

## 1 HOUSE BILL NO. 284

2 INTRODUCED BY T. BURNETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING STATE EMPLOYEES AND ELECTED OFFICIALS  
5 FROM UNDERTAKING EFFORTS RELATED TO IMPLEMENTING THE PATIENT PROTECTION AND  
6 AFFORDABLE CARE ACT OF 2010 AND THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF  
7 2010; REQUIRING REPORTING OF COSTS OF ANALYSIS AND IMPLEMENTATION EFFORTS TO DATE;  
8 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, AN APPLICABILITY DATE, AND A RETROACTIVE  
9 APPLICABILITY DATE."

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11 WHEREAS, taxpayers have become subject to new expenses due to passage of the Patient Protection  
12 and Affordable Care Act of 2010; and

13 WHEREAS, the state insurance commissioner has been drawn into meetings and deliberations with  
14 federal officials and other state insurance commissioners as a result of passage of the Patient Protection and  
15 Affordable Care Act; and

16 WHEREAS, state employees have spent time and resources planning for and implementing the federal  
17 legislation; and

18 WHEREAS, authority for funding for all state functions originates in the Legislature pursuant to Article  
19 VIII, section 14, of the Montana Constitution; and

20 WHEREAS, the Legislature has not appropriated funds for purposes of implementing the Patient  
21 Protection and Affordable Care Act of 2010 or its companion measure, the Health Care and Education  
22 Reconciliation Act of 2010.

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24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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26 **NEW SECTION. Section 1. Prohibition on state efforts related to federal health care legislation**  
27 **-- report required.** (1) No state employee or elected official may engage in activities designed to implement or  
28 analyze Public Law 111-148, the Patient Protection and Affordable Care Act of 2010, or Public Law 111-152, the  
29 Health Care and Education Reconciliation Act of 2010.

30 (2) Activities prohibited under this section include but are not limited to:

- 1 (a) analysis of the effects of the laws on Montana or Montanans;  
2 (b) meetings related to analysis or implementation of the laws;  
3 (c) travel to conferences or other meetings at which the laws, related federal regulations, or proposed  
4 federal regulations are discussed, analyzed, or developed;  
5 (d) application for or use of federal grants offered under the laws; and  
6 (e) development of administrative rules or legislation to implement provisions of the laws in Montana.  
7 (3) Each state agency that has undertaken any of the activities listed in subsection (2) or other activities  
8 related to analyzing or implementing Public Law 111-148 or Public Law 111-152 shall report to the legislature as  
9 provided in 5-11-210 and to the interim committee having oversight responsibility for the agency the following  
10 information:  
11 (a) the number of employees who undertook activities related to analyzing or implementing the laws and  
12 the amount of time they spent on the activities;  
13 (b) any other agency resources devoted to the activities;  
14 (c) the amount of money in both staff time and resources spent on the activities;  
15 (d) the portion of the costs that was paid for by federal funds, including grants; and  
16 (e) the ways in which the federal funds were spent.

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18 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
19 integral part of Title 50, chapter 4, part 1, and the provisions of Title 50, chapter 4, part 1, apply to [section 1].  
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21 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.  
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23 **NEW SECTION. Section 4. Applicability -- retroactive applicability.** (1) [Section 1(1) and (2)] apply  
24 to activities underway on [the effective date of this act].

25 (2) [Section 1(3)] applies retroactively, within the meaning of 1-2-109, to activities undertaken on or after  
26 January 1, 2010.

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