

Amendment - 1st Reading/2nd House-blue - Requested by: Jen Gross - (S) Public Health, Welfare and Safety

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0872.002.005

1 HOUSE BILL NO. 872
2 INTRODUCED BY B. KEENAN, L. JONES, J. ESP, C. SPRUNGER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING BEHAVIORAL HEALTH SYSTEMS; ESTABLISHING
5 THE BEHAVIORAL HEALTH SYSTEM FOR FUTURE GENERATIONS ADVISORY COMMISSION;
6 OUTLINING THE DUTIES AND ROLE OF THE ADVISORY COMMISSION; ESTABLISHING MEETING
7 DATES; PROVIDING FOR PUBLIC COMMENT; PROVIDING FOR A PRESENTATION OF THE ADVISORY
8 COMMISSION'S RECOMMENDATIONS TO LEGISLATIVE COMMITTEES; PROVIDING FOR
9 CONSIDERATION OF LEGISLATOR INPUT; PROVIDING THAT THE GOVERNOR MAY APPROVE OR
10 MODIFY THE RECOMMENDATIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING THE
11 LEGISLATIVE FINANCE COMMITTEE WITH SPECIFIC ADMINISTRATIVE RULE REVIEW AUTHORITY;
12 PROVIDING APPROPRIATIONS; ~~PROVIDING AN APPROPRIATION;~~ AND PROVIDING AN IMMEDIATE
13 EFFECTIVE DATE AND A TERMINATION DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 NEW SECTION. Section 1. Behavioral health system for future generations advisory
18 **commission.** (1) There is a behavioral health system for future generations ~~advisory~~ commission focused on
19 building a community-based system of care with input from and inclusion of people with disabilities and other
20 interested stakeholders.

21 (2) The ~~advisory~~ commission consists of:

22 (a) ~~two senators, one from the majority party and one from the minority party, appointed by the~~
23 ~~committee on committees;~~ THE SPONSOR OF [THIS ACT];

24 (b) ~~two representatives, one from the majority party and one from the minority party, appointed by~~
25 ~~the speaker of the house; and~~

26 (c)(B) three members, including the director of the department of public health and human services,
27 appointed by the governor; AND

Amendment - 1st Reading/2nd House-blue - Requested by: Jen Gross - (S) Public Health, Welfare and Safety

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0872.002.005

1 (C) SEVEN LEGISLATORS, FOUR FROM THE MAJORITY PARTY AND THREE FROM THE MINORITY PARTY,

2 SELECTED BY THE SPONSOR, THE SPEAKER OF THE HOUSE, AND THE PRESIDENT OF THE SENATE;

3 (d) an individual selected by the Montana behavioral health advisory council who is or has been
4 the recipient of mental health services in this state provided by a mental health professional as defined in 53-
5 21-102; and

6 (e) an individual selected by the statewide independent living council, established under 42 U.S.C.
7 15025, who is or has been the recipient of services provided by the Montana developmental disabilities
8 program described in 53-20-203.

9 (3) For legislative appointments, legislators serving as members MUST INCLUDE ONE MEMBER OF
10 EACH OF THE FOLLOWING COMMITTEES:

11 (A) of the legislative finance committee;

12 (B) the health and human services interim budget committee provided for in 5-12-501;

13 (C) and the children, families, health, and human services interim committee from the 2025
14 biennium are given preference;

15 (D) THE JUDICIAL BRANCH, LAW ENFORCEMENT, AND JUSTICE INTERIM BUDGET COMMITTEE PROVIDED FOR
16 IN 5-12-501; AND

17 (E) THE LONG-RANGE PLANNING INTERIM BUDGET COMMITTEE PROVIDED FOR IN 5-12-501.

18 (4) Appointed members of the ~~advisory~~ commission must be compensated and receive travel
19 expenses as provided for in 2-15-124 for each day in attendance at commission meetings or in the performance
20 of any duty or service as a commission member.

21 (5) The ~~department of public health and human~~ LEGISLATIVE services DIVISION shall staff the
22 ~~advisory~~ commission.

23 (6) The ~~advisory~~ commission shall elect a chair from the legislative branch. The director of the
24 department of public health and human services shall serve as the vice chair.

