

SENATE BILL NO. 100

INTRODUCED BY FORRESTER, HARPER, DOWELL
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE SENATE

JANUARY 8, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 8, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 9, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 10, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 34; NOES, 16.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 20, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 30, 1993	THIRD READING, CONCURRED IN. AYES, 81; NOES, 19.
MARCH 31, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 2, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 3, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 100
 2 INTRODUCED BY Forester Hays Dwyer
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE TERM
 6 "DESIGNATED SMOKING AREA"; RESTRICTING ALL SMOKING AREAS TO
 7 DESIGNATED SMOKING AREAS; CHANGING FROM MANDATORY TO
 8 DISCRETIONARY THE ESTABLISHMENT OF DESIGNATED SMOKING AREAS;
 9 REVISING RESPONSIBILITY FOR DESIGNATING SMOKING AREAS AND
 10 PLACING SIGNS; AND AMENDING SECTIONS 50-40-203, 50-40-204,
 11 AND 50-40-205, MCA."
 12

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

14 **Section 1.** Section 50-40-203, MCA, is amended to read:

15 "50-40-203. Definitions. As used in 50-40-202 through
 16 50-40-205, the following definitions apply:

17 (1) "Agency head" means a director, commissioner, or
 18 constitutional officer in charge of an executive,
 19 legislative, or judicial branch agency or of an agency of
 20 the Montana university system.

21 (2) "Department" means the department of administration
 22 provided for in Title 27, chapter 15, part 10;

23 (3) "Smoking" means any lighted cigar, cigarette, or
 24 pipe or any other lighted tobacco product.

25 (3) "Designated smoking area" means an enclosed area

1 that maintains negative pressure in relation to surrounding
 2 areas, that exhausts all return air to the outside of a
 3 building, and that has been designated as a smoking area
 4 under 50-40-204."

5 **Section 2.** Section 50-40-204, MCA, is amended to read:

6 "50-40-204. Smoke-free buildings -- designated smoking
 7 areas. (1) In buildings maintained or occupied by the state,
 8 smoking is prohibited in the following areas:

- 9 (a) general office space;
- 10 (b) auditoriums, classrooms, and conference rooms;
- 11 (c) elevators;
- 12 (d) corridors, lobbies, restrooms, and stairways,
- 13 except as provided in subsections (2)(b) and (4);
- 14 (e) medical care facilities;
- 15 (f) libraries; and
- 16 (g) hazardous areas.

17 (2) An agency head shall may establish at least one
 18 "designated smoking area" in each building, except in those
 19 areas listed in subsection (1), suited by architectural
 20 design and functional purpose to be used as a designated
 21 smoking area as defined in 50-40-203.

22 (a) An agency head may designate a smoking area in a
 23 cafeteria. The size of the area must be determined by an
 24 estimate of the number of smoking and nonsmoking patrons
 25 served.

~~{b}--An--agency--head--may--designate--a--corridor,--lobby,--or--restroom--as--a--smoking--area--when--it--is--not--possible--to--designate--another--smoking--area--~~

(3) In establishing designated smoking areas, as provided in subsection (2), an agency head shall consider:

(a) the number of smokers and nonsmokers in the agency;

(b) the building ventilation system;

(c) the availability of space; and

(d) the protection of nonsmokers from involuntary exposure to smoke; and

(e) available resources.

(4) (a) Agencies in multitenant buildings are encouraged to work together to identify designated smoking areas.

(b) The legislature may establish designated smoking areas in the capitol in areas used by the legislature."

Section 3. Section 50-40-205, MCA, is amended to read:

"50-40-205. **Signing -- smoking receptacles.** (1) The department An agency head shall place signs near each entrance to a building stating that the building is smoke-free.

(2) An agency head shall place signs stating where the designated smoking areas are located.

(3) An agency head is responsible for providing adequate ash trays or receptacles in the designated smoking

areas.

(4) In buildings of historical significance, the department--shall--place agency signs that--are must be aesthetically pleasing and that must fit the architectural style of the building."

