

Exhibit No. 11Date 4-5-11Bill No. HB 604Amendments to House Bill No. 604  
3rd Reading Copy

Requested by Senator John Brenden

For the Senate Finance and Claims Committee

Prepared by Taryn Purdy  
April 4, 2011 (1:12pm)

1. Title, page 1, line 4.

**Following:** "AUTHORIZING"**Strike:** "A"

2. Title, page 1, line 5.

**Strike:** "TRANSFER"**Insert:** "TRANSFERS"

3. Title, page 1, line 6.

**Following:** "ACCOUNT"**Insert:** "AND THE OLDER MONTANANS TRUST FUND"

4. Title, page 1, line 11.

**Following:** "SECTIONS"**Insert:** "52-3-115,"

5. Title, page 1, line 12.

**Following:** "DATE"**Insert:** "AND A TERMINATION DATE"

6. Page 1, line 16 through line 20.

**Following:** "(1)" on line 16**Strike:** remainder of line 16 through "(2)" on line 20**Insert:** "(1)"**ReNUMBER:** subsequent subsections

7. Page 1, line 29.

**Insert:** "NEW SECTION. **Section 2. Transfer of funds to general fund.** (1) By August 15, 2011, the state treasurer shall transfer \$1.85 million from the telecommunications services and specialized telecommunications equipment account provided for in 53-19-310 to the general fund.

(2) The state treasurer shall transfer \$9,166,502 from the older Montanans trust fund, provided for in 52-3-115, to the general fund for the biennium beginning July 1, 2011, for the purpose of funding the prescription drug plus discount program provided for in Title 53, chapter 6, part 10, and for providing grants to the area agencies on aging and funds for tobacco prevention and cessation."

**ReNUMBER:** subsequent section

8. Page 2, line 5.

**Insert: "Section 4.** Section 52-3-115, MCA, is amended to read:

**"52-3-115. (Temporary) Older Montanans trust fund.** (1)

There is an older Montanans trust fund within the permanent fund type. The trust fund is subject to legislative appropriation as provided in this section.

(2) (a) The money in the fund may be used to create new, innovative services or to expand existing services for the benefit of Montana residents 60 years of age or older that will enable those Montanans to live an independent lifestyle in the least restrictive setting and will promote the dignity of and respect for those Montanans. The interest and income produced by the trust fund and appropriated to the department by the legislature is intended to increase services referred to in this subsection and not to supplant other sources of revenue for those programs in the trended traditional level of appropriations for those services.

(b) As used in subsection (2)(a), the phrase "trended traditional level of appropriations" means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

(3) The department may accept contributions and gifts for the trust fund in money or other forms, and when accepted, the contributions and gifts must be deposited in the trust fund.

(4) Interest and income earned on money in the trust fund must be retained within the fund except as provided in this section. Until the year 2015, if assets in the fund reach the following amounts, money may be appropriated by the legislature and used in the following amounts for the programs specified in subsection (2):

(a) When the fund balance reaches \$20 million, 50% of the interest earned may be appropriated.

(b) When the fund balance reaches \$50 million, 60% of the interest earned may be appropriated.

(c) When the fund balance reaches \$100 million, 80% of the interest earned may be appropriated.

(5) On and after January 1, 2015, 90% of the interest earned on the trust fund may be appropriated for the programs specified in subsection (2).

(6) The department shall provide to the legislature a biennial report of the expenditures of the money appropriated from the older Montanans trust fund as provided in 5-11-210. (Terminates June 30, 2011--sec. 82, Ch. 489, L. 2009.)

**52-3-115. (Effective July 1, 2011) Older Montanans trust fund.** (1) There is an older Montanans trust fund within the permanent fund type. The trust fund is subject to legislative appropriation as provided in this section.

(2) The money in the fund may be used to create:

(a) fund new, innovative services or to expand existing services for the benefit of Montana residents 60 years of age or older that will enable those Montanans to live an independent lifestyle in the least restrictive setting and will promote the dignity of and respect for those Montanans; ~~and The interest and income produced by the trust fund and appropriated to the department by the legislature is intended to increase services referred to in this subsection and not to supplant other sources of revenue for those programs in the trended traditional level, as used in 53-6-1201, of appropriations for those services.~~

(b) fund tobacco prevention and cessation activities.

(3) The department may accept contributions and gifts for the trust fund in money or other forms, and when accepted, the contributions and gifts must be deposited in the trust fund.

(4) Interest and income earned on money in the trust fund must be retained within the fund except as provided in this section. ~~Until the year 2015, if assets in the fund reach the following amounts, money~~ Money may be appropriated by the legislature and used in the following amounts for the programs specified in subsection (2):

~~(a) When the fund balance reaches \$20 million, 50% of the interest earned may be appropriated.~~

~~(b) When the fund balance reaches \$50 million, 60% of the interest earned may be appropriated.~~

~~(c) When the fund balance reaches \$100 million, 80% of the interest earned may be appropriated.~~

~~(5) On and after January 1, 2015, 90% of the interest earned on the trust fund may be appropriated for the programs specified in subsection (2).~~

~~(6)~~(5) The department shall provide to the legislature a biennial report of the expenditures of the money appropriated from the older Montanans trust fund as provided in 5-11-210."  
{Internal References to 52-3-115: None.}"

**Renumber:** subsequent sections

9. Page 6, line 16.

**Following:** "instruction."

**Insert:** (1)"

10. Page 6, line 18.

**Strike:** "1(4)"

**Insert:** "1(3)"

11. Page 6, line 21.

**Insert:** "If Senate Bill No. 424 and [this act] are both passed and approved, then Senate Bill No. 424 is void."

12. Page 6.

**Following:** line 26

**Insert:** "NEW SECTION. Section 13. Termination. [Sections 2(2)

and 4] terminate June 30, 2013."

- END -

Explanation - This amendment transfers \$9,166,502 from the Older Montanans Trust Fund to the general fund for the purposes of funding the Big Sky Rx program, area agencies on aging, and tobacco prevention and cessation activities. SB 424 transfers \$8,166,502 from the same account for Big Sky Rx and area agencies on aging, and HB 2 includes appropriations of \$2,583,251 each year for Big Sky Rx (\$5,166,502 for the biennium) and \$1.5 million each year (\$3 million for the biennium) for area agencies on aging. This amendment increases the fund transfer by \$1 million. HB 2 would be amended to reduce the Big Sky Rx appropriation to \$1,583,251 each year (\$3,166,502 for the biennium) and provide \$3 million for tobacco prevention and cessation. The appropriation for the area agencies on aging would remain the same.