MINUTES LOG
June 9-10, 2016
Room 102, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT
SEN. JON SESSO, Chair
REP. NANCY BALLANCE, Vice Chair
SEN. MARY CAFERRO
SEN. LLEW JONES
SEN. BOB KEENAN
SEN. FREDERICK (ERIC) MOORE
SEN. CYNTHIA WOLKEN

COMMITTEE MEMBERS EXCUSED/ABSENT
REP. KIMBERLY DUDIK
REP. RYAN OSMUNDSON

REP. PAT NOONAN
REP. MITCH TROPILA
REP. BRAD TSCHIDA
STAFF PRESENT

JULIE JOHNSTON, Staff Attorney
LAURA SHERLEY, Secretary
AMY CARLSON, Director

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTIONS
◆ Approved minutes from previous meeting.
◆ Moved to report to the Governor that the LFC does not raise any issues of statutory compliance with the proposed transfer requested by the Department of Justice.
◆ Moved to move forward with the draft repel legislation for 15-70-601.
◆ Moved to send a letter to the Legislative Audit Division addressing the privacy sharing personal health care information, specific to the state-run clinics.
◆ Requested staff to present a benchmark of individual income tax growth as a percent of total revenue of the state compared to other states.

CALL TO ORDER AND ROLL CALL
00:00:02 Sen. Sesso called the meeting to order at 10:21 a.m. on Thursday, June 9, 2016 in Hearing Room 102 of the State Capitol Building. The committee secretary called roll (Attachment 3). Rep. Dudik was excused and left her proxy with Sen. Sesso (Attachment 4). Rep. Osmundson was excused.

00:01:35 MOTION: Sen. Keenan moved to approve the minutes of the previous meeting. VOTE: Motion passed.

JUNE FY 2016 BUDGET STATUS REPORT (Exhibit 1)
00:02:31 Susie Lindsay, Communications Supervisor, Legislative Fiscal Division (LFD) gave an update on the general fund ending balance and discussed the General Fund Variable shifts shown in the graph on page 2.

Revenues
00:05:46 Stephanie Morrison, Fiscal Analyst, LFD gave a brief update on Year-to-Date Revenue collections and discussed the major sources in revenue.

00:14:33 Sam Schaefer, Fiscal Analyst, LFD discussed the 33.7% decrease in Corporation Income Tax and reasons for the decrease. He also discussed the Vehicle Fees & Taxes source which is above the estimate at this time. The Oil & Natural Gas Production Tax is currently below estimate at this time and Mr. Schaefer discussed the reasons why this decrease has occurred. Video Gaming Tax is slightly below the HJ 2 forecast.

00:21:40 Alice Hecht, Fiscal Analyst, LFD presented the Insurance Tax growth which has been slower than expected. HJ 2 anticipates growth of 8.6% at fiscal year end.
Currently the State Auditor’s Office is researching to understand the discrepancy.

00:23:16 Nick VanBrown, Fiscal Analyst, LFD discussed the Property Tax which is currently in line with the estimate. It is above last year by $4.7 million or 3.1% and currently above the HJ 2 estimated growth of 2.4%, but final collections will likely come close to HJ 2 estimates.

**Budget and Expenditures**

00:26:00 Kris Wilkinson, Fiscal Analyst, LFD explained the budget and expenditure portion of the report that discusses the FY 2016 appropriations and related expenditures by budget section. Ms. Wilkinson also discussed the request for transfer of funding from FY 2017 to FY 2016 within the Dept. of Justice and possible committee actions regarding the transfer. Ms. Wilkinson also gave brief introduction and summarization of Section A - General Government.

00:32:16 Stephen Forrest, Fiscal Analyst LFD discussed changes in Section C- Natural Resources and Transportation. There are declining revenues in natural resources especially within the Natural Resource Operations Account.

00:34:12 Greg Dewitt, Fiscal Analyst. LFD discussed changes in Section D - Judicial Branch, Law Enforcement, and Justice. The Department of Justice requested a transfer of $570,000 from FY 2017 to FY 2016 for a budget shortfall in the Forensic Science Division. (Appendix E) Mr. DeWitt also noted a report on the State Medical Examiner's Office can be viewed on the committee's web site. [http://let.mt.gov/css/Committees/Administration/Finance/2016-17/Report-Pages/June-2016.asp](http://let.mt.gov/css/Committees/Administration/Finance/2016-17/Report-Pages/June-2016.asp)

00:53:56 **MOTION:** Sen. Jones moved to report to the Governor that the LFC does not raise any issues of statutory compliance with the proposed transfer request by the Department of Justice. **VOTE:** Motion passed.

