

Amendment - 1st Reading-white - Requested by: Dennis Lenz - (S) Public Health, Welfare and Safety

- 2023

68th Legislature 2023

Drafter: Sue O'Connell, 406-444-3597

SB0036.001.002

1 SENATE BILL NO. 36
2 INTRODUCED BY D. LENZ
3 BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING CERTAIN STATUTORILY REQUIRED REPORTS
6 FOR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AMENDING SECTIONS 5-12-303,
7 52-3-115, AND 53-4-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10
11 **Section 1.** Section 5-12-303, MCA, is amended to read:
12 **"5-12-303. Fiscal analysis information from state agencies.** (1) The legislative fiscal analyst may
13 investigate and examine the costs and revenue of state government activities and may examine and obtain
14 copies of the records, books, and files of any state agency, including confidential records.
15 (2) When confidential records and information are obtained from a state agency, the legislative
16 fiscal analyst and staff must be subject to the same penalties for unauthorized disclosure of the confidential
17 records and information provided for under the laws administered by the state agency. The legislative fiscal
18 analyst shall develop policies to prevent the unauthorized disclosure of confidential records and information
19 obtained from state agencies and may not disclose confidential records or information to legislators.
20 (3) (a) The department of revenue shall make Montana individual income tax information available
21 by removing names, addresses, and social security numbers and substituting in their place a state accounting
22 record identifier number. Except for the purposes of complying with federal law, the department may not alter
23 the data in any other way.
24 (b) The department of revenue shall provide the name and address of a taxpayer on written
25 request of the legislative fiscal analyst when the values on the requested return, including estimated payments,
26 are considered necessary by the legislative fiscal analyst to properly analyze state revenue and are of a
27 sufficient magnitude to materially affect the analysis and when the identity of the taxpayer is necessary to

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1 evaluate the effect of the return or payments on the analysis being performed.

2 (4) (a) The department of public health and human services shall provide the legislative fiscal
3 analyst direct access to the department's secure data warehouse as the phases of the secure data warehouse
4 project are implemented.

5 (b) The department of public health and human services shall consult with the legislative fiscal
6 analyst and shall establish user requirements to ensure the legislative fiscal analyst does not have access to
7 direct identifiers stored on the secure data warehouse. The department of public health and human services
8 shall consult with the legislative fiscal analyst and shall establish requirements to ensure the legislative fiscal
9 analyst does not have access to direct identifiers stored in other data systems where the data is not available
10 through the secure data warehouse after the phases of the secure data warehouse project are implemented.

11 (c) The data must be made available to the legislative fiscal analyst in a format that complies with
12 the regulations of the respective federal programs.

13 ~~(d) The department of public health and human services shall submit quarterly reports in an electronic~~
14 ~~format to the legislative finance committee and the children, families, health, and human services interim~~
15 ~~committee in accordance with 5-11-210 on the following:~~

16 ~~(i) the implementation of the phases of the secure data warehouse project;~~

17 ~~(ii) the user requirements established by the department and the legislative fiscal analyst; and~~

18 ~~(iii) the status of the legislative fiscal analyst's access to the secure data warehouse.~~

19 (d) The department of public health and human services shall provide the legislative fiscal analyst
20 with a summary of the data available in the secure data warehouse and shall provide an update when new data
21 sets are added. The summary must include the list of fields available for the legislative fiscal analyst to access.

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

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1 (6) This section does not authorize publication or public disclosure of information if the law
2 prohibits publication or disclosure or if the department of revenue notifies the fiscal analyst that specified
3 records or information may contain confidential information."
4

5 **Section 2.** Section 52-3-115, MCA, is amended to read:

6 **"52-3-115. Older Montanans trust fund.** (1) There is an older Montanans trust fund within the
7 permanent fund type. The trust fund is subject to legislative transfer and appropriation as provided in this
8 section.

9 (2) The money in the fund may be used to create new, innovative services or to expand existing
10 services for the benefit of Montana residents 60 years of age or older that will enable those Montanans to live
11 an independent lifestyle in the least restrictive setting and will promote the dignity of and respect for those
12 Montanans. The interest and income produced by the trust fund and appropriated to the department by the
13 legislature is intended to increase services referred to in this subsection and not to supplant other sources of
14 revenue for those programs in the trended traditional level, as used in 53-6-1201, of appropriations for those
15 services.

16 (3) The department may accept contributions and gifts for the trust fund in money or other forms,
17 and when accepted, the contributions and gifts must be deposited in the trust fund.

18 (4) Interest and income earned on money in the trust fund must be retained within the fund.

19 (5) Ninety percent of the interest earned on the trust fund may be appropriated for the programs
20 specified in subsection (2).

21 ~~(6) The department shall provide to the legislature a biennial report of the expenditures of the money~~
22 ~~appropriated from the older Montanans trust fund as provided in 5-11-210."~~

23

24 **Section 3.** Section 53-4-209, MCA, is amended to read:

25 **"53-4-209. Montana parents as scholars program -- department duties.** (1) There is a Montana
26 parents as scholars program administered by the department.

27 (2) The department shall: