

Technical

EXHIBIT 1

DATE 3/24/09

HB 645

Amendments to House Bill No. 645
1st Reading Copy

Requested by Representative Jon Sesso

For the House Appropriations Committee

Prepared by Pamela Joehler
March 23, 2009 (4:31pm)

1. Page B-5.

Following: line 10

Insert: "The lesser of \$668,397 or actual total fiscal year 2010 expenditures from Human and Community Services Division, Child Care Development Block Grant -- FY 2010-11 may be included in the base budget for the purposes of 17-7-111 for the 2013 biennium budget in accordance with [section 5]. These expenditures may be funded with general fund in the present law base for the 2013 biennium executive budget in accordance with [section 5]."

2. Page B-5.

Following: line 11

Insert: "Total fiscal year 2010 expenditures from CSED -- Temporarily Restore Federal Matching Funds -- FY 2010-11 may be included in the base budget for the purposes of 17-7-111 for the 2013 biennium budget in accordance with [section 5]. These expenditures may be funded with general fund in the present law base for the 2013 biennium executive budget in accordance with [section 5]."

3. Page B-5.

Following: line 13

Insert: "Total fiscal year 2010 expenditures from FMAP -- FY 2010-11 may be included in the base budget for the purposes of 17-7-111 for the 2013 biennium budget in accordance with [section 5]. These expenditures may be funded with general fund in the present law base for the 2013 biennium executive budget in accordance with [section 5]."

4. Page E-4.

Following: line 7

Insert: "Total fiscal year 2010 expenditures from the line item Stabilization Funding for Higher Education may be included in the base budget for the purposes of 17-7-111 for the 2013 biennium budget in accordance with [section 5]. These expenditures may be funded with general fund in the present law base for the 2013 biennium executive budget in

accordance with [section 5]."

- END -

Explanation -

This amendment is based on the premise that amendment HB064503.agp has been passed by the House Appropriations Committee. This amendment replaces language that was deleted by the HB064503.agp amendment.

The language in this amendment impacts the Department of Public Health and Human Services and the Montana University System. The language allows FY 2010 expenditures from federal stimulus funds in the specific line items noted in the amendment to be included in the base budget for the purposes of 17-7-111 for the 2013 biennium, and that the expenditures may be funded with general fund in the present law base for the 2013 biennium executive budget, in accordance with Section 5 of HB 645, as amended by amendment HB064503.agp.

The specific line items include:

DPHHS - Section B

Item 1.b. - Child Care Development Block Grant FY 2010-11

Item 3.b. - CSED Temporarily Restore Federal Matching Funds
FY 2010-11

Item 7.b. - FMAP FY 2010-11

Montana University System -- Section E

Item 3.b. - Stabilization Funding for Higher Education

Amendments to House Bill No. 645
1st Reading Copy

Requested by Representative Jon Sesso
For the House Appropriations Committee

Prepared by Greg Petesch
March 19, 2009 (1:33pm)

1. Page 32, line 1.

Strike: "39"

Insert: "40"

2. Page 32, line 21.

Strike: "39"

Insert: "40"

3. Page 33, line 13.

Strike: "39"

Insert: "40"

4. Page 34, line 3.

Strike: "39"

Insert: "40"

5. Page 34, line 10.

Strike: "39"

Insert: "40"

6. Page 34, line 17.

Strike: "39"

Insert: "40"

7. Page 35, line 6.

Insert: "NEW SECTION. Section 39. Appropriation control. An appropriation item in [section 40] that is designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature."

Renumber: subsequent section

- END -

Amendments to House Bill No. 645
1st Reading Copy

Requested by Representative Jon Sesso

For the House Appropriations Committee

Prepared by Greg Petesch
March 20, 2009 (3:07pm)

1. Title, line 15.

Following: "17-7-402,"

Insert: "17-7-502,"

2. Page 6, lines 14 and 15.

Following: "includes" on line 14

Strike: remainder of line 14 through "funds" on line 15

Insert: "items specified in [section 42]"

3. Page 7, line 6.

Strike: "(a)"

4. Page 7, line 8.

Strike: "(i)"

Insert: "(a)"

Renumber: subsequent subsections

5. Page 7, line 10.

Strike: "and"

6. Page 7, line 11.

Following: "appropriations"

Insert: "; and

(e) items specified in [section 42]"

7. Page 7, line 12.

Strike: subsection (b) in its entirety

8. Page 11, line 2.

Strike: "[LC2314,"

Following: "No."