00:56:14 Rob Miller, Fiscal Analyst, LFD summarized changes in Section E - Education. The Office of Public Instruction has expended $10.4 million of its general fund appropriation. Appropriations for BASE Aid are anticipated to exceed forecasted payments in FY 2016 by $1.0 million. Additionally, LFD estimates for FY 2017 that the guarantee account revenues will be approximately $7.4 million less than those anticipated in HJ 2. The Office of the Commissioner of Higher Education moved $0.1 million general fund appropriation authority from FY 2017 to FY 2016 in the Student Assistance Program.

00:59:11 Cathy Duncan, Fiscal Analyst, LFD gave a brief summary of Section F - Long-Range Planning. The programs within Section F are generally funded out of dedicated natural resource revenues.

01:06:18 Scot Conrady, Fiscal Analyst, LFD summarized budget changes in Section B - Health and Human Services. The department is executing SB 418 which freezes savings generated due to the implementation of SB 405. Mr. Conrady also gave an update on the plan to close the Montana Development Center.
Committee Questions
00:20:13 Rep. Tschida
00:24:11 Sen. Moore
00:33:44 Sen. Sesso
00:39:05 Sen. Sesso
00:43:53 Sen. Keenan
00:45:47 Rep. Ballance
00:49:31 Sen. Sesso
00:58:21 Sen. Moore
01:01:26 Rep. Ballance
01:02:15 Sen. Sesso
01:11:34 Sen. Sesso
01:12:55 Sen. Caferro

MEDICAID MONITORING REPORT
01:17:44 Scot Conrady, Fiscal Analyst, LFD presented the Medicaid Monitoring Report (Exhibit 2). This report covers Medicaid benefits only, which is a subset of total Department Of Public Health and Human Services expenditures.

Committee Questions
01:21:05 Sen. Caferro
01:29:42 Sen. Sesso
01:29:51 Rep. Ballance
01:32:25 Sen. Caferro
01:33:41 Sen. Sesso
01:34:28 Sen. Caferro
01:38:59 Sen. Sesso

THE MONTANA HELP ACT, MEDICAID EXPANSION UPDATE AND HELP LINK
01:40:35 Quinn Holzer, Fiscal Analyst, LFD presented the Montana HELP Act and Medicaid Expansion report (Exhibit 3) and a memorandum from the Department of Labor regarding the HELP-Link Workforce Program (Exhibit 3a). The HELP Act has been fully implemented, and Medicaid services are being delivered and paid for via 100% federal funds at this time. General fund is being utilized to provide matching funds for administrative costs associated both with the third party administrator (TPA) and the expansion population being managed through the traditional Medicaid system.

Committee Questions
01:44:16 Rep. Ballance
01:48:13 Sen. Moore
01:48:44 Sen. Sesso
01:52:43 Sen. Keenan

LUNCH

BUDGET DIRECTOR REPORT
03:06:53 Dan Villa, Director, Office of Budget and Program Planning, presented a report
on the State of Montana’s Current Status of State Finances (Exhibit 4). This report provides an overview of state finances and economic trends for the 2017 Biennium.

Committee Questions
03:32:13 Sen. Sesso
03:36:11 Sen. Wolken
03:37:19 Sen. Keenan
03:39:57 Sen. Caferro

2019 BIENNIAL OUTLOOK
03:42:54 Amy Carlson presented the 2019 Biennium Outlook for the General Fund Budget (Exhibit 5) and (Exhibit 5a). The purpose of this report is to provide perspectives on the upcoming 2019 biennium budget. The report provides the current outlook for ongoing general fund revenues and expenditures to project the general fund the legislature will have available for the 2019 biennium.

04:23:43 Quinn Holzer, Fiscal Analyst, LFD discussed the variety of programmatic and budgeting changes yet to complete for the 2019 budgeting process.

Committee Questions
03:56:12 Sen. Wolken
04:09:50 Sen. Jones
04:13:50 Sen. Moore
04:14:56 Sen. Sesso
04:20:55 Sen. Jones

MEDICAID FORECAST HIGHLIGHTS
04:26:21 Quinn Holzer, Fiscal Analyst, LFD summarized the Medicaid Forecast Highlights (Exhibit 6). The projections are based primarily on Medicaid Management Information System (MMIS) paid claims data through November 2015.

Committee Questions
04:30:02 Rep. Ballance
04:33:13 Sen. Moore

BREAK

STATE INFORMATION TECHNOLOGY UPDATE
04:49:45 Lynne Pizzini, Deputy CIO, Montana Information Security gave an update on the State Information Technology (Exhibit 7). The department granted exception requests from the Dept. of Labor and Industry and Department of Fish, Wildlife, and Parks. Exception requests from the Department of Justice and Department of Transportation were denied.

