

**MINUTES OF THE
HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM 223, STATE CAPITOL BUILDING**

January 20, 2004

MEMBERS PRESENT: Rep. Mike Thompson, Chair
 Rep. Steven R. Mascaro, Vice-Chair
 Rep. Calvin G. Bird
 Rep. Judy Ann Buffmire
 Rep. D. Gregg Buxton
 Rep. Patricia W. Jones
 Rep. Bradley G. Last
 Rep. David Litvack
 Rep. Rebecca Lockhart

MEMBERS ABSENT: Rep. Marda Dillree

STAFF PRESENT: Mark Andrews, Policy Analyst
 Sylvia Newton, House Secretary

Note: List of visitors and copy of handouts are filed with committee minutes.

Rep. Thompson called the meeting to order at 8:07 a.m.

H.B. 189 Tobacco Compliance Amendments (Rep. D. Hogue)

MOTION: Rep. Buffmire moved to amend H.B. 189 as follows:

1. Page 9, Lines 264 through 272:

264 ~~[[If a court of competent jurisdiction finds that the amendments to Section 59-22-203 of~~
265 ~~this bill and the provisions of Chapter 22, Model Tobacco Settlement Act, conflict and cannot~~
266 ~~be harmonized, then the provisions of Chapter 22, Model Tobacco Settlement Act, shall~~
267 ~~control. If any part of the amendments to Section 59-22-203 causes Chapter 22, Model~~
268 ~~Tobacco Settlement Act to no longer constitute a qualifying or model statute, as defined in the~~
269 ~~Master Settlement Agreement, that part of the amendments to Section 59-22-203 shall not be~~
270 ~~valid. If any part of the amendments to Section 59-22-203 is for any reason held to be invalid,~~
271 ~~unlawful, or unconstitutional, the validity of the remaining part of the amendments to Section~~
272 ~~59-22-203 shall not be affected.-]]~~ If this act, or any portion of the amendment to Subsection (2)(b)
 made by this act, is held by a court of competent jurisdiction to be unconstitutional, then such
 Subsection (2)(b) shall be deemed to be repealed in its entirety. If subsection (2) shall thereafter be held
 by a court of competent jurisdiction to be unconstitutional, then this act shall be deemed repealed, and
 Subsection (2)(b) be restored as if no such amendment has been made. Neither any holding of

unconstitutionality nor repeal of Subsection (2)(b) shall affect, impair, or invalidate any other portion of Section 59-22-203, or the application of such section to any other person or circumstance, and such remaining portions of Section 59-22-203 shall at all times continue in full force and effect.

The motion to amend H.B. 189 passed unanimously.

Rep. Hogue introduced the amended bill and explained it to the committee.

Joel Ferre, Assistant Attorney General, further explained the bill and answered questions of the committee.

MOTION: Rep. Jones moved to pass the amended bill out favorably. The motion passed unanimously.

H.B. 48 Collection of Information by Department of Health (*Rep. D. Hogue*)

Rep. Hogue introduced H.B. 48 and explained it to the committee.

MOTION: Rep. Buffmire moved to pass the bill out favorably. The motion passed unanimously.

H.B. 41 Health Insurance Coverage for Dependents (*Rep. J. Buffmire*)

MOTION: Rep. Buffmire moved to amend the bill as follows:

1. Line 24: Delete line 24 and insert "None"
2. Lines 69-70: Delete lines 69-70.

The motion to amend H.B. 41 passed unanimously.

Rep. Buffmire introduced the bill as amended and explained it to the committee.

MOTION: Rep. Buxton moved to pass the bill out favorably. The motion passed unanimously with Rep. Lockhart absent for the vote.

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MOTION: Rep. Bird moved to adjourn the meeting.

The meeting was adjourned at 8:37 a.m.

Rep. Mike Thompson
Committee Chair