Insert: "645"

Strike: ", 2009]"

9. Page 11, line 19.

Insert: "**Section 7. 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: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; [section 22]; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; 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. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6, Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

{Internal References to 17-7-502:

2-17-105

5-11-120

5-11-407

5-13-403

7-4-2502	10-1-1202	10-1-1303	10-2-603
10-3-203	10-3-310	10-3-312	10-3-312
10-3-314	10-4-301	15-1-121	15-1-218
15-23-706	15-31-906	15-35-108	15-36-332
15-37-117	15-39-110	15-65-121	15-70-101
15-70-369	15-70-601	16-11-509	17-1-508
17-3-106	17-3-212	17-3-222	17-3-241
17-6-101	17-7-304	17-7-501	18-11-112
19-3-319	19-6-404	19-6-410	19-9-702
19-13-604	19-17-301	19-18-512	19-19-305
19-19-506	19-20-604	19-20-607	19-21-203
20-8-107	20-9-534	20-9-622	20-26-1503
20-26-1503	22-3-1004	23-4-105	23-4-202
23-4-204	23-4-302	23-4-302	23-4-304
23-5-306	23-5-409	23-5-612	23-7-301
23-7-402	37-43-204	37-51-501	39-71-503
41-5-2011	42-2-105	44-1-504	44-12-206
44-13-102	50-4-623	53-1-109	53-6-703
53-24-108	53-24-108	53-24-206	60-11-115
61-3-415	69-3-870	75-1-1101	75-1-1101
75-5-1108	75-6-214	75-10-622	75-11-313
76-13-150	77-1-108	77-2-362	80-2-222
80-4-416	80-5-510	80-11-518	82-11-161
87-1-513	90-1-115	90-1-115	90-1-205
90-3-1003	90-9-306 }"		

Renumber: subsequent sections

10. Page 27, line 1.

Strike: "Reinvestment and Recovery"

Insert: "Recovery and Reinvestment"

11. Page 27.

Following: line 21

Insert: "NEW SECTION. Section 22. Earnings -- statutory appropriation. If the federal government directs that funds received under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, must be invested and that the earnings must be expended for the same purpose as the funds generating the earnings, then the earnings are statutorily appropriated, as provided in 17-7-502, for the same purpose as the funds generating the earnings."

Insert: "NEW SECTION. Section 23. Dissemination of information -- reporting and accountability. The office of the governor shall develop and maintain a website to serve as the official website for the state of Montana for implementing the reporting and accountability requirements of the American Recovery and Reinvestment Act of 2009, Public Law 111-5. The office shall develop requirements for reporting and posting information to the website, and these requirements are applicable to any recipient of funds from an appropriation in House Bill No. 645."

Renumber: subsequent sections

12. Page 32, line 1.

Strike: "39"

Insert: "42"

13. Page 32, line 21.

Strike: "39"

Insert: "42"

14. Page 33, line 13.

Strike: "39"

Insert: "42"

15. Page 34, line 3.

Strike: "39"

Insert: "42"

16. Page 34, line 10.

Strike: "39"

Insert: "42"

17. Page 34, line 17.

Strike: "39"

Insert: "42"

18. Page 34, line 19.

Following: "instruction."

Insert: "(1)"

Strike: "[Sections 9 and 10]"

Insert: "[Sections 10 and 11]"

19. Page 34, line 20.

Strike: "9 and 10"

Insert: "10 and 11"

20. Page 34, line 21.

Insert: "(2) [Section 22] is intended to be codified as an integral part of Title 17, chapter 3, part 1, and the provisions of Title 17, chapter 3, part 1, apply to [section 22]."

21. Page 35, line 3.

Strike: "15"

Insert: "16"

22. Page 35, line 5.

Strike: "7"

Insert: "8"

Strike: "11"

Insert: "12"

Strike: "20"

Insert: "23"

23. Page B-5, line 11.
Strike: line 11 in its entirety

- END -

Amendments to House Bill No. 645
1st Reading Copy

Requested by Representative Jon Sesso
For the House Appropriations Committee

Prepared by Greg Petesch
March 19, 2009 (1:33pm)

1. Page 35, line 3.
Strike: "Section"
Insert: "Sections"
Following: "15"
Insert: "and 17"
Strike: "applies"
Insert: "apply"

- END -

Amendments to House Bill No. 645
1st Reading Copy

Requested by Representative Jon Sesso

For the House Appropriations Committee

Prepared by Greg Petesch
March 23, 2009 (8:04am)

1. Page 4, line 5.

Strike: "\$10,895,844"

Insert: "\$16,232,795"

2. Page 4, line 6.

Strike: "\$11,018,627"

Insert: "\$18,505,269"

3. Page 4, line 7.

Strike: "\$16,213,433"

Insert: "\$19,818,193"

4. Page 20.

Following: line 1

Insert: "NEW SECTION. Section 14. Medicaid reserve account.

There is a medicaid reserve account in the state special revenue fund provided for in 17-2-102. Money in the account must be used by the department for medicaid benefits after June 30, 2011. Any interest or income earned on the account must be deposited in the account. Each calendar quarter through December 31, 2010, the amount recovered under the federal medical assistance percentage hold harmless provision of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, must be transferred to the medicaid reserve account."

5. Page 29, line 20.

Strike: "81,719,465"

Insert: "85,719,465"

Strike: "469,113,370"

Insert: "473,113,370"

6. Page 31, line 1.

Strike: "distribution"

Insert: "reduction"

Following: "funds"

Insert: "in the Health Resources Division"

7. Page 32, line 1.

Strike: "39"

Insert: "41"

8. Page 32, line 21.

Strike: "39"

Insert: "41"

9. Page 33, line 13.

Strike: "39"

Insert: "41"

10. Page 34, line 3.

Strike: "39"

Insert: "41"

11. Page 34, line 10.

Strike: "39"

Insert: "41"

12. Page 34, line 17.

Strike: "39"

Insert: "41"

13. Page 34, line 19.

Following: "instruction."

