

1 HOUSE BILL NO. 835

2 INTRODUCED BY B. KEENAN, L. JONES

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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 SUPPLEMENTAL FUNDING TO THE
6 DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AUTHORIZING A GENERAL FUND LOAN;
7 PROVIDING FOR A TRANSFER OF FUNDS; PROVIDING A STATUTORY APPROPRIATION; AMENDING
8 SECTIONS 17-7-502 AND 53-6-404, MCA; REPEALING SECTION 17-7-163, MCA; AND PROVIDING AN
9 IMMEDIATE EFFECTIVE DATE."

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

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13 NEW SECTION. **Section 1. Medicaid and 24/7 facility contingency fund.** (1) Subject to available
14 funding, there is a medicaid and 24/7 facility contingency fund in the state special revenue fund provided for in
15 17-2-102 to the credit of the office of budget and program planning.

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

17 (3) Funds in the account are statutorily appropriated, as provided in 17-7-502, to the office of
18 budget and program planning and are subject to agency transfer no sooner than April 1 of each year to the
19 department of public health and human services. The department may use the funds to mitigate supplemental
20 requests associated with:

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

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

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

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

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

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

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

2 "**53-6-404. Use of waiver funding.** (1) The department shall use money appropriated for home and
3 community-based services waiver slots for the purpose of:

4 (a) creating waiver slots as authorized by the legislature; or

5 (b) addressing workforce shortages or other barriers to creating the number of waiver slots
6 authorized by the legislature.

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

10 ~~(3)(2)~~ The department shall report annually to the legislative finance committee in accordance with 5-
11 11-210 on the status of appropriations for home and community-based services waiver slots."

13 **NEW SECTION. Section 4. Authorization for general fund loan.** For the biennium beginning July
14 1, 2023, the department of public health and human services is authorized to secure a loan from the general
15 fund only to pay for overtime, salaries, and benefits for employees at all state institutions and to pay for the
16 costs of traveling health care providers.

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18 **NEW SECTION. Section 5. Repealer.** The following section of the Montana Code Annotated is
19 repealed:

20 17-7-163. Appropriations for medicaid expenditures.

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22 **NEW SECTION. Section 6. Transfer of funds.** There is transferred ~~\$150~~ **\$66** million from the
23 general fund to the medicaid and 24/7 facility contingency fund provided for in [section 1]. The transfer must
24 occur no later than June 30, 2023.

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

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