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

SENATE BILL NO. 100

INTRODUCED BY FORRESTER, HARPER, DOWELL

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE TERM
"DESIGNATED SMOKING AREA"; RESTRICTING ALL SMOKING AREAS TO
DESIGNATED SMOKING AREAS; CHANGING FROM MANDATORY TO
DISCRETIONARY THE ESTABLISHMENT OF DESIGNATED SMOKING AREAS;
REVISING RESPONSIBILITY FOR DESIGNATING SMOKING AREAS AND
PLACING SIGNS; AND AMENDING SECTIONS 50-40-203, 50-40-204,
AND 50-40-205, MCA."

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Section 1. Section 50-40-203, MCA, is amended to read:

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50-40-205, the following definitions apply:

(1) "Agency head" means a director, commissioner, or
constitutional officer in charge of an executive,
legislative, or judicial branch agency or of an agency of
the Montana university system.

(2) ~~"Department" means the department of administration
provided for in Title 2, chapter 15, part 10.~~

~~(3)~~ "Smoking" means any lighted cigar, cigarette, or
pipe or any other lighted tobacco product.

(3) "Designated smoking area" means an enclosed,

COMFORTABLE area that maintains negative pressure in
relation to surrounding areas, that exhausts all return air
to the outside of a building, and that has been designated
as a smoking area under 50-40-204."

Section 2. Section 50-40-204, MCA, is amended to read:

"50-40-204. Smoke-free buildings -- designated smoking
areas. (1) In buildings maintained or occupied by the state,
smoking is prohibited in the following areas:

(a) general office space;

(b) auditoriums, classrooms, and conference rooms;

(c) elevators;

(d) corridors, lobbies, restrooms, and stairways,
except as provided in subsections (2)(b) and (4);

(e) medical care facilities;

(f) libraries; and

(g) hazardous areas.

(2) An agency head ~~shall~~ may, AFTER CONSULTING WITH
AFFECTED EMPLOYEES, establish at least one "designated
smoking area" in each building, except in those areas listed
in subsection (1), suited by architectural design and
functional purpose to be used as a designated smoking area
as defined in 50-40-203.

~~(a) An agency head may designate a smoking area in a
cafeteria. The size of the area must be determined by an
estimate of the number of smoking and nonsmoking patrons~~

1 served:

2 {b}--An--agency-head-may-designate-a-corridor, lobby, or
3 restroom-as-a-smoking--area--when--it--is--not--possible--to
4 designate-another-smoking-area:

5 (3) In establishing designated smoking areas, as
6 provided in subsection (2), an agency head shall consider:

7 (a) the number of smokers and nonsmokers in the agency;

8 (b) the building ventilation system;

9 (c) the availability of space; and

10 (d) the protection of nonsmokers from involuntary
11 exposure to smoke; and

12 (e) available resources.

13 (4) (a) Agencies in multitenant buildings are
14 encouraged to work together to identify designated smoking
15 areas.

16 (b) The legislature may establish designated smoking
17 areas in the capitol in areas used by the legislature."

18 **Section 3.** Section 50-40-205, MCA, is amended to read:

19 "50-40-205. **Signing -- smoking receptacles.** (1) The
20 department An agency head shall place signs near each
21 entrance to a building stating that the building is
22 smoke-free.

23 (2) An agency head shall place signs stating where the
24 designated smoking areas are located.

25 (3) An agency head is responsible for providing

1 adequate ash trays or receptacles in the designated smoking
2 areas.

3 (4) In buildings of historical significance, the
4 department--shall--place agency signs that--are must be
5 aesthetically pleasing and that must fit the architectural
6 style of the building."

-End-

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2 relation to surrounding areas, that exhausts all return air
3 to the outside of a building, and that has been designated
4 as a smoking area under 50-40-204."

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7 areas. (1) In buildings maintained or occupied by the state,
8 smoking is prohibited in the following areas:

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10 (b) auditoriums, classrooms, and conference rooms;

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18 AFFECTED EMPLOYEES, establish at least one "designated
19 smoking area" in each building, except in those areas listed
20 in subsection (1), suited by architectural design and
21 functional purpose to be used as a designated smoking area
22 as defined in 50-40-203.

