

HOUSE OF REPRESENTATIVES
Roll Call
HUMAN SERVICES COMMITTEE

DATE 4-1-05

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. ARLENE BECKER, CHAIR	X		
REP. TOM FACEY, VICE CHAIR	X		
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO	X		
REP. EMELIE EATON	X		
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	X		
REP. WILLIAM JONES	X		
REP. DAVE McALPIN	X		
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN	X		
REP. RON STOKER	X		
REP. PAT WAGMAN			X
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY			X



HOUSE STANDING COMMITTEE REPORT

April 2, 2005

Page 1 of 5

Mr. Speaker:

We, your committee on **Human Services** recommend that **Senate Bill 324** (third reading copy -- blue) be concurred in as amended.

Signed: _____

Arlene Becker
Representative Arlene Becker, Chair

To be carried by Representative Don Roberts

And, that such amendments read:

1. Title, line 12.

Strike: "AND"

Following: "53-6-1013,"

Insert: "AND 53-6-1201,"

2. Page 2, line 5 through line 13.

Strike: subsection (7) in its entirety

3. Page 3, line 6.

Strike: "commodity"

Insert: "drug"

4. Page 3, line 10.

Strike: "the"

Insert: "a"

5. Page 3, line 11 through line 12.

Following: "25%"

Strike: remainder of line 11 through "determined" on line 12

Insert: "set"

Following: "department"

Insert: "by rule"

Committee Vote:

Yes 15, No 1.

700926SC.hkh

4/2/05
jbr

6. Page 5, line 9.

Following: "pharmacy"

Insert: "or a pharmaceutical manufacturer"

7. Page 5, line 10.

Following: line 9

Insert: "(10) (a) The department may not contract with either an in-state or out-of-state mail service pharmacy, as defined in 37-7-702, for the purposes of the program for at least 1 year after persons eligible for the program have begun to purchase drugs through the program. At that time, the department shall evaluate the number of pharmacies within the state providing prescription drugs as part of the program.

(b) If the department determines that there are insufficient pharmacies participating in the program to allow reasonable access to persons qualified to purchase prescription drugs through the program, it may, after the evaluation provided for in subsection (10)(a), use one or more in-state or out-of-state mail service pharmacies, or both, for the purposes of the program."

8. Page 7, line 5.

Insert: "Section 9. Section 53-6-1201, MCA, is amended to read:

"53-6-1201. Special revenue fund -- health and medicaid initiatives. (1) There is a health and medicaid initiatives account in the state special revenue fund established by 17-2-102. This account is to be administered by the department of public health and human services.

(2) There must be deposited in the account:

(a) money from cigarette taxes deposited under 16-11-119(1)(c); and

(b) money from taxes on tobacco products other than cigarettes deposited under 16-11-206(1)(b); and

(c) any interest and income earned on the account.

(3) This account may be used only to provide funding for:

(a) the state funds necessary to take full advantage of available federal matching funds in order to maximize enrollment of eligible children under the children's health insurance program, provided for under Title 53, chapter 4, part 10, and to provide outreach to the eligible children. The increased revenue in this account is intended to increase enrollment rates for eligible children in the program and not to be used to support existing levels of enrollment based upon appropriations for the biennium ending June 30, 2005.

(b) a new need-based prescription drug program established by the legislature for children, seniors, chronically ill, and

disabled persons that does not supplant similar services provided under any existing program;

(c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.

(d) an offset to loss of revenue to the general fund as a result of new tax credits or to fund new programs to assist small businesses with the costs of providing health insurance benefits to employees, if these tax credits or programs are established by the legislature after the effective date of this section.

(4) (a) Except for \$1 million appropriated for startup costs related to [sections 1 and 2], the money appropriated for fiscal year 2006 for the program in subsection (3)(b) may not be expended until the office of budget and program planning has certified that \$25 million has been deposited in the account provided for in this section or December 1, 2005, whichever occurs earlier.

(b) On or before July 1, the budget director shall calculate a balance required to sustain the program in subsection (3)(b) for each fiscal year of the biennium. If the budget director certifies that the reserve balance will be sufficient, then the department may expend the revenue for the program as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify the department. Upon receipt of the notification, the department shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(c) Until the programs or credits described in subsections (3)(b) and (3)(d) are established, the funding must be used exclusively for the purposes described in subsections (3)(a) and (3)(c).

(5) The phrase "trended traditional level of appropriation", as used in subsection (3)(c), 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.

(6) The department of public health and human services may adopt rules to implement this section."

Insert: "NEW SECTION. Section 10. Contingency on expenditure. [Sections 1 through 3] and Title 53, chapter 6, part 10, may not be construed to require implementation or ongoing operation of the program under 53-6-1201(3)(b) without a line item appropriation in the general appropriations bill included for that purpose."

