

1 HOUSE BILL NO. 835
2 INTRODUCED BY B. KEENAN, L. JONES
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MEDICAID AND 24/7 FACILITY CONTINGENCY
5 FUND; ESTABLISHING USES OF THE FUND; PROVIDING FOR A TRANSFER OF FUNDS; PROVIDING
6 APPROPRIATIONS; ~~PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502 AND~~
7 ~~53-6-404, MCA; REPEALING SECTION 17-7-163, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE~~
8 ~~DATE AND A TERMINATION DATE."~~

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 NEW SECTION. Section 1. Medicaid and 24/7 facility contingency fund. (1) Subject to available
13 funding, there is a medicaid and 24/7 facility contingency fund in the state special revenue fund provided for in
14 17-2-102 to the credit of the office of budget and program planning.

15 (2) The contingency fund consists of money received from funds transferred by the legislature.

16 (3) Funds in the account are subject to agency transfer ~~no sooner than April 1 of each year~~ to the
17 department of public health and human services. ~~The department may use the funds to mitigate supplemental~~
18 requests associated with EXPENDITURES IN FISCAL YEAR 2023 FOR:

19 (a) the medicaid program provided for in Title 53, chapter 6; and

20 (b) operation of the following facilities that provide 24/7 care and treatment:

21 (i) the intensive behavior center provided for in 53-20-602;

22 (ii) the Montana mental health nursing care center provided for in 53-21-411; and

23 (iii) the Montana state hospital provided for in 53-21-601.

24 (4) On the occurrence of an agency transfer pursuant to this section, the director of the office of
25 budget and program planning shall certify to the legislative finance committee no later than June 30 of the fiscal
26 year in which the transfer occurred:

27 (a) the amount transferred to and anticipated to be spent by the department of public health and

Amendment - 1st Reading/2nd House-blue - Requested by: John Esp - (S) Finance and Claims

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0835.002.002

1 ~~terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30,~~
2 ~~2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and~~
3 ~~pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.) "~~

4
5 **Section 3.** Section 53-6-404, MCA, is amended to read:

6 **"53-6-404. Use of waiver funding.** (1) The department shall use money appropriated for home and
7 community-based services waiver slots for the purpose of:

- 8 (a) ~~creating waiver slots as authorized by the legislature; or~~
- 9 (b) ~~addressing workforce shortages or other barriers to creating the number of waiver slots~~
10 ~~authorized by the legislature.~~

11 ~~(2) Unencumbered funds appropriated for home and community-based services waiver slots for use~~
12 ~~by a particular division may not be transferred to another department division or program. The money must be~~
13 ~~used for the program for which it was appropriated or be reverted to the fund from which it was appropriated.~~

14 ~~(3)(2) The department shall report annually to the legislative finance committee in accordance with 5-~~
15 ~~11-210 on the status of appropriations for home and community-based services waiver slots. "~~

16
17 **NEW SECTION. Section 4. Repealer.** The following section of the Montana Code Annotated is
18 repealed:

19 ~~17-7-163. Appropriations for medicaid expenditures.~~

20
21 **NEW SECTION. Section 2. Transfer of funds.** There is transferred \$150 ~~\$56.5~~ million from the
22 general fund to the medicaid and 24/7 facility contingency fund provided for in [section 1]. The transfer must
23 occur no later than June 30, 2023.

24
25 **NEW SECTION. SECTION 3. APPROPRIATION Appropriations. (1) THERE IS APPROPRIATED \$56.5**
26 **MILLION FROM THE MEDICAID AND 24/7 FACILITY CONTINGENCY FUND PROVIDED FOR IN [SECTION 1] TO THE OFFICE OF**
27 **BUDGET AND PROGRAM PLANNING FOR THE FISCAL YEAR BEGINNING JULY 1, 2022, FOR THE PURPOSES OF [SECTION 1].**

Amendment - 1st Reading/2nd House-blue - Requested by: John Esp - (S) Finance and Claims

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1 (2) There is appropriated \$165 million in federal special revenue authority to the office of budget
2 and program planning for the fiscal year beginning July 1, 2022, for the purposes of [section 1].

3 (3) There is appropriated \$4 million in state special revenue authority to the office of budget and
4 program planning for the fiscal year beginning July 1, 2022, for the purposes of [section 1].

5
6 NEW SECTION. Section 6. — Codification instruction. [Section 1] is intended to be codified as an
7 integral part of Title 17, chapter 2, part 1, and the provisions of Title 17, chapter 2, part 1, apply to [section 1].

8
9 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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11 NEW SECTION. SECTION 5. TERMINATION. [THIS ACT] TERMINATES OCTOBER 1, 2023.

12 - END -