Insert: "(1)"

14. Page 34.

Following: line 20

Insert: "(2) [Section 14] is intended to be codified as an integral part of Title 53, chapter 6, part 1, and the provisions of Title 53, chapter 6, part 1, apply to [section 14]."

Insert: "NEW SECTION. Section 37. Contingent voidness --

notification. (1) If the federal government refuses to participate in or denies approval of any state plan amendment related to [section 2] for medicaid payments to hospitals, then [section 2] is void.

(2) The department of public health and human services shall notify the code commissioner of the occurrence of any determination made pursuant to subsection (1) and the date of the occurrence."

Renumber: subsequent sections

15. Page 35, line 3.

Strike: "15"

Insert: "16"

16. Page 35, line 5.

Following: "7"

Insert: ", 12, 13,"

Strike: "11"
Insert: "15"

17. Page B-4, line 13.
Strike: "53,000,000"
Insert: "54,000,000"

18. Page B-4, line 15.
Strike: "75,000,000"
Insert: "78,000,000"
Strike: "27,000,000"
Insert: "31,000,000"

19. Page B-5, lines 8 and 9.
Strike: lines 8 and 9 in their entirety

20. Page B-5, line 12.
Strike: "\$75"
Insert: "\$71"
Strike: "\$27"
Insert: "\$26"

21. Page B-5, line 13.
Following: "medicaid"
Insert: "and Title IV-E funding"

22. Page B-5.
Following: line 13
Insert: "The total collections of enhanced FMAP include \$146 million that reduces state general fund expenditures, \$14 million of additional general fund revenue from institutional reimbursements and the hospital utilization fee, and \$3 million of additional federal expenditures for schools which does not impact general fund."

Medicaid Caseload is restricted to transfers to a state special revenue account of funds eligible for reserve under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Title V, section 5001.

Medicaid Caseload -FY2010-11 may be used only to pay medicaid benefits above the level appropriated in House Bill No. 2 excluding the healthy Montana kids program.

Up to \$1 million of general fund and \$1 million of federal funds may be used for administration directly attributable to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, or to medicaid benefits."

- END -

Amendments to House Bill No. 645
1st Reading Copy

Requested by Representative Jon Sesso
For the House Appropriations Committee

Prepared by Greg Petesch
March 20, 2009 (3:08pm)

1. Page 17, line 7.
Strike: "1988"
Insert: "1998"

- END -

Amendments to House Bill No. 645
1st Reading Copy

Requested by Representative Jon Sesso
For the House Appropriations Committee

Prepared by Greg Petesch
March 23, 2009 (6:47am)

1. Title, lines 12 and 13.

Following: "PURPOSES;" on line 12

Strike: remainder of line 12 through "REVENUE ACCOUNT;" on line
13

2. Title, line 16.

Strike: "53-4-1115,"

3. Page 18, line 21 through page 19, line 14.

Strike: section 12 in its entirety

Renumber: subsequent sections

4. Page 32, line 1.

Strike: "39"

Insert: "38"

5. Page 32, line 21.

Strike: "39"

Insert: "38"

6. Page 33, line 13.

Strike: "39"

Insert: "38"

7. Page 34, line 3.

Strike: "39"

Insert: "38"

8. Page 34, line 10.

Strike: "39"

Insert: "38"

9. Page 34, line 17.

Strike: "39"

Insert: "38"

10. Page 35, line 3.

Strike: "15"

Insert: "14"

11. Page 35, line 5.
Strike: "20"
Insert: "19"

- END -

Amendments to House Bill No. 645
1st Reading Copy

Requested by Representative Jon Sesso

For the House Appropriations Committee

Prepared by Lois Steinbeck
March 23, 2009 (2:11pm)

1. Page B-5, following line 1.

Insert: "d. Indian Property Exclusion in Medicaid Determination
231,764 310,188" [general fund FY10 and FY11]
"751,536 732,110" [federal special revenue FY10 and FY11]

- END -

Explanation - This amendment adds about \$550,000 general fund and \$1,480,000 federal matching funds for changes in how assets are treated in determining Medicaid eligibility for Indians. The changes were included in the American Recovery and Reinvestment Act of 2009.

Technical

Amendments to House Bill No. 645
1st Reading Copy

Requested by Representative Dan Villa

For the House Appropriations Committee

Prepared by Kris Wilkinson
March 20, 2009 (8:36am)

1. Page E-2.

Following: line 11

Insert: "MONTANA ARTS COUNCIL (5114)

1. National Endowment for the Arts
145,500 145,500 [federal special revenue FY10 FY11]"

- END -

Explanation - This amendment adds appropriation authority for the Montana Arts Council to spend federal stimulus funds granted to it by the National Endowment for the Arts.