Renumber: subsequent sections

9. Page 7, line 8.
Following: "through 3"
Insert: "and 10"

10. Page 7, line 10.
Following: "through 3"
Insert: "and 10"

11. Page 7, line 11.
Insert: "COORDINATION SECTION. **Section 13. Coordination instruction.** If House Bill No. 667 and this bill are both passed and approved, section 53-6-1201 must read as follows:
"53-6-1201. **Special revenue fund -- health and medicaid initiatives.** (1) There is a health and medicaid initiatives account in the state special revenue fund established by 17-2-102. This account is to be administered by the department of public health and human services.
(2) There must be deposited in the account:
(a) money from cigarette taxes deposited under 16-11-119(1)(c); and
(b) money from taxes on tobacco products other than cigarettes deposited under 16-11-206(1)(b); and
(c) any interest and income earned on the account.
(3) This account may be used only to provide funding for:
(a) the state funds necessary to take full advantage of available federal matching funds in order to maximize enrollment of eligible children under the children's health insurance program, provided for under Title 53, chapter 4, part 10, and to provide outreach to the eligible children. The increased revenue in this account is intended to increase enrollment rates for eligible children in the program and not to be used to support existing levels of enrollment based upon appropriations for the biennium ending June 30, 2005.
(b) a new need-based prescription drug program established by the legislature for children, seniors, chronically ill, and disabled persons that does not supplant similar services provided under any existing program;
(c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.
(d) an offset to loss of revenue to the general fund as a result of new tax credits; or
(e) to fund new programs to assist eligible small ~~businesses~~ employers with the costs of providing health insurance benefits to eligible employees, ~~if these tax credits or programs are established by the legislature after the effective date of~~

~~this section.;~~

(f) the cost of administering the tax credit, the purchasing pool, and the premium incentive payments and premium assistance payments as provided in [sections 1 through 9 in House Bill No. 667]; and

(g) to provide a state match for the medicaid program for premium incentive payments or premium assistance payments to the extent that a waiver is granted by federal law as provided in [section 10 in House Bill No. 667].

(4) (a) Except for \$1 million appropriated for the startup costs of [sections 1 and 2 in Senate Bill No. 324], the money appropriated for fiscal year 2006 for the programs in subsections (3)(b) and (3)(d) through (3)(g) may not be expended until the office of budget and program planning has certified that \$25 million has been deposited in the account provided for in this section or December 1, 2005, whichever occurs earlier.

(b) On or before July 1, the budget director shall calculate a balance required to sustain each program in subsection (3) for each fiscal year of the biennium. If the budget director certifies that the reserve balance will be sufficient, then the agencies may expend the revenue for the programs as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify each agency. Upon receipt of the notification, the agency shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(c) Until the programs or credits described in subsections (3)(b) and (3)(d) are established, the funding must be used exclusively for the purposes described in subsections (3)(a) and (3)(c).

(5) The phrase "trended traditional level of appropriation", as used in subsection (3)(c), 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.

(6) The department of public health and human services may adopt rules to implement this section."

Renumber: subsequent sections

- END -



HOUSE STANDING COMMITTEE REPORT

April 1, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **Senate Bill 481** (third reading copy -- blue) be concurred in as amended.

Signed: *Arlene Becker*
Representative Arlene Becker, Chair

To be carried by Representative Walter McNutt

And, that such amendments read:

1. Page 22, line 17.

Strike: "more than 50% responsible for"

Insert: "the major contributing cause of"

2. Page 38, line 3.

Insert: "NEW SECTION. **Section 41. Direction to code commissioner.** The code commissioner is directed to change any reference to chapter 72 of Title 39 that appears in legislation enacted by the 2005 legislature to a reference to chapter 71 of Title 39."

Renumber: subsequent sections

- END -

Committee Vote:
Yes 16, No 0.

691813SC.hkh
4/2/05
Am



HOUSE STANDING COMMITTEE REPORT

April 1, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **Senate Bill 33** (third reading copy -- blue) be concurred in.

Signed: _____

Arlene Becker
Representative Arlene Becker, Chair

To be carried by Representative Dave McAlpin

- END -

Committee Vote:
Yes 15, No 1.

691723SC.hkh

4/1/05
jbr



HOUSE STANDING COMMITTEE REPORT

April 1, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **Senate Bill 46** (third reading copy -- blue) be concurred in.

Signed: _____

Arlene Becker

Representative Arlene Becker, Chair

To be carried by Representative Teresa Henry

- END -

Committee Vote:
Yes 15, No 1.

691724SC.hkh

4/1/05
[Signature]



HOUSE STANDING COMMITTEE REPORT

April 2, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **Human Services** recommend that **Senate Bill 154** (third reading copy -- blue) be concurred in as amended.