Committee Questions
04:53:42 Sen. Sesso
04:54:15 Rep. Ballance
IT Portfolio Changes
04:56:38 Kris Wilkinson, Fiscal Analyst, LFD discussed the IT Project Cost and Development Tracking, (Exhibit 8) proposed changes to the IT Project Portfolio (Exhibit 8a), the Executive Order 09-2016 implementing the State Information Technology Convergence Plan (Exhibit 8b), and the IT Project Portfolio report (Exhibit 8c). SITSD is proposing to replace the previous measurement criteria with objective, summarized project health measurements related to project cost and schedule using established IT performance measurement techniques. The IT Project Portfolio is in the new format with the proposed changes from the department.

Other reports included in the committee notebooks are (Exhibit 8d):
- MMIS DDI LFC Report - DPHHS
- VisitMT.com - Dept. of Commerce
- MPERAtiv - DOA
- Milk and Egg System - Dept. of Livestock

Committee Questions
05:01:51 Rep. Ballance
05:12:27 Rep. Ballance
05:20:43 Rep. Ballance
05:23:09 Sen. Sesso

MMIS final costs and next steps
05:23:41 Scot Conrady, Fiscal Analyst, LFD provided background information and a brief overview of the MMIS project. Currently, the contract with Xerox has formally been terminated, although they do have some of the modules still active that are CMS certified.

05:26:45 Marie Matthews, Operations Services Branch Manager, DPHHS presented the MMIS DDI Update (Exhibit 9). Ms. Matthews discussed the current activities of MMIS, the financial closeout of the program, modularity MMIS versus traditional MMIS, the MT Medicaid Legacy System Components, the MT Medicaid Modularity Blueprint, the Modularity High-Level Timeline, and the department's next steps in the program.

Committee Questions
05:37:12 Rep. Ballance
05:38:25 Sen. Sesso
05:45:40 Sen. Caferro

IT Budget Policy recommendations
05:48:28 Kris Wilkinson, Fiscal Analyst, LFD gave an update on the development of volume 10. This will be a comprehensive budget document regarding both the projects in HB 10 and agency budgets in HB 2.

LEGISLATIVE BUDGET POLICY CHOICES, 2019 BIENNIAL REPORT
05:49:45 Quinn Holzer, Fiscal Analyst, LFD presented the Legislative Budget Policy
Choices III. (Exhibit 10). This report recaps significant decisions and provides recommendations for remaining items. It also touches on the future of the use of Zero Based Budgeting.

Committee Questions
05:55:12 Sen. Sesso
05:57:15 Sen. Jones
05:57:54 Sen. Caferro

06:04:54 Julie Johnson, Legal Staff, Legislative Services Division (LSD) discussed her memo regarding Options for Additional Budget Scrutiny of Certain Agencies/Zero-Based Budgeting. (Exhibit 11) At the March 2016 meeting, the LFC expressed interest in creating a long-term mechanism to address the legislative desire to increase budget scrutiny for certain agencies.

Committee Questions
06:06:42 Sen. Jones
06:08:25 Sen. Moore
06:09:33 Rep. Ballance
06:12:32 Rep. Noonan
06:12:59 Sen. Sesso
06:17:24 Sen. Moore
06:18:35 Sen. Wolken
06:19:11 Sen. Jones
06:21:52 Rep. Tschida
06:25:30 Sen. Sesso
06:27:20 Sen. Jones

06:31:35 Quinn Holzer, Fiscal Analyst, LFD reminded the committee of the recommendations for consideration regarding the budget transaction table in the budget analysis, personal services comparisons, and zero based budgets for the 2017 session.


Committee Questions
06:35:13 Sen. Sesso
Glen Stinar, Montana Law Enforcement Academy, Dept. of Justice, gave an update on the Law Enforcement Academy needs and recommendations for the program (Exhibit 13). The MLEA reports that they need stable operational funding for infrastructure improvement. The MLEA requested that the Legislative Finance Committee draft a bill stating the MLEA's funding issues.

Committee Questions
06:43:24 Sen. Wolken
06:46:58 Rep. Tropila
06:47:52 Sen. Sesso
06:50:31 Rep. Tropila

COMMITTEE DISCUSSION
06:53:03 Sen. Keenan provided a handout on general fund revenue sources from FY 2000 to FY 2008. (Exhibit 14)

RECESS Committee will reconvene Friday at 8:00 a.m.

