

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Call to Order: By **CHAIRMAN CHRISTINE KAUFMANN**, on February 18, 2005 at 7:00 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Christine Kaufmann, Chairman (D)
Sen. Dan Weinberg, Vice Chairman (D)
Sen. John Cobb (R)
Rep. Joey Jayne (D)
Sen. Greg Lind (D)
Rep. Penny Morgan (R)

Members Excused: Rep. Walter McNutt (R)

Members Absent: None.

Staff Present: Pat Gervais, Legislative Branch
Laura Good, Committee Secretary
Lois Steinbeck, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:

Executive Action: Child and Family Services Division

The following exhibit was submitted prior to the meeting:

EXHIBIT(jhh40a01)

CHAIR REP. CHRISTINE KAUFMANN, HD 81, HELENA called the meeting to order.

Ms. Steinbeck provided and discussed Departmentwide Language.

EXHIBIT(jhh40a02)

{Tape: 1; Side: A; Approx. Time Counter: 2.7}

Responding to related discussion on Exhibit 2, **CHAIR KAUFMANN** stated that she and the committee's Legislative Fiscal Division (LFD) staff will work together to include additional language regarding finance committee involvement.

Prompted by **SEN. GREG LIND, SD 50, MISSOULA, Ms. Steinbeck** further detailed carry-forward savings.

{Tape: 1; Side: A; Approx. Time Counter: 5.5}

Replying to a question from **REP. JOEY JAYNE, HD 15, ARLEE**, regarding the missing Medicaid prescription drug cost figure in Paragraph 2 of Exhibit 2, **Ms. Steinbeck** confirmed that she will calculate a dollar amount based on revised caseload estimates that the committee recently adopted. She estimated that the committee's prescription drug appropriations total approximately \$80-90 million per year.

Ms. Steinbeck noted a correction at the top of Page 2, Exhibit 1, indicating that the paragraph on the Hospital Bed Tax should refer to SB 120, not SB 110.

REP. MORGAN suggested that the committee vote on Exhibit 2 language after the morning's break, to give members a chance to review it.

Mr. Gervais provided and discussed Child and Family Services Division (CFSD) language.

EXHIBIT(jhh40a03)

EXECUTIVE ACTION ON CHILD AND FAMILY SERVICES DIVISION

Motion/Vote: REP. KAUFMANN moved that CFSD LANGUAGE, PER EXHIBIT 3 BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy; all of REP. MCNUTT's votes on all motions were submitted in accordance with REP. MORGAN's votes.

Ms. Steinbeck provided and discussed a document entitled Wrap-Up Action for Selected Divisions. She noted that Director's Office New Proposal (NP) 188 - Health Insurance Flexibility and Accountability (HIFA) Waiver should read "Amount Change to \$14.52 Million."

EXHIBIT (jhh40a04)

EXECUTIVE ACTION ON DIRECTOR'S OFFICE

Motion: SEN. COBB moved DIRECTOR'S OFFICE NP 188 - HIFA WAIVER WITH AMOUNT CHANGE TO \$14.52 MILLION.

Discussion:

Responding to REP. MORGAN, **Ms. Steinbeck** discussed FTE implications of various NP's.

Vote: Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

{Tape: 1; Side: A; Approx. Time Counter: 13.8}

Ms. Steinbeck reviewed Director's Office NP 189 - Waiver of Deeming.

Ms. Chappuis discussed related legislation.

Motion/Vote: REP. MORGAN moved DIRECTOR'S OFFICE NP 189, WITH LANGUAGE NOTING CONTINGENCY ON PASSAGE OF RELATED LEGISLATION, BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

EXECUTIVE ACTION ON PUBLIC HEALTH AND SAFETY DIVISION

Motion/Vote: SEN. COBB moved that PUBLIC HEALTH AND SAFETY (PHSD) NP 3111 - MONTANA TOBACCO USE PREVENTION, BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

{Tape: 1; Side: A; Approx. Time Counter: 17}

Motion/Vote: SEN. WEINBERG moved \$60,000 GENERAL FUND APPROPRIATION OVER THE BIENNIUM FOR TOBACCO PEER COUNSELING TRIBAL PILOT PROGRAM, RESTRICTED, WITH REPORTING LANGUAGE, BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

SEN. LIND discussed handout on DPHHS carry-forward savings language.

[EXHIBIT](#)(jhh40a05)

EXECUTIVE ACTION ON CARRY FORWARD SAVINGS LANGUAGE

Motion/Vote: SEN. LIND moved that DPHHS CARRY-FORWARD SAVINGS LANGUAGE, PER EXHIBIT 5, BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

EXECUTIVE ACTION ON DISABILITY SERVICES DIVISION

Motion/Vote: SEN. WEINBERG moved that DEVELOPMENTAL DISABILITY REVENUE NEUTRAL PHASE-IN OPTION, PER LANGUAGE INCLUDED IN EXHIBIT 8, WEDNESDAY, FEBRUARY 16, 2005, WITH ADDITIONAL LANGUAGE REGARDING QUARTERLY PROPORTIONAL FUNDS ALLOCATION AND REPORTING, BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

{Tape: 1; Side: A; Approx. Time Counter: 24.7}

EXECUTIVE ACTION ON HEALTH RESOURCES DIVISION

Ms. Steinbeck discussed Health Resources Division (HRD) NP 38 - Medicaid Pharmacy Program.

Motion/Vote: SEN. WEINBERG moved that HRD NP 38 BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

EXECUTIVE ACTION ON HUMAN AND COMMUNITY SERVICES DIVISION

Ms. Gervais provided and discussed Human and Community Services Division (HCSD) DP's on which the committee has not yet taken action.