Signed: _____

Arlene Becker

Representative Arlene Becker, Chair

To be carried by Representative Tom Facey

And, that such amendments read:

1. Page 1, line 22 through line 25.

Following: "The" on line 22

Strike: remainder of line 22 through line 25

Insert: "In operating the program and providing health services, the department may:

(a) pay providers on a fee-for-service basis in a self-funded program and contract with an insurance company, third-party administrator, or other entity to provide administrative services, including but not limited to processing and payment of claims with program funds;

(b) purchase health coverage for eligible children from an insurance company or other entity through premiums, capitated payments, or other appropriate methods;

(c) purchase health coverage as provided in subsection (2)(b) for some types of health services and contract directly with providers for other types of health services on a fee-for-service basis."

2. Page 1, line 26.

Following: "(3)"

Insert: "(a)"

3. Page 1, line 27.

Following: "program" on line 27

Committee Vote:

Yes 16, No 0.

700927SC.hkh

4/2/05

fbm

Insert: "as provided in subsection (2)(b) or (2)(c), not more than 10% of the contract payment may be used for administrative expenses, including"

4. Page 1, line 28 through line 29.

Strike: page 1, line 28 through "payment of" on line 29

Insert: "(i)"

5. Page 1, line 30 through page 2, line 4.

Strike: "(b)" on page 1, line 30 through "premiums." on page 2, line 4

Insert: "(ii) risk charges; and

(iii) any applicable assessments, fees, and taxes.

(b) Administrative expenses may not include eligibility determination, advertising, and outreach for the program."

- END -



HOUSE STANDING COMMITTEE REPORT

April 2, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **Human Services** recommend that **Senate Bill 328** (third reading copy -- blue) be concurred in as amended.

Signed: *Arlene Becker*
Representative Arlene Becker, Chair

To be carried by Representative Arlene Becker

And, that such amendments read:

1. Page 1, line 13.

Strike: "five"

Insert: "6 and no more than 10"

2. Page 1, line 17.

Strike: "and"

3. Page 1, line 18.

Following: "epidemiologist"

Insert: "; and

(f) a cervical cancer survivor"

4. Page 1, line 21.

Strike: "with a specific expertise"

5. Page 1, line 25 through line 27.

Following: "cancer" on line 25

Strike: remainder of line 25 through "education" on line 27

6. Page 1, line 28.

Insert: ", including any newly introduced vaccines"

Committee Vote:

Yes 13, No 3.

700928SC.hkh

4/2/05

jbm

- END -

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE 4-1-05 BILL NO SB 324 MOTION NO. 1
 MOTION: _____

Mr Gillvray
150%

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. TOM FACEY, VICE CHAIR		X	
REP. DON ROBERTS, VICE CHAIR	/	X	
REP. MARY CAFERRO		X	
REP. EMELIE EATON		X	
REP. GORDON HENDRICK	X		
REP. TERESA HENRY		X	
REP. WILLIAM JONES	X		
REP. DAVE McALPIN		X	
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN		X	
REP. RON STOKER	X		
REP. PAT WAGMAN	X	X	X
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY		X	X
REP. ARLENE BECKER, CHAIR		X	
	7 7	9 9	

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE 4-1-05 BILL NO SB 324 MOTION NO. 2
 MOTION: _____

amend Exh 3
32404. asb

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. TOM FACEY, VICE CHAIR	X		
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO		X	
REP. EMELIE EATON	X		
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	X		
REP. WILLIAM JONES	X		
REP. DAVE McALPIN		X	
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN		X	
REP. RON STOKER	X		
REP. PAT WAGMAN	X		
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY	X		X
REP. ARLENE BECKER, CHAIR	X		
	13	3	

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE 4-1-05 BILL NO SB 324 MOTION NO. 2
 MOTION: _____

BCIAA

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. TOM FACEY, VICE CHAIR	X		
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO	X		
REP. EMELIE EATON	X		
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	X		
REP. WILLIAM JONES	X		
REP. DAVE McALPIN	X		
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN		X	
REP. ART NOONAN	X		
REP. RON STOKER	X		
REP. PAT WAGMAN	X	X	X
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY	X		X
REP. ARLENE BECKER, CHAIR	X		
	15	1	

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE 4-1-05 BILL NO SB 481 MOTION NO. 1
 MOTION: _____

B C F A A

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here & include signed Proxy Form with minutes</u>
REP. TOM FACEY, VICE CHAIR	X		
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO	X		
REP. EMELIE EATON	X		
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	X		
REP. WILLIAM JONES	X		
REP. DAVE McALPIN	X		
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN	X		
REP. RON STOKER	X		
REP. PAT WAGMAN	X		
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY	X		X
REP. ARLENE BECKER, CHAIR	X		
	16	0	

