

HOUSE BILL NO. 433

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THE LEGISLATIVE FISCAL ANALYST DIRECT
ACCESS TO CERTAIN HEALTH CARE AND PUBLIC ASSISTANCE INFORMATION AND TO CHILD AND
FAMILY SERVICES DIVISION INFORMATION THE SECURE DATA WAREHOUSE OF THE DEPARTMENT OF
PUBLIC HEALTH AND HUMAN SERVICES AS PHASES OF THE SECURE DATA WAREHOUSE PROJECT ARE
IMPLEMENTED; 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 by removing names, addresses, and social security numbers DIRECT IDENTIFIERS and substituting in their place a record identifier:~~

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

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

~~—— (iii) all child and family services division information.~~

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

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

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

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

~~—— (c) FOR PURPOSES OF THIS SUBSECTION (4), THE TERM "DIRECT IDENTIFIERS" INCLUDES THE FOLLOWING:~~

~~—— (i) NAMES;~~

~~—— (ii) POSTAL ADDRESS INFORMATION, OTHER THAN TOWN OR CITY, STATE, AND ZIP CODE;~~

~~—— (iii) TELEPHONE NUMBERS;~~

~~—— (iv) FAX NUMBERS;~~

~~—— (v) ELECTRONIC MAIL ADDRESSES;~~

~~—— (vi) SOCIAL SECURITY NUMBERS;~~

~~—— (vii) MEDICAL RECORD NUMBERS;~~

~~—— (viii) HEALTH PLAN BENEFICIARY NUMBERS;~~

~~—— (ix) ACCOUNT NUMBERS;~~

~~—— (x) CERTIFICATE AND LICENSE NUMBERS;~~

~~—— (xi) VEHICLE IDENTIFIERS AND SERIAL NUMBERS;~~

~~—— (xii) DEVICE IDENTIFIERS AND SERIAL NUMBERS;~~

~~—— (xiii) INTERNET PROTOCOL ADDRESS NUMBERS;~~

~~—— (xiv) BIOMETRIC IDENTIFIERS, INCLUDING FINGER AND VOICE PRINTS; AND~~

~~—— (xv) FULL FACE PHOTOGRAPHIC IMAGES AND ANY COMPARABLE IMAGES.~~

~~(4) (A) THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES SHALL PROVIDE THE LEGISLATIVE FISCAL~~

1 ANALYST DIRECT ACCESS TO THE DEPARTMENT'S SECURE DATA WAREHOUSE AS THE PHASES OF THE SECURE DATA
2 WAREHOUSE PROJECT ARE IMPLEMENTED.

3 (B) THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES SHALL CONSULT WITH THE LEGISLATIVE FISCAL
4 ANALYST AND SHALL ESTABLISH USER REQUIREMENTS TO ENSURE THE LEGISLATIVE FISCAL ANALYST DOES NOT HAVE
5 ACCESS TO DIRECT IDENTIFIERS STORED ON THE SECURE DATA WAREHOUSE. THE DEPARTMENT OF PUBLIC HEALTH AND
6 HUMAN SERVICES SHALL CONSULT WITH THE LEGISLATIVE FISCAL ANALYST AND SHALL ESTABLISH REQUIREMENTS TO
7 ENSURE THE LEGISLATIVE FISCAL ANALYST DOES NOT HAVE ACCESS TO DIRECT IDENTIFIERS STORED IN OTHER DATA
8 SYSTEMS WHERE THE DATA IS NOT AVAILABLE THROUGH THE SECURE DATA WAREHOUSE AFTER THE PHASES OF THE
9 SECURE DATA WAREHOUSE PROJECT ARE IMPLEMENTED.

10 (C) THE DATA MUST BE MADE AVAILABLE TO THE LEGISLATIVE FISCAL ANALYST IN A FORMAT THAT COMPLIES WITH
11 THE REGULATIONS OF THE RESPECTIVE FEDERAL PROGRAMS.

12 (D) THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES SHALL SUBMIT QUARTERLY REPORTS IN AN
13 ELECTRONIC FORMAT TO THE LEGISLATIVE FINANCE COMMITTEE AND THE CHILDREN, FAMILIES, HEALTH, AND HUMAN
14 SERVICES INTERIM COMMITTEE ON THE FOLLOWING:

15 (I) THE IMPLEMENTATION OF THE PHASES OF THE SECURE DATA WAREHOUSE PROJECT;

16 (II) THE USER REQUIREMENTS ESTABLISHED BY THE DEPARTMENT AND THE LEGISLATIVE FISCAL ANALYST; AND

17 (III) THE STATUS OF THE LEGISLATIVE FISCAL ANALYST'S ACCESS TO THE SECURE DATA WAREHOUSE.

18 ~~(4)~~(5) Within 1 day after the legislative finance committee presents its budget analysis to the legislature,
19 the budget director and the legislative fiscal analyst shall exchange expenditure and disbursement
20 recommendations by second-level expenditure detail and by funding sources detailed by accounting entity. This
21 information must be filed in the respective offices and be made available to the legislature and the public. In
22 preparing the budget analysis for the next biennium for submission to the legislature, the legislative fiscal analyst
23 shall use the base budget, the present law base, and new proposals as defined in 17-7-102.

24 ~~(5)~~(6) This section does not authorize publication or public disclosure of information if the law prohibits
25 publication or disclosure or if the department of revenue notifies the fiscal analyst that specified records or
26 information may contain confidential information."

27
28 NEW SECTION. Section 2. Effective date. [This act] is effective ~~on passage and approval~~ JULY 1,
29 2019.

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