

HOUSE BILL NO. 849

INTRODUCED BY BRADLEY, RANEY, D. BROWN, CROMLEY,  
STEPPLER, HALLIGAN, RYE,  
DOWELL, MCCULLOCH, BARNHART

IN THE HOUSE

FEBRUARY 14, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON EDUCATION & CULTURAL RESOURCES.

FEBRUARY 15, 1991                   FIRST READING.

FEBRUARY 23, 1991                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 25, 1991                   PRINTING REPORT.

FEBRUARY 26, 1991                   SECOND READING, DO PASS.  
  
ENGROSSING REPORT.

FEBRUARY 27, 1991                   THIRD READING, PASSED.  
AYES, 68; NOES, 32.  
  
TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 4, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON PUBLIC HEALTH, WELFARE, & SAFETY.  
  
FIRST READING.

MARCH 23, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 28, 1991                   SECOND READING, CONCURRED IN.

APRIL 1, 1991                   THIRD READING, NOT CONCURRED IN.  
AYES, 25; NOES, 25.

APRIL 2, 1991                   ON MOTION, PREVIOUS ACTION  
RECONSIDERED.

APRIL 3, 1991                   THIRD READING, CONCURRED IN.  
AYES, 26; NOES, 24.  
  
RETURNED TO HOUSE.

IN THE HOUSE

APRIL 4, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

*HOUSE* BILL NO. *849*

INTRODUCED BY *Bradley Roney Dave Bron Roney*

*B. Blumhert Kelly G. By Dwell McCallister*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A REFERENDUM IN OCTOBER 1991 FOR MONTANA STUDENTS ENROLLED IN GRADES 7 THROUGH 12 TO DECIDE WHETHER RETAILERS SHOULD REFUSE TO SELL CIGARETTES AND TOBACCO TO PERSONS UNDER 18 YEARS OF AGE; PROVIDING FOR PROCEDURES AND SUPERVISION OF THE REFERENDUM BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION; PROVIDING FOR THE POSTING OF SIGNS BY RETAILERS WHO REFUSE TO SELL TOBACCO TO MINORS IN ACCORDANCE WITH THE REFERENDUM, IF APPROVED; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1.** Student cigarette tobacco referendum. A referendum entitled the "Montana school tobacco referendum 1991", open to all Montana students enrolled in grades 7 through 12, must be held in the second week of October 1991 in a ballot form provided by the superintendent of public instruction. The referendum must be conducted as prescribed in this section.

(1) Students enrolled on the date of the referendum in grades 7 through 12 in each accredited public school and in each accredited nonpublic school whose principal notifies the superintendent of public instruction by September 20,

1991, of intent to participate may vote in the referendum.

(2) Not later than October 1, 1991, the superintendent of public instruction shall provide instructions for the referendum, as provided in this section, to each participating school that includes grades 7 through 12. The referendum must be conducted by secret ballot and be presented to students in school in the following ballot form:

YES -- I DO favor requesting that stores REFUSE to sell cigarettes and tobacco to persons under 18 years of age.

NO -- I DO NOT favor requesting that stores REFUSE to sell cigarettes and tobacco to persons under 18 years of age.

(3) Votes must be tabulated by the student governing body and the principal of each participating school. The principal shall transmit in writing the vote count for his school to the superintendent of public instruction not later than November 1, 1991, together with a statement by the principal that the referendum was conducted fairly and the vote count is genuine to the best of his knowledge and belief.

(4) The superintendent of public instruction shall tabulate the total vote in the referendum from all participating schools not later than November 15, 1991. IF



1 the number of students voting in the referendum is at least  
2 50% of the number of students enrolled in public school  
3 grades 7 through 12 on October 1, 1991, and if a majority of  
4 students voting voted for the referendum, the superintendent  
5 of public instruction shall certify to the director of the  
6 department of revenue that the referendum has been approved.  
7 Otherwise, the superintendent shall certify that the  
8 referendum has been rejected.