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24 cafeteria. The size of the area must be determined by an
25 estimate of the number of smoking and nonsmoking patrons

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3 ~~restroom--as--a--smoking--area--when--it--is--not--possible--to~~
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20 department An agency head shall place signs near each
21 entrance to a building stating that the building is
22 smoke-free.

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24 designated smoking areas are located.

25 (3) An agency head is responsible for providing

1 adequate ash trays or receptacles in the designated smoking
2 areas.

3 (4) In buildings of historical significance, the
4 department--shall--place agency signs that--are must be
5 aesthetically pleasing and that must fit the architectural
6 style of the building."

-End-

HOUSE STANDING COMMITTEE REPORT

March 19, 1993
Page 2 of 4

March 19, 1993
Page 1 of 4

Mr. Speaker: We, the committee on State Administration report that Senate Bill 100 (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read: Carried by: Rep. S. Rice

1. Title, lines 7 and 8.

Strike: "CHANGING" on line 7 through "OF" on line 8
Insert: "EXEMPTING MONTANA UNIVERSITY SYSTEM BUILDINGS AND CERTAIN OTHER BUILDINGS FROM THE REQUIREMENT TO DESIGNATE SMOKING AREAS; CLARIFYING WHICH BUILDINGS MUST HAVE"

2. Title, line 10.

Following: "SECTIONS"
Insert: "17-7-502, 50-40-202,"

3. Page 1.

Following: line 13
Insert:

"NEW SECTION. Section 1. Special revenue account -- donations for smoking areas -- statutory appropriation. (1) There is an account in the state special revenue fund for the establishment of designated smoking areas pursuant to 50-40-204.

(2) The department of administration is authorized to accept donations to pay for the establishment of or improvements to designated smoking areas in state buildings and shall deposit any donations into the special revenue account established in subsection (1).

(3) The money in the special revenue account established in subsection (1) is statutorily appropriated, as provided in 17-7-502, to the department of administration to pay for the establishment of or improvements to designated smoking areas pursuant to 50-40-204.

Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a

state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; [section 1]; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)"

Renumber: subsequent sections

4. Page 2, lines 1 through 3.

Strike: "negative" on line 1 through "relation" on line 2
Insert: "adequate ventilation to minimize the circulation of smoke"

Strike: "I" on line 2 through "building," on line 3

5. Page 2.

Committee Vote:
Yes 11, No 4.

622116SC.Hss

HOUSE
SB 100
622116SC.Hss

March 19, 1993
Page 3 of 4

Following: line 4

Insert:

"Section 4. Section 50-40-202, MCA, is amended to read:
"50-40-202. Public policy. In recognition of the increased health hazards of passive smoke on the nonsmoker, it is the declared public policy of the state of Montana that ~~all~~ certain buildings ~~maintained~~ both owned and occupied by the state are to may be smoke-free. It is further the policy of the state that designated smoking areas be established in certain other state buildings pursuant to 50-40-204."

Renumber: subsequent sections

6. Page 2, line 7.

Strike: "maintained or"

Insert: "both owned and"

7. Page 2, line 12.

Following: "stairways"

Strike: ", "

8. Page 2, line 13.

Strike: "except" through "(4)"

9. Page 2, lines 17 and 18.

Following: "(2)" on line 17

Insert: "(a)"

Strike: "An" through "EMPLOYEES," on line 18

Insert: "Subject to subsection (1), in state-owned buildings, an agency head shall"

10. Page 2, lines 19 and 20.

Strike: "each" on line 19

Insert: "the"

Following: "building" on line 19

Strike: ", except" on line 19 through "(1)," on line 20

Insert: "occupied by the agency, provided that the building is"

11. Page 2, line 21.

Strike: "be used as"

Insert: "have"

12. Page 2.

Following: line 22

Insert: "(b) Buildings in the Montana university system, including the vocational-technical centers, and buildings housing items of artistic or historic value that may be damaged by smoke are exempt from the provisions of

subsection (2)(a)."

