

December 2011 Legislative Affairs Report

A look ahead at the November 2012 election:

Next year at this time, we will have elected a new Representative to Congress, Governor, and Attorney General. We will know who will serve in the US Senate for the next six years and who will serve in the three other Montana Land Board seats that are up for re-election (Secretary of State, State Auditor, and Superintendent of Public Instruction). In addition, Montana voters will have voted for three seats on the Montana Public Service Commission, a critical body that regulates utilities (telephone, gas, water, & electric), transportation, pipeline safety, etc.. The Montana House of Representatives are voted on every two years and half of the Montana Senate seats will be up for election.

Out of the six ballot initiatives submitted to the Secretary of State, only one has qualified to date: Refer SB 423 to voters, submitted by the MT Cannabis Industry Association. Five other ballot initiatives are in the process of qualifying. Four legislative referenda will appear on the general election ballot in November 2012: They are:

[LR-120](#) ([HB 627](#)) Referendum to require parental notification prior to abortion for a minor, providing for judicial waiver of notification, repealing prior statutes, and providing penalties.

[LR-121](#) ([HB 638](#)) Referendum to deny certain state services to illegal aliens.

[LR-122](#) ([SB 418](#)) Referendum to prohibit the state or federal government from mandating the purchase of health insurance or imposing penalties for decisions related to purchasing health insurance.

[LR-123](#) ([SB 426](#)) Referendum to contingently provide taxpayers refunds of surplus state government general fund balance through an income tax credit based upon property and individual income taxes paid.

State Legislative Report:

Energy and Telecommunications Committee: (Senator Verdell Jackson) met on November 17.

Presentations from the wireless industry presented the committee with a better understanding of the wireless industry, particularly when it comes to rural areas. Three telephone coops provided the “co-op” perspective while AT&T, Verizon and Cellular One represented the national carriers. Montana customers face “holes in coverage” due to geographic challenges and a lack of investment due to low population. Federal dollars that have provided incentives to companies to invest in rural areas are drying up and technology is rapidly changing. Data and texting demands exceed the capacity of the infrastructure in certain areas. The committee learned more about the industry however did not take any policy positions. The committee also heard from two perspectives on the structure of the Montana Public Service Commission. Professor Lopach (U of MT) suggested that three commissioners should be appointed by the Governor rather than elected; while Former Georgia Commissioner Baker promoted election of commissioners. The five Commissioners are currently elected from 5 regions and Montana is one of 11 states that elect a PSC. After a brief committee discussion that trended towards no change, staff was directed to keep the issue as a 5 minute agenda item for the January meeting before closing the topic for the interim.

HB 642: The Select Committee on Efficiency in Government: (Senator Jon Sonju and Representatives Scott Reichner and Mark Blasdel) held its third meeting in Great Falls at Benefits Hospital for a discussion focused on efficiencies in program such as Medicaid affected by state law and policy. Mental health services delivery is an area of focus for the committee. Other suggestions that are being explored are: performance based contracting; outcome based contract principles; reducing annual audits and review for certain providers; and using single funding stream for co-occurring treatments or dually

diagnosed. These ideas and many more continue to be vetted and recommendations will begin to emerge in the upcoming year.

Children and Families Interim Committee met to hear presentations on Medicaid waiver options and the use of managed care. They also committed time additional time to discussion on childhood trauma and the foster care system.

In December, Legislative Finance will meet Dec 5-6; Legislative Council will meet on Dec 7; Revenue and Transportation will meet for two days on Dec 8-9 and Law and Justice will meet December 15-16.