9 (5) Within 60 days of receiving certification from the  
10 superintendent of public instruction that the referendum has  
11 been approved, the department of revenue shall inform each  
12 retailer who sells cigarettes and tobacco that the  
13 referendum has been approved and ask retailers to post  
14 prominently a sign where cigarettes and tobacco are sold,  
15 stating: "Out of respect for the wishes of Montana junior  
16 and senior high school students as expressed in the Montana  
17 School Tobacco Referendum 1991, this store voluntarily  
18 agrees not to sell cigarettes and tobacco to persons under  
19 18 years of age. Your cooperation with our Montana students'  
20 vote against tobacco sales to minors is appreciated".

21 NEW SECTION. **Section 2.** Effective date. [This act] is  
22 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0849, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for a referendum in October 1991 for Montana students enrolled in grades 7 through 12 to decide whether retailers should refuse to sell cigarettes and tobacco to persons under 18 years of age.

ASSUMPTIONS:

Superintendent of Public Instruction:

1. An additional 0.25 FTE would be required at OPI during FY92 only to provide administrative support services, and programming support for this project.
2. Materials and computer and compilation services would be required to implement this program.

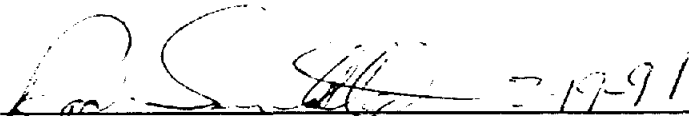
Secretary of State:

3. The Superintendent of Public Instruction will conduct an election pursuant to Section 1 of the measure.

FISCAL IMPACT:

Superintendent of Public Instruction:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	0	0.25	0.25	0	0	0
Personal Services	0	10,000	10,000	0	0	0
Operating Expenses	0	3,000	3,000	0	0	0
Total	0	13,000	13,000	0	0	0
<u>Funding:</u>						
General Fund	0	13,000	13,000	0	0	0
General Fund Impact (01)			(13,000)			

 = 12-91  
 ROD SUNDSTED BUDGET DIRECTOR                      DATE  
 Office of Budget and Program Planning

\_\_\_\_\_  
 DOROTHY BRADLEY, PRIMARY SPONSOR                      DATE  
 Fiscal Note for HB0849, as introduced                      **HB 849**

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1 *HOUSE* BILL NO. *849*  
 2 INTRODUCED BY *Bradley Roney Dave Bron Conley*  
 3 *B. Blumhert Kellye Oly Dawell McCallister*  
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 8 YEARS OF AGE; PROVIDING FOR PROCEDURES AND SUPERVISION OF  
 9 THE REFERENDUM BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION;  
 10 PROVIDING FOR THE POSTING OF SIGNS BY RETAILERS WHO REFUSE  
 11 TO SELL TOBACCO TO MINORS IN ACCORDANCE WITH THE REFERENDUM,  
 12 IF APPROVED; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
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 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 NEW SECTION. Section 1. Student cigarette tobacco  
 16 referendum. A referendum entitled the "Montana school  
 17 tobacco referendum 1991", open to all Montana students  
 18 enrolled in grades 7 through 12, must be held in the second  
 19 week of October 1991 in a ballot form provided by the  
 20 superintendent of public instruction. The referendum must be  
 21 conducted as prescribed in this section.

22 (1) Students enrolled on the date of the referendum in  
 23 grades 7 through 12 in each accredited public school and in  
 24 each accredited nonpublic school whose principal notifies  
 25 the superintendent of public instruction by September 20,

1 1991, of intent to participate may vote in the referendum.  
 2 (2) Not later than October 1, 1991, the superintendent  
 3 of public instruction shall provide instructions for the  
 4 referendum, as provided in this section, to each  
 5 participating school that includes grades 7 through 12. The  
 6 referendum must be conducted by secret ballot and be  
 7 presented to students in school in the following ballot  
 8 form:

- 9  YES -- I DO favor requesting that stores REFUSE to
- 10 sell cigarettes and tobacco to persons under 18
- 11 years of age.
- 12  NO -- I DO NOT favor requesting that stores REFUSE
- 13 to sell cigarettes and tobacco to persons under 18
- 14 years of age.

15 (3) Votes must be tabulated by the student governing  
 16 body and the principal of each participating school. The  
 17 principal shall transmit in writing the vote count for his  
 18 school to the superintendent of public instruction not later  
 19 than November 1, 1991, together with a statement by the  
 20 principal that the referendum was conducted fairly and the  
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LC 0578/01

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