13. Page 3, line 16.

Strike: "may"

Insert: "shall"

14. Page 3, lines 19 through 22.

Following: "receptacles." on line 19

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

15. Page 4.

Following: line 6

Insert:

"NEW SECTION. Section 7. Codification instruction.
[Section 1] is intended to be codified as an integral part of Title 50, chapter 40, part 2, and the provisions of Title 50, chapter 40, part 2, apply to [section 1]."

March 19, 1993
Page 4 of 4

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~~DISCRETIONARY---THE---ESTABLISHMENT---OF~~ EXEMPTING MONTANA
UNIVERSITY SYSTEM BUILDINGS AND CERTAIN OTHER BUILDINGS FROM
THE REQUIREMENT TO DESIGNATE SMOKING AREAS; CLARIFYING WHICH
BUILDINGS MUST HAVE DESIGNATED SMOKING AREAS; REVISING
RESPONSIBILITY FOR DESIGNATING SMOKING AREAS AND PLACING
SIGNS; AND AMENDING SECTIONS 17-7-502, 50-40-202, 50-40-203,
50-40-204, AND 50-40-205, MCA."

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

NEW SECTION. SECTION 1. SPECIAL REVENUE ACCOUNT --
DONATIONS FOR SMOKING AREAS -- STATUTORY APPROPRIATION. (1)
THERE IS AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND FOR
THE ESTABLISHMENT OF DESIGNATED SMOKING AREAS PURSUANT TO
50-40-204.

(2) THE DEPARTMENT OF ADMINISTRATION IS AUTHORIZED TO
ACCEPT DONATIONS TO PAY FOR THE ESTABLISHMENT OF OR
IMPROVEMENTS TO DESIGNATED SMOKING AREAS IN STATE BUILDINGS
AND SHALL DEPOSIT ANY DONATIONS INTO THE SPECIAL REVENUE

ACCOUNT ESTABLISHED IN SUBSECTION (1).

(3) THE MONEY IN THE SPECIAL REVENUE ACCOUNT
ESTABLISHED IN SUBSECTION (1) IS STATUTORILY APPROPRIATED,
AS PROVIDED IN 17-7-502, TO THE DEPARTMENT OF ADMINISTRATION
TO PAY FOR THE ESTABLISHMENT OF OR IMPROVEMENTS TO
DESIGNATED SMOKING AREAS PURSUANT TO 50-40-204.

SECTION 2. SECTION 17-7-502, MCA, IS AMENDED TO READ:

"17-7-502. Statutory appropriations -- definition --
requisites for validity. (1) A statutory appropriation is an
appropriation made by permanent law that authorizes spending
by a state agency without the need for a biennial
legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be
effective, a statutory appropriation must comply with both
of the following provisions:

(a) The law containing the statutory authority must be
listed in subsection (3).

(b) The law or portion of the law making a statutory
appropriation must specifically state that a statutory
appropriation is made as provided in this section.

(3) The following laws are the only laws containing
statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;

17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811;
 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;
 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501;
 39-71-2504; 44-12-206; 44-13-102; [section 1]; 53-6-150;
 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507;
 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;
 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit;

and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)"

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(2) ~~"Department"~~ means the department of administration provided for in Title 2, chapter 15, part 10.

(3) "Smoking" means any lighted cigar, cigarette, or pipe or any other lighted tobacco product.

(4) "Designated smoking area" means an enclosed, COMFORTABLE area that maintains negative---pressure---in relation ADEQUATE VENTILATION TO MINIMIZE THE CIRCULATION OF SMOKE to surrounding areas; that exhausts all return air to the outside of a building; and that has been designated as a smoking area under 50-40-204."

SECTION 4. SECTION 50-40-202, MCA, IS AMENDED TO READ:

"50-40-202. Public policy. In recognition of the increased health hazards of passive smoke on the nonsmoker, it is the declared public policy of the state of Montana that all certain buildings maintained both owned and occupied by the state are--to may be smoke-free. It is

1 further the policy of the state that designated smoking
 2 areas be established in certain other state buildings
 3 pursuant to 50-40-204."

