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HOUSE BILL NO. 872

INTRODUCED BY B. KEENAN, L. JONES, J. ESP, C. SPRUNGER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING BEHAVIORAL HEALTH SYSTEMS; ESTABLISHING THE BEHAVIORAL HEALTH SYSTEM FOR FUTURE GENERATIONS ADVISORY COMMISSION; OUTLINING THE DUTIES AND ROLE OF THE ADVISORY COMMISSION; ESTABLISHING MEETING DATES; PROVIDING FOR PUBLIC COMMENT; PROVIDING FOR A PRESENTATION OF THE ADVISORY COMMISSION'S RECOMMENDATIONS TO LEGISLATIVE COMMITTEES; PROVIDING FOR CONSIDERATION OF LEGISLATOR INPUT; PROVIDING THAT THE GOVERNOR MAY APPROVE OR MODIFY THE RECOMMENDATIONS; PROVIDING APPROPRIATIONS; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

**NEW SECTION. Section 1. Behavioral health system for future generations advisory**

**commission.** (1) There is a behavioral health system for future generations advisory commission.

(2) The advisory commission consists of:

(a) two senators, one from the majority party and one from the minority party, appointed by the committee on committees;

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

(c) three members, including the director of the department of public health and human services, appointed by the governor.

(3) For legislative appointments, legislators serving as members of the legislative finance committee, the health and human services interim budget committee provided for in 5-12-501, and the children, families, health, and human services interim committee from the 2025 biennium are given preference.

(4) Appointed members of the advisory commission must be compensated and receive travel expenses as provided for in 2-15-124 for each day in attendance at commission meetings or in the performance

1 of any duty or service as a commission member.

2 (5) The department of public health and human services shall staff the advisory commission.

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

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6 NEW SECTION. Section 2. Commission -- meetings -- recommendations. (1) The advisory  
7 commission shall recommend how funds allocated to the department of public health and human services  
8 through the state special revenue fund established in [section 3] are expended.

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

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

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

16 (a) initiatives that address behavioral health;

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

18 (c) outcome measures, as defined in 2-15-2221;

19 (d) output measures, as defined in 2-15-2221;

20 (e) performance measures, as defined in 2-15-2221; and

21 ~~(e)(f)~~ the amount of funding required for the initiatives.

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

26 (a) the legislative finance committee;

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

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

**Amendment - 1st Reading-white - Requested by: Bill Mercer - (H) Appropriations**

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

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

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

7           (7)     The governor may modify recommendations and must provide the list of approved  
8 recommendations and amounts to the advisory commission, the office of budget and program planning, the  
9 department of public health and human services, and to the health and human services interim budget  
10 committee. If the governor modifies the list of recommendations and amounts submitted by the advisory  
11 commission, the department of public health and human services shall report and explain the change to the  
12 advisory commission and to the health and human services interim budget committee at the next scheduled  
13 meetings.

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

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

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

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

26          (3)     Eligible uses of the fund include:

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

28           (b)     medicaid and CHIP matching funds for payments made to state intermediate care facilities for