Friday, June 10, 2016

COMMITTEE MEMBERS PRESENT
SEN. JON SESSO, Chair
REP. NANCY BALLANCE, Vice Chair
SEN. MARY CAFERRO
SEN. LLEW JONES
SEN. BOB KEENAN
SEN. FREDERICK (ERIC) MOORE
SEN. CYNTHIA WOLKEN
REP. PAT NOONAN
REP. MITCH TROPILA
REP. BRAD TSCIDA

STAFF PRESENT
JULIE JOHNSON, Staff Attorney
LAURA SHERLEY, Secretary
AMY CARLSON, Director

VISITORS' LIST

AGENDA

CALL TO ORDER
00:00:02 Sen. Sesso reconvened the meeting on Friday, June 10, 2016 at 8:10 a.m. in the Hearing Room 102 of the State Capitol Building, Helena Montana.
Susie Lindsay, Fiscal Analyst, LFD gave a brief overview of the Guide to Statutory Appropriations (Exhibit 15) which will be used as a training guide during legislator orientation. It gives a basic overview of statutory appropriations guidelines.

Julie Johnson, Legal Staff, LSD presented the draft repeal legislation for 15-70-601, MCA that the committee requested at the March LFC meeting (Exhibit 16). Ms. Johnson also gave the committee recommendations moving forward on the draft legislation.

MOTION: Sen. Sesso moved to move forward with the draft repeal legislation for 15-70-601. VOTE: Motion passed.

Committee Questions
00:04:00 Sen. Sesso
00:04:22 Sen. Moore
00:06:00 Sen. Sesso

Alice Hecht, Fiscal Analyst, LFD gave an update on the Child and Family Services Division Federal Requirements (Exhibit 17). During the March LFC meeting there was a request for LFD to look into the federal requirements for funding of CFSD.

Committee Questions
00:11:14 Rep. Ballance
00:13:16 Sen. Caferro
00:15:34 Sen. Caferro
00:16:53 Sen. Caferro
00:18:20 Rep. Tschida
00:19:15 Sen. Sesso
00:19:48 Sen. Moore
00:20:58 Sen. Jones

Scot Conrady, Fiscal Analyst, LFD presented on the Utilization of Drug Courts and Family Drug Courts in Montana (Exhibit 18). During the last LFC meeting, LFD staff was asked to prepare information regarding drug courts and their use in Montana. The report gives a brief introduction to family/drug courts.

Committee Questions
00:26:23 Sen. Wolken
00:34:37 Sen. Moore
00:36:40 Sen. Moore
00:37:58 Rep. Tropila

PUBLIC DEFENDER: DEPENDENT NEGLECT AND CONFLICT CASE ANALYSIS REPORT
00:41:32 Greg Dewitt, Fiscal Analyst, LFD presented the Public Defender Dependent Neglect and Conflict Case Analysis report. At the March 2016 LFC meeting, information was requested for a comparison of the cost of representing clients in dependent and neglect (DN) cases by staff FTE and contracted attorneys. (Exhibit 19).

Committee Questions
00:46:00 Sen. Wolken
00:47:40 Sen. Sesso
00:47:57 Sen. Caferro
00:49:43 Sen. Caferro
00:50:41 Sen. Moore
00:52:05 Sen. Wolken
00:53:18 Sen. Caferro
00:54:03 Sen. Sesso
00:54:50 Sen. Wolken

HEALTH INSURANCE UPDATE
00:58:35 Kris Wilkinson, Fiscal Analyst, LFD presented the Health Insurance Update: State Employee Health Centers. (Exhibit 20). This report provides information on development of the on-site employees health centers, estimated cost savings and comparisons with actual expenditures for the on-site employees health centers, contract requirements including performance guarantees, and varying business models for the on-site employee health centers.

01:17:44 Marilyn Bartlett, Director Administrator, Dept. of Administration updated the committee on the HCBD Risk Management program (Exhibit 21). Ms. Bartlett discussed the Anaconda and Montana Health Center models in comparison to the HCBD Risk Management model.

01:38:36 Connie Welsh, Director of Benefits, Montana University System reported on how the Health Risk Assessment Data has been used by the Montana University System (Exhibit 22).

02:42:36 Angus Maciver, Deputy Legislative Auditor, Legislative Audit Division (LAD) was requested by the committee to answer questions regarding the department’s use of personal health care information.

