 1999 or its successor document, published by the U.S. department of health and human  
2 services, centers for disease control and prevention.

3 (3) An amount equal to 17% of the total yearly tobacco settlement proceeds ~~received after June 30,~~  
4 ~~2003~~, must be deposited in a state special revenue account. Subject to subsection ~~(5)~~ (6), the funds referred  
5 to in this subsection may be used only for:

6 (a) matching funds to secure the maximum amount of federal funds for the Children's Health Insurance  
7 Program Act provided for in Title 53, chapter 4, part 10;

8 (b) programs of the comprehensive health association provided for in Title 33, chapter 22, part 15, with  
9 funding use subject to 33-22-1513; and

10 (c) matching funds to secure the maximum amount of federal funds for the medicaid program.

11 (4) An amount equal to the amount appropriated from the prevention and stabilization account  
12 established in 53-6-1101 is transferred to that account from the special revenue account established in  
13 subsection (2) of this section. Money in the account must be used for funding human services programs as  
14 provided in 53-6-1101.

15 ~~(4)(5)~~ Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are  
16 not appropriated within 2 years after the date of deposit must be transferred to the trust fund.

17 ~~(5)(6)~~ The legislature shall appropriate money from the state special revenue accounts provided for in  
18 this section and in 53-6-1101 for the programs referred to in the section or subsection establishing the account  
19 and for funding the tobacco prevention advisory board.

20 ~~(6)(7)~~ Programs funded under this section that are private in nature may be funded through contracted  
21 services. ~~(Terminates June 30, 2005--sec. 8, Ch. 608, L. 2003.)~~

22 ~~17-6-606. (Effective July 1, 2005) Tobacco settlement accounts--purpose--uses.~~ (1) The purpose  
23 of this section is to dedicate a portion of the tobacco settlement proceeds to fund a statewide comprehensive  
24 tobacco disease prevention program designed to:

25 ~~\_\_\_\_\_ (a) discourage children from starting use of tobacco;~~

26 ~~\_\_\_\_\_ (b) assist adults in quitting use of tobacco;~~

27 ~~\_\_\_\_\_ (c) provide funds for the children's health insurance program; and~~

28 ~~\_\_\_\_\_ (d) provide funds for the comprehensive health association programs.~~

29 ~~\_\_\_\_\_ (2) An amount equal to 32% of the total yearly tobacco settlement proceeds received after June 30,~~  
30 ~~2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in~~