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE 4-1-05 BILL NO SB 46 MOTION NO. 1
 MOTION: _____

BCI

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. TOM FACEY, VICE CHAIR	X		
REP. DON ROBERTS, VICE CHAIR		X	
REP. MARY CAFERRO	X		
REP. EMELIE EATON	X		
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	X		
REP. WILLIAM JONES	X		
REP. DAVE McALPIN	X		
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN	X		X
REP. ART NOONAN	X		
REP. RON STOKER	X		
REP. PAT WAGMAN	X		
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY	X		X
REP. ARLENE BECKER, CHAIR	X		
	15 15	1	

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE 4-1-05 BILL NO SB 154 MOTION NO. 1

MOTION: _____
and Amendment 15401, asb

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. TOM FACEY, VICE CHAIR	X		
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO	X		
REP. EMELIE EATON	X		
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	X		
REP. WILLIAM JONES	X		
REP. DAVE McALPIN	X		
REP. TOM McGILL VRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN	X		
REP. RON STOKER	X		
REP. PAT WAGMAN	X		
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY	X		
REP. ARLENE BECKER, CHAIR	X		
	16	0	

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE 4-1-05 BILL NO ST 15 MOTION NO. 1
 MOTION: _____

Table - Tabled

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. TOM FACEY, VICE CHAIR		X	X
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO		X	
REP. EMELIE EATON		X	
REP. GORDON HENDRICK	X		
REP. TERESA HENRY		X	
REP. WILLIAM JONES	X		
REP. DAVE McALPIN		X	
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN		X	
REP. RON STOKER	X		
REP. PAT WAGMAN	X		
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY		X	
REP. ARLENE BECKER, CHAIR		X	
	P	S	

Tie

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE 4-1-05 BILL NO 5115 MOTION NO. 2
 MOTION: _____

B-IAA - Laid
Tied

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. TOM FACEY, VICE CHAIR	X		X
REP. DON ROBERTS, VICE CHAIR		X	
REP. MARY CAFERRO	X		
REP. EMELIE EATON	X		
REP. GORDON HENDRICK		X	
REP. TERESA HENRY	X		
REP. WILLIAM JONES		X	
REP. DAVE McALPIN	X		
REP. TOM McGILLVRAY		X	
REP. MIKE MILBURN		X	
REP. ART NOONAN	X		
REP. RON STOKER		X	
REP. PAT WAGMAN		X	
REP. BILL WARDEN		X	
REP. JONATHAN WINDY BOY	X		
REP. ARLENE BECKER, CHAIR	X		
	8	8	

Tie

COMMITTEE PROXY

DATE: 2-11-05

I request to be excused from the HHS

Committee because of other commitments. I desire to leave my proxy vote with:

Teressa Hunt / Jim Foy 3/21 / Jim Foy 4/1

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO SENATE BILL/AMENDMENT AYE NO

2-11-05

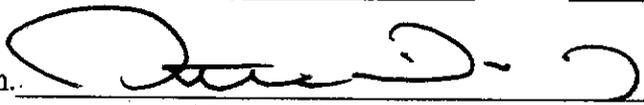
HB 31	X	
HB 462	X	
HB 437	X	
HB 462 table		X

SB 60	X	
SB 21	X	
SB 322	X	
SB 324 amd #2 ³²⁴⁰²	X	
SB 324 amd # 2 ³²⁴⁰³	*	X
SB 324 amd ^{conceptual}	*	
SB 324 ^{BCI} as amended	*	
SB 481 amendment	X	
SB 481 as amended	*	
SB 46	*	
SB 324-McGillurray ^{amend}		*
SB 324 04 amend	*	

2-11-05
3-21-05
4-1-05

SB 33

*

Rep./Sen. 
(Signature)

Jim Foy

COMMITTEE PROXY

DATE: 3/7/05

I request to be excused from the Human Services

Committee because of other commitments. I desire to leave my proxy vote with:
Don Pate

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO SENATE BILL/AMENDMENT AYE NO

HOUSE BILL/AMENDMENT	AYE	NO
<u>3-7-05</u> HB 669 Amend	X	
HB 669	X	
HB 740	X	
HB 42	X	
<u>3-11-05</u> 3/4/05 3/4/05 HB 742 Amend		X
742 Amend		X
HB 742	X	X
<u>32402</u> SB 324 amend.	X	
<u>32403</u> Amend	X	
McBullocky Amend	X	X
Conceptual	X	
32404 amend	X	

SENATE BILL/AMENDMENT	AYE	NO
SB 42	X	
SB 324 BCIAA	X	X

3-11-05
4-1-05

Rep./Sen. Don Pate
(Signature)