Committee questions
02:00:44 Sen. Sesso
02:05:57 Rep. Tschida
02:22:54 Rep. Noonan
02:27:50 Sen. Caferro
02:42:10 Sen. Sesso
02:47:04 Rep. Noonan
02:49:37 Sen. Caferro
02:54:00 Sen. Sesso

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02:56:03 Rep. Ballance
02:57:26 Rep. Noonan
03:00:30 Sen. Sesso

Public Comment
03:01:51 Barbara Smith, Helena MT

BREAK RECESS

STATE INFRASTRUCTURE BUDGETING AND FUNDING
03:18:53 Cathy Duncan, Fiscal Analyst, LFD introduced Tom O'Connell, State Architect, Dept. of Administration.

03:19:41 Tom O'Connell, State Architect, Dept. of Administration/A&E reviewed the Long-Range Building Program (LRBP) process (Exhibit 23), Volume 3 of the Governor's Executive budget and how LRBP becomes HB 5 and/or HB 14.

03:44:29 Cathy Duncan, Fiscal Analyst, LFD presented the final Infrastructure Budgeting and Funding report (Exhibit 24). This report provides an overview of the budgeting process as well as an analysis of historic funding for the construction and maintenance of state buildings and process improvement options for LFC consideration.

04:04:37 Susan Fox, Executive Director, LSD spoke on the infrastructure needs of the Capitol Building and Capitol Complex. Ms. Fox also informed the committee that Sen. Barrett asked the Legislative Council to make a formal request for room 336 to be returned to legislative space.

04:22:08 Joe Triem, Fiscal Manager, LFD discussed the budget and funding associated with the infrastructure needs to the Capitol Building and Capitol Complex. Mr. Triem used different states models of budgeting for infrastructure maintenance for examples that the committee could consider.

Committee questions
03:23:41 Sen. Sesso
03:40:14 Sen. Sesso
04:08:52 Sen. Sesso
04:14:51 Sen. Jones
04:19:17 Sen. Sesso
04:25:48 Sen. Jones
04:32:29 Sen. Sesso
04:34:09 Rep. Ballance
04:35:07 Sen. Keenan
04:36:00 Sen. Sesso
04:39:40 Sen. Sesso
04:41:26 Sen. Moore
04:43:54 Sen. Sesso
04:45:10 Sen. Jones
BREAK RECESS

COMMITTEE BUSINESS
05:29:04 Sen. Sesso

05:29:10 Motion: Sen. Caferro made a motion that the committee write and send a letter to the Legislative Audit Division addressing the privacy sharing personal health care information, specific to the state-run clinics.
Vote: Motion passed.

K-12 CAPITAL BUDGETING COMPARISONS
05:34:08 Rob Miller, Fiscal Analyst, LFD presented the K-12 Capital Budgeting Comparisons (Exhibit 25). This report provides information about the proportion of K-12 school district budgets spent for capital improvement purposes versus all other expenditures.

Committee questions
05:46:12 Sen. Jones
05:48:06 Sen. Moore
05:49:54 Sen. Jones
05:51:17 Rep. Ballance
05:53:21 Sen. Sesso
05:54:10 Sen. Jones
05:54:45 Sen. Sesso

UPDATE ON K-12 COMMISSION
05:56:44 Pad McCracken, Research Analyst, LSD gave the committee an update on the School Funding K-12 Interim Commission (Commission) (Exhibit 26). The Commission was established by SB 128 during last session. The Commission is focusing on recruitment and retention, school facilities, special education, and district structure and equity. For more information about the School Funding Interim Commission visit http://leg.mt.gov/css/Committees/interim/2015-2016/School-Funding/default.asp

Committee questions
06:00:29 Sen. Moore
06:02:23 Sen. Jones
06:06:31 Rep. Ballance

COMMITTEE DISCUSSION ON NEXT STEPS IF NEEDED
06:07:35 Amy Carlson, LFA, LFD distributed and discussed a table on General Fund Revenue Sources (Exhibit 27), a letter from Dan Villa, Budget Director, OBPP regarding Montana Wage Growth Data (Exhibit 28), and a graph showing the Quarterly Census of Employment and Wages Wage Growth by Calendar Year (Exhibit 29).

Committee questions
06:07:59 Sen. Moore
06:08:48 Sen. Sesso
06:11:24 Sen. Keenan

COMMITTEE BUSINESS
06:13:21 Amy Carlson updated the committee on the upcoming LFC meeting dates and agenda items to be discussed (Exhibit 30) and a work plan update for LFC (Exhibit 31). Ms. Carlson also presented the LFC Local Area Informational Meetings Schedule (Exhibit 32) and language regarding Zero Based-Budgeting for LFC consideration (Exhibit 33).

ADJOURNMENT
06:24:45 With no further business before the committee, the meeting adjourned. The next meeting of the Legislative Finance Committee is September 29 & 30, 2016.