

HOUSE BILL NO. 433

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THE LEGISLATIVE FISCAL ANALYST ACCESS TO
CERTAIN HEALTH CARE AND PUBLIC ASSISTANCE INFORMATION AND TO CHILD AND FAMILY
SERVICES DIVISION INFORMATION; AMENDING SECTION 5-12-303, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 5-12-303, MCA, is amended to read:

"5-12-303. Fiscal analysis information from state agencies. (1) The legislative fiscal analyst may
investigate and examine the costs and revenue of state government activities and may examine and obtain copies
of the records, books, and files of any state agency, including confidential records.

(2) When confidential records and information are obtained from a state agency, the legislative fiscal
analyst and staff must be subject to the same penalties for unauthorized disclosure of the confidential records
and information provided for under the laws administered by the state agency. The legislative fiscal analyst shall
develop policies to prevent the unauthorized disclosure of confidential records and information obtained from
state agencies AND MAY NOT DISCLOSE CONFIDENTIAL RECORDS OR INFORMATION TO LEGISLATORS.

(3) (a) The department of revenue shall make Montana individual income tax information available by
removing names, addresses, and social security numbers and substituting in their place a state accounting record
identifier number. Except for the purposes of complying with federal law, the department may not alter the data
in any other way.

(b) The department of revenue shall provide the name and address of a taxpayer on written request of
the legislative fiscal analyst when the values on the requested return, including estimated payments, are
considered necessary by the legislative fiscal analyst to properly analyze state revenue and are of a sufficient
magnitude to materially affect the analysis and when the identity of the taxpayer is necessary to evaluate the
effect of the return or payments on the analysis being performed.

(4) (a) The department of public health and human services shall make the following information available

1 by removing names, addresses, and social security numbers DIRECT IDENTIFIERS and substituting in their place
2 a record identifier:

3 (i) all Montana medicaid and children's health insurance program claims information;

4 (ii) all public assistance and health care enrollment information; and

5 (iii) all child and family services division information.

6 (b) (i) The information must be provided in an electronic format and updated on a monthly basis.

7 (ii) THE PROVISIONS OF SUBSECTION (4)(B)(I) DO NOT APPLY IF:

8 (A) THE LEGISLATIVE FISCAL ANALYST AGREES IN WRITING THAT THE INFORMATION CAN BE RETRIEVED BY THE
9 LEGISLATIVE FISCAL ANALYST WITH ALTERNATIVE ACCESS TO THE DEPARTMENT'S DATA SYSTEMS; AND

10 (B) THE DEPARTMENT AND THE LEGISLATIVE FISCAL ANALYST ENTER INTO A MEMORANDUM OF UNDERSTANDING
11 TO ALLOW THE LEGISLATIVE FISCAL ANALYST TO ACCESS THE INFORMATION THAT MEETS THE KNOWN DATA NEEDS FOR
12 LEGISLATIVE ANALYSIS.

13 (C) FOR PURPOSES OF THIS SUBSECTION (4), THE TERM "DIRECT IDENTIFIERS" INCLUDES THE FOLLOWING:

14 (I) NAMES;

15 (II) POSTAL ADDRESS INFORMATION, OTHER THAN TOWN OR CITY, STATE, AND ZIP CODE;

16 (III) TELEPHONE NUMBERS;

17 (IV) FAX NUMBERS;

18 (V) ELECTRONIC MAIL ADDRESSES;

19 (VI) SOCIAL SECURITY NUMBERS;

20 (VII) MEDICAL RECORD NUMBERS;

21 (VIII) HEALTH PLAN BENEFICIARY NUMBERS;

22 (IX) ACCOUNT NUMBERS;

23 (X) CERTIFICATE AND LICENSE NUMBERS;

24 (XI) VEHICLE IDENTIFIERS AND SERIAL NUMBERS;

25 (XII) DEVICE IDENTIFIERS AND SERIAL NUMBERS;

26 (XIII) INTERNET PROTOCOL ADDRESS NUMBERS;

27 (XIV) BIOMETRIC IDENTIFIERS, INCLUDING FINGER AND VOICE PRINTS; AND

28 (XV) FULL FACE PHOTOGRAPHIC IMAGES AND ANY COMPARABLE IMAGES.

29 ~~(4)~~(5) Within 1 day after the legislative finance committee presents its budget analysis to the legislature,
30 the budget director and the legislative fiscal analyst shall exchange expenditure and disbursement

1 recommendations by second-level expenditure detail and by funding sources detailed by accounting entity. This
2 information must be filed in the respective offices and be made available to the legislature and the public. In
3 preparing the budget analysis for the next biennium for submission to the legislature, the legislative fiscal analyst
4 shall use the base budget, the present law base, and new proposals as defined in 17-7-102.

5 ~~(5)~~(6) This section does not authorize publication or public disclosure of information if the law prohibits
6 publication or disclosure or if the department of revenue notifies the fiscal analyst that specified records or
7 information may contain confidential information."

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9 NEW SECTION. **Section 2. Effective date.** [This act] is effective ~~on passage and approval~~ JULY 1,
10 2019.

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