4 **Section 5.** Section 50-40-204, MCA, is amended to read:

5 "50-40-204. Smoke-free buildings -- designated smoking
 6 areas. (1) In buildings maintained or BOTH OWNED AND
 7 occupied by the state, smoking is prohibited in the
 8 following areas:

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- 10 (b) auditoriums, classrooms, and conference rooms;
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- 12 (d) corridors, lobbies, restrooms, and stairways;
- 13 ~~except-as-provided-in-subsections-(2)(b) and-(4);~~
- 14 (e) medical care facilities;
- 15 (f) libraries; and
- 16 (g) hazardous areas.

17 (2) (A) An-agency-head shall may, AFTER-CONSULTING-WITH
 18 AFFECTED---EMPLOYEES, SUBJECT TO SUBSECTION (1), IN
 19 STATE-OWNED BUILDINGS, AN AGENCY HEAD SHALL establish at
 20 least one "designated smoking area" in each THE building;
 21 ~~except-in-those-areas-listed-in-subsection-(1);~~ OCCUPIED BY
 22 THE AGENCY, PROVIDED THAT THE BUILDING IS suited by
 23 architectural design and functional purpose to ~~be--used--as~~
 24 HAVE a designated smoking area as defined in 50-40-203.

25 (B) BUILDINGS IN THE MONTANA UNIVERSITY SYSTEM,

1 INCLUDING THE VOCATIONAL-TECHNICAL CENTERS, AND BUILDINGS
 2 HOUSING ITEMS OF ARTISTIC OR HISTORIC VALUE THAT MAY BE
 3 DAMAGED BY SMOKE ARE EXEMPT FROM THE PROVISIONS OF
 4 SUBSECTION (2)(A).

5 ~~{a}--An--agency--head--may--designate--a--smoking--area--in--a~~
 6 ~~cafeteria--The--size--of--the--area--must--be--determined--by--an~~
 7 ~~estimate--of--the--number--of--smoking--and--nonsmoking--patrons~~
 8 ~~served;~~

9 ~~{b}--An--agency--head--may--designate--a--corridor, lobby,--or~~
 10 ~~restroom--as--a--smoking--area--when--it--is--not--possible--to~~
 11 ~~designate--another--smoking--area;~~

12 (3) In establishing designated smoking areas, as
 13 provided in subsection (2), an agency head shall consider:

- 14 (a) the number of smokers and nonsmokers in the agency;
- 15 (b) the building ventilation system;
- 16 (c) the availability of space; and
- 17 (d) the protection of nonsmokers from involuntary
- 18 exposure to smoke; and
- 19 (e) available resources.

20 (4) (a) Agencies in multitenant buildings are
 21 encouraged to work together to identify designated smoking
 22 areas.

23 (b) The legislature may SHALL establish designated
 24 smoking areas in the capitol in areas used by the
 25 legislature."

1 **Section 6.** Section 50-40-205, MCA, is amended to read:

2 "50-40-205. Signing -- smoking receptacles. ~~{1}~~ The
3 department ~~An--agency--head~~ shall ~~place--signs--near--each~~
4 entrance ~~---to--a--building--stating--that--the--building--is~~
5 smoke-free.

6 ~~{2}~~(1) An agency head shall place signs stating where
7 the designated smoking areas are located.

8 ~~{3}~~(2) An agency head is responsible for providing
9 adequate ash trays or receptacles in the designated smoking
10 areas.

11 ~~{4}~~(3) In buildings of historical significance, the
12 department ~~shall--place~~ agency signs that ~~are~~ must be
13 aesthetically pleasing and that must fit the architectural
14 style of the building."

15 NEW SECTION. SECTION 7. CODIFICATION INSTRUCTION.

16 [SECTION 1] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
17 OF TITLE 50, CHAPTER 40, PART 2, AND THE PROVISIONS OF TITLE
18 50, CHAPTER 40, PART 2, APPLY TO [SECTION 1].

-End-