25

26 NEW SECTION. Section 2. Commission -- meetings -- recommendations. (1) The ~~advisory~~
27 commission shall recommend how funds allocated to the department of public health and human services

Amendment - 1st Reading/2nd House-blue - Requested by: Jen Gross - (S) Public Health, Welfare and Safety

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0872.002.005

1 through the state special revenue fund established in [section 3] are expended.

2 (2) The ~~advisory~~ commission shall hold its first meeting no later than August 1, 2023, and set its
3 future meeting dates.

4 (3) The ~~advisory~~ commission shall reserve time at each commission meeting for stakeholder
5 engagement and public comment. Public participation is encouraged.

6 (4) The ~~advisory~~ commission shall submit a report of its recommendations to the office of budget
7 and program planning and to the legislative fiscal analyst by May 1, 2024. The report must include the
8 following:

9 (a) initiatives that address behavioral health;

10 (b) initiatives that assist those with developmental disabilities; ~~and~~

11 ~~(c) OUTCOME MEASURES, AS DEFINED IN 2-15-2221;~~

12 ~~(d) OUTPUT MEASURES, AS DEFINED IN 2-15-2221;~~

13 ~~(e) PERFORMANCE MEASURES, AS DEFINED IN 2-15-2221; AND~~

14 ~~(e)(F)~~ the amount of funding required for the initiatives.

15 (5) Within 60 days of submitting its recommendations to the office of budget and program planning
16 and the legislative fiscal analyst, the ~~advisory~~ commission, in cooperation with the department of public health
17 and human services, shall present the recommendations to the following legislative committees, who shall meet
18 jointly:

19 (a) the legislative finance committee;

20 (b) the health and human services interim budget committee provided for in 5-12-501; and

21 (c) the children, families, health, and human services interim committee.

22 (6) (a) Following the presentation before the joint meeting of the three committees the ~~advisory~~
23 commission shall meet to consider the comments from committee members and the public and may revise or
24 amend its recommendations, if desired.

25 (b) The final recommendations of the ~~advisory~~ commission must be transmitted to the governor by
26 the office of budget and program planning for consideration by the governor only after the commission has met
27 to consider the comments from committee members and the public pursuant to subsection (6)(a).

Amendment - 1st Reading/2nd House-blue - Requested by: Jen Gross - (S) Public Health, Welfare and Safety

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0872.002.005

1 (7) The governor may modify recommendations and must provide the list of approved
2 recommendations and amounts to the ~~advisory~~ commission, the office of budget and program planning, the
3 department of public health and human services, and to the health and human services interim budget
4 committee. If the governor modifies the list of recommendations and amounts submitted by the ~~advisory~~
5 commission, the department of public health and human services shall report and explain the change to the
6 ~~advisory~~ commission and to the health and human services interim budget committee at the next scheduled
7 meetings.

8 (8) If the governor later determines that a recommended initiative cannot be completed, the
9 governor may authorize a different initiative. Prior to implementing a different initiative, the department of public
10 health and human services shall present a report on the new initiative to both the ~~advisory~~ commission and the
11 health and human services interim budget committee.

12 (9) At any time during the process outlined in this section, if a legislator does not approve of the
13 recommended initiatives or the amounts for funding, the legislator may initiate the provisions of 5-3-105 to
14 request a poll of the legislature to hold a special session.

15
16 **NEW SECTION. Section 3. Behavioral health system for future generations fund.** (1) There is an
17 account in the state special revenue fund established in 17-2-102 to be known as the behavioral health system
18 for future generations fund.

19 (2) There must be deposited in the account money received from legislative general fund transfers.

20 (3) Eligible uses of the fund include:

21 (a) medicaid and CHIP matching funds for payments made to state behavioral health settings;

22 (b) medicaid and CHIP matching funds for payments made to state intermediate care facilities for
23 individuals with intellectual disabilities;

24 (c) statewide community-based investments to stabilize behavioral health and developmental
25 disabilities service providers and delivery, increase and strengthen the behavioral health and developmental
26 disabilities workforce, increase service capacity to meet identified behavioral health and developmental
27 disabilities services demands, and increase opportunities for Montanans to receive integrated physical and

Amendment - 1st Reading/2nd House-blue - Requested by: Jen Gross - (S) Public Health, Welfare and Safety

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0872.002.005

1 behavioral HEALTH CARE;

2 (d) — acquisition of new or remodeling of existing infrastructure or property to support the
3 establishment of state behavioral health settings and state intermediate care facilities for individuals with
4 intellectual disabilities ;

5 (e)(D) planning, operation, or other contract expenses associated with state intermediate care
6 facilities for individuals with intellectual disabilities;

7 (f)(E) planning, operation, or other contract expenses associated with state behavioral health
8 settings; and

9 (g)(F) studying and planning of the development of a comprehensive behavioral health system.

