

1 HOUSE BILL NO. 34

2 INTRODUCED BY T. SCHMIDT

3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT SEPARATING INTO TWO ACCOUNTS THE EXISTING SPECIAL
 6 REVENUE ACCOUNT FOR TOBACCO SETTLEMENT PROCEEDS EARMARKED TO THE CHILDREN'S
 7 HEALTH INSURANCE PROGRAM AND THE COMPREHENSIVE HEALTH ASSOCIATION PROGRAMS;
 8 SPECIFYING THE ALLOCATION OF REVENUE TO EACH ACCOUNT; AMENDING SECTION 17-6-606, MCA;
 9 AND PROVIDING AN EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
 13 **Section 1.** Section 17-6-606, MCA, is amended to read:

14 **"17-6-606. (Temporary) Tobacco settlement accounts -- purpose -- uses.** (1) The purpose of this
 15 section is to dedicate a portion of the tobacco settlement proceeds to fund statewide programs for tobacco
 16 disease prevention designed to:

17 (a) discourage children from starting use of tobacco;

18 (b) assist adults in quitting use of tobacco;

19 (c) provide funds for the ~~healthy Montana kids plan provided for in Title 53, chapter 4, part 14~~ children's
 20 health insurance program; and

21 (d) provide funds for the comprehensive health association programs.

22 (2) An amount equal to 32% of the total yearly tobacco settlement proceeds ~~received after June 30,~~
 23 ~~2003~~; must be deposited in a state special revenue account. Subject to subsection ~~(5)~~ (6), the funds referred to
 24 in this subsection may be used only for funding statewide programs for tobacco disease prevention designed to
 25 prevent children from starting tobacco use and to help adults who want to quit tobacco use. The department of
 26 public health and human services shall manage the tobacco disease prevention programs and shall adopt rules
 27 to implement the programs. In adopting rules, the department shall consider the standards contained in Best
 28 Practices for Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by
 29 the U.S. department of health and human services, centers for disease control and prevention.

30 (3) An amount equal to ~~17%~~ 14.6% of the total yearly tobacco settlement proceeds ~~received after June~~

1 ~~30, 2003~~; must be deposited in a state special revenue account. Subject to subsection ~~(5)~~ (6), the funds referred
 2 to in this subsection may be used only for:

3 ~~——(a)~~ matching funds to secure the maximum amount of federal funds for the ~~healthy Montana kids plan~~
 4 Children's Health Insurance Program Act provided for in Title 53, chapter 4, part 44 ~~10; and.~~

5 ~~(b)~~(4) An amount equal to 2.4% of the total yearly tobacco settlement proceeds must be deposited in
 6 a state special revenue account. Subject to subsection (6), the funds referred to in this subsection may be used
 7 only for programs of the Montana comprehensive health association provided for in Title 33, chapter 22, part 15,
 8 with funding use subject to 33-22-1513.

9 ~~(4)~~(5) Funds deposited in a state special revenue account, as provided in subsection (2), ~~or (3), or (4),~~
 10 that are not appropriated within 2 years after the date of deposit must be transferred to the trust fund.

11 ~~(5)~~(6) The legislature shall appropriate money from the state special revenue accounts provided for in
 12 this section for programs for tobacco disease prevention, for the programs referred to in the subsection
 13 establishing the account, and for funding the tobacco prevention advisory board.

14 ~~(6)~~(7) Programs funded under this section that are private in nature may be funded through contracted
 15 services. (Terminates June 30, 2011--sec. 35(1), Ch. 486, L. 2009.)

16 **17-6-606. (Effective July 1, 2011) Tobacco settlement accounts -- purpose -- uses.** (1) The purpose
 17 of this section is to dedicate a portion of the tobacco settlement proceeds to fund statewide programs for tobacco
 18 disease prevention designed to:

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

23 (2) An amount equal to 32% of the total yearly tobacco settlement proceeds ~~received after June 30,~~
 24 ~~2003~~; must be deposited in a state special revenue account. Subject to subsection ~~(5)~~ (6), the funds referred to
 25 in this subsection may be used only for funding statewide programs for tobacco disease prevention designed to
 26 prevent children from starting tobacco use and to help adults who want to quit tobacco use. The department of
 27 public health and human services shall manage the tobacco disease prevention programs and shall adopt rules
 28 to implement the programs. In adopting rules, the department shall consider the standards contained in Best
 29 Practices for Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by
 30 the U.S. department of health and human services, centers for disease control and prevention.

1 (3) An amount equal to ~~47%~~ 14.6% of the total yearly tobacco settlement proceeds ~~received after June~~
2 ~~30, 2003~~, must be deposited in a state special revenue account. Subject to subsection ~~(5)~~ (6), the funds referred
3 to in this subsection may be used only for:

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

6 ~~(b)~~(4) An amount equal to 2.4% of the total yearly tobacco settlement proceeds must be deposited in
7 a state special revenue account. Subject to subsection (6), the funds referred to in this subsection may be used
8 only for programs of the Montana comprehensive health association provided for in Title 33, chapter 22, part 15,
9 with funding use subject to 33-22-1513.

10 ~~(4)~~(5) Funds deposited in a state special revenue account, as provided in subsection (2), ~~or (3), or (4)~~,
11 that are not appropriated within 2 years after the date of deposit must be transferred to the trust fund.

12 ~~(5)~~(6) The legislature shall appropriate money from the state special revenue accounts provided for in
13 this section for programs for tobacco disease prevention, for the programs referred to in the subsection
14 establishing the account, and for funding the tobacco prevention advisory board.

15 ~~(6)~~(7) Programs funded under this section that are private in nature may be funded through contracted
16 services."

17

18 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2011.

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- END -