[EXHIBIT](#)(jhh40a06)

Motion/Vote: SEN. LIND moved that HCSD DP 120 - CHILDCARE DISCRETIONARY FUND INCREASE, BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

Motion/Vote: REP. KAUFMANN moved that HCSD DP'S 125, 144, 147, 148, 3005, AND 3200 BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

SEN. COBB provided and discussed language directing DPHHS to help department consumers reduce tobacco usage.

EXHIBIT(jhh40a07)

{Tape: 1; Side: B}

The committee adjourned for an extended recess.

Following the break, CHAIR KAUFMANN reconvened the meeting.

Ms. Steinbeck provided the committee with Exhibit 8.

EXHIBIT(jhh40a08)

{Tape: 1; Side: B; Approx. Time Counter: 4.1}

EXECUTIVE ACTION ON DEPARTMENT-WIDE LANGUAGE

Motion/Vote: REP. KAUFMANN moved that DEPARTMENT-WIDE LANGUAGE, PER EXHIBIT 2, BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

EXECUTIVE ACTION ON TOBACCO LANGUAGE

Motion/Vote: SEN. COBB, ON BEHALF OF SEN. LIND, moved that TOBACCO LANGUAGE, PER EXHIBIT 7, WITH STAFF MAKING CHANGES TO NOTE THAT THIS LANGUAGE IS TO SERVE AS A RECOMMENDATION, NOT SUBSTANTIVE LAW, BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

EXECUTIVE ACTION ON ALL REMAINING I-149 DECISION PACKAGES

Motion/Vote: REP. KAUFMANN moved that ALL REMAINING I-149 DP'S BE ADOPTED, EFFECTIVELY ENACTING GOVERNOR SCHWEITZER'S I-149 BUDGET. Motion carried 5-2 by voice vote with REP. MCNUTT and REP. MORGAN voting no. REP. MCNUTT voted by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 6.2}

EXECUTIVE ACTION ON AMENDMENTS AND THE CAP LAW

Motion/Vote: REP. KAUFMANN moved that ALL AMENDMENTS EXCEPT #21, PER EXHIBIT 8, INCLUDING FORTHCOMING STAFF- AND CHAIR-DRAFTED LANGUAGE, AND LANGUAGE REGARDING THESE AMENDMENTS' CONTINGENT RELATIONSHIP TO THE CAP LAW, BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 9.8}

EXECUTIVE ACTION ON AMENDMENT 21

Motion/Vote: SEN. COBB moved that AMENDMENT 21, PER EXHIBIT BE ADOPTED. Motion carried 5-2 by roll call vote with REP. MCNUTT and REP. MORGAN voting no. REP. MCNUTT voted by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 10.6}

EXECUTIVE ACTION ON LANGUAGE AMENDMENT

SEN. COBB provided the committee with Exhibit 9.

[EXHIBIT](#)(jhh40a09)

Motion/Vote: SEN. COBB moved that LANGUAGE AMENDMENT, PER EXHIBIT 9, BE ADOPTED. Motion carried 7-0 by voice vote. REP. MCNUTT voted by proxy.

EXECUTIVE ACTION ON LANGUAGE REGARDING DPHHS-WIDE DP 9999'S

Motion/Vote: SEN. COBB moved that LANGUAGE REGARDING ALL DPHHS DIVISIONS' DPs 9999, EXCEPT FOR DP 9999 PERTAINING TO FOSTER CARE, EXPRESSING THAT FTE (FULL-TIME EQUIVALENT) REMAIN IN BUDGETS IN ORDER TO INCREASE VACANCY SAVINGS AND OFFSET THE COST OF FTEs, AND STATING THAT FTE WILL ROLL FORWARD INTO BASE BUDGET FUNDING FOR THE NEXT BIENNIUM. Motion carried 5-2 by voice vote with REP. MCNUTT and REP. MORGAN voting no. REP. MCNUTT voted by proxy.

Responding to SEN. LIND, Mr. Chappuis described how DPHHS would respond to a worst-case scenario for nursing home bed days under-projection and fiscal shortfalls, for which no supplemental funds could be secured. He stated that the department would be forced

to make service cuts and, in the event of an extremely dire situation, also make rate cuts.

{Tape: 1; Side: B; Approx. Time Counter: 15}

EXECUTIVE ACTION ON I-146 SETTLEMENT MONIES

Motion: REP. JAYNE moved that BIENNIAL ALLOCATION OF \$90,000 TO EACH OF THE EIGHT TRIBES, RESTRICTED, FROM THE I-146 SETTLEMENT, BE ADOPTED.

Discussion:

With significant regret, SEN. LIND urged the committee to resist the motion, noting that tribal anti-tobacco programs currently receive funding equivalent to \$14.60 per person, while the rest of the state receives funding equivalent of \$1.40 per person for anti-tobacco programs.

REP. JAYNE and Ms. Steinbeck confirmed that REP. JAYNE's motion specifies the addition of \$10,000 biennial funds per tribe, on top of current tribal anti-tobacco funding levels.

Vote: Motion carried 5-2 by roll call vote with SEN. LIND and SEN. WEINBERG voting no. REP. MCNUTT voted by proxy.

ADJOURNMENT

Adjournment: 10:25 A.M.

REP. CHRISTINE KAUFMANN, Chairman

LAURA GOOD, Secretary

CK/lg

Additional Exhibits:

EXHIBIT ([jhh40aad0.PDF](#))