10
11 NEW SECTION. SECTION 4. RULEMAKING AUTHORITY. (1) THE DEPARTMENT OF PUBLIC HEALTH AND
12 HUMAN SERVICES SHALL ADOPT ADMINISTRATIVE RULES THAT DEFINE HOW THE APPROPRIATION FOR CAPITAL PROJECTS
13 WILL BE ALLOCATED AND SPENT UNDER [SECTION 8].

14 (2) THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES SHALL INITIATE THE RULEMAKING BEFORE
15 MAY 1, 2024.

16
17 NEW SECTION. SECTION 5. LEGISLATIVE FINANCE COMMITTEE RULE REVIEW. (1) FOR THE PURPOSES OF
18 RULES PROMULGATED UNDER [SECTION 4], THE LEGISLATIVE FINANCE COMMITTEE ESTABLISHED IN 5-12-201 IS THE
19 ADMINISTRATIVE RULE REVIEW COMMITTEE UNDER TITLE 2, CHAPTER 4.

20 (2) THE LEGISLATIVE FINANCE COMMITTEE MAY EXERCISE ALL THE POWERS OF AN ADMINISTRATIVE RULE
21 REVIEW COMMITTEE ONLY FOR THE RULES PROMULGATED UNDER [SECTION 4] PURSUANT TO TITLE 2, CHAPTER 4.

22
23 NEW SECTION. Section 6. Transfer of funds. (1) No later than June 30, 2023, the state treasurer
24 shall transfer \$225 million from the general fund to the account established in [section 3].

25 (2) No later than June 30, 2023, the state treasurer shall transfer \$75 million from the general fund
26 to the capital developments long-range building program account provided for in 17-7-209.

27

Amendment - 1st Reading/2nd House-blue - Requested by: Jen Gross - (S) Public Health, Welfare and Safety

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0872.002.005

1 NEW SECTION. Section 7. Appropriations. (1) There is appropriated \$40 million to the department
2 of public health and human services on passage and approval of [this act] through the biennium beginning July
3 1, 2023, from the account established in [section 3] to pay for eligible uses identified in [section 3].

4 (2) There is appropriated \$30 million to the department of public health and human services for the
5 fiscal year beginning July 1, 2024, from the account established in [section 3] to pay for eligible uses identified
6 in [section 3].

7 (3) Any funds remaining in the fund established in [section 3] are subject to legislative
8 appropriation.

9
10 NEW SECTION. Section 8. Appropriation for capital projects. (1) ~~No later than July 1, 2024,~~
11 AFTER THE ADMINISTRATIVE RULES HAVE BEEN ADOPTED UNDER [SECTION 4] and only after the advisory commission
12 transmits its recommendations to the governor after following the process set forth in [section 2], there is
13 appropriated \$75 million to the department of administration from the capital developments long-range building
14 program account in the capital projects fund type provided for in 17-7-209 for the behavioral health system for
15 future generations capital development.

16 (2) (a) Pursuant to 17-7-210, if construction of a new facility requires an immediate or future
17 increase in state funding for program expansion or operations and maintenance, the legislature may not
18 authorize the new facility unless it also appropriates funds for the increase in state funding for program
19 expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year
20 following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in
21 subsection (3) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

22 (b) It is the legislature's intent that the appropriation in subsection (3) become part of the
23 respective agency's base budget for the biennium beginning July 1, 2025.

24 (3) The amount of \$1,661,426 is appropriated for the biennium beginning July 1, 2023, to the
25 department of public health and human services from the account established in [section 3] for program
26 expansion or operations and maintenance for the indicated new facility.

27

