

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."

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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.

19 (2) The advisory commission consists of:

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

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

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

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

**Amendment - 1st Reading-white - Requested by: Llew Jones - (H) Appropriations**

- 2023

68th Legislature 2023

Drafter: Todd Everts, 406-444-4023

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1 (c) statewide community-based investments to stabilize behavioral health and developmental  
2 disabilities service providers and delivery, increase and strengthen the behavioral health and developmental  
3 disabilities workforce, increase service capacity to meet identified behavioral health and developmental  
4 disabilities services demands, and increase opportunities for Montanans to receive integrated physical and  
5 behavioral healthcare;

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

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

11 (f) planning, operation, or other contract expenses associated with state behavioral health  
12 settings; and

13 (g) studying and planning of the development of a comprehensive behavioral health system.  
14

15 **NEW SECTION. Section 4. Rulemaking authority.** (1) The department of public health and human  
16 services shall adopt administrative rules that define how the appropriation for capital projects will be allocated  
17 and spent under [section 8] and the extent to which legislative consent for capital projects is used under  
18 [section 11].

19 (2) The department of public health and human services shall initiate the rulemaking before May 1,  
20 2024.

21  
22 **NEW SECTION. Section 5. Legislative finance committee rule review.** (1) For the purposes of  
23 rules promulgated under [section 4], the legislative finance committee established in 5-12-201 is the  
24 administrative rule review committee under Title 2, chapter 4.

25 (2) The legislative finance committee may exercise all the powers of an administrative rule review  
26 committee only for the rules promulgated under [section 4] pursuant to Title 2, chapter 4.  
27

28 **NEW SECTION. Section 6. Transfer of funds.** (1) No later than June 30, 2023, the state treasurer

1 shall transfer \$225 million from the general fund to the account established in [section 3].

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

4  
5 **NEW SECTION. Section 7. Appropriations.** (1) There is appropriated \$40 million to the department  
6 of public health and human services on passage and approval of [this act] through the biennium beginning July  
7 1, 2023, from the account established in [section 3] to pay for eligible uses identified in [section 3].

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

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

13  
14 **NEW SECTION. Section 8. Appropriation for capital projects.** (1) ~~No later than July 1, 2024, After~~  
15 ~~the administrative rules have been adopted under [section 4]~~ and only after the advisory commission transmits  
16 its recommendations to the governor after following the process set forth in [section 2], there is appropriated  
17 \$75 million to the department of administration from the capital developments long-range building program  
18 account in the capital projects fund type provided for in 17-7-209 for the behavioral health system for future  
19 generations capital development.

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

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

28 (3) The amount of \$1,661,426 is appropriated for the biennium beginning July 1, 2023, to the

1 department of public health and human services from the account established in [section 3] for program  
2 expansion or operations and maintenance for the indicated new facility.

3  
4 **NEW SECTION. Section 9. Planning and design.** The department of administration may proceed  
5 with the planning and design of capital projects authorized in ~~[section 6]~~ [section 8] prior to the receipt of other  
6 funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and  
7 design costs incurred before the receipt of other funding sources.

8  
9 **NEW SECTION. Section 10. Review by department of environmental quality.** The department of  
10 environmental quality shall review capital projects authorized in ~~[section 6]~~ [section 8] for potential inclusion in  
11 the state building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a  
12 capital project will result in energy or utility savings and improvements, that project must be submitted to the  
13 energy conservation program for funding consideration by the state building energy conservation program.  
14 Funding provided under the energy conservation program guidelines must be used to offset or add to the  
15 authorized funding for the project, and the amount must be dependent on the annual utility savings resulting  
16 from the capital project. The department of public health and human services must be notified of potential  
17 funding after the review and is obligated to utilize the state building energy conservation program funding, if  
18 available.

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20 **NEW SECTION. Section 11. Legislative consent.** The appropriation authorized in ~~[section 6]~~  
21 [section 8] constitutes legislative consent for the capital projects contained in ~~[section 6]~~ [section 8] within the  
22 meaning of 18-2-102.

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24 **NEW SECTION. Section 12. Codification instruction.** [Section 3] is intended to be codified as an  
25 integral part of Title 50, chapter 1, part 1, and the provisions of Title 50, chapter 1, part 1, apply to [section 3].

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27 **NEW SECTION. Section 13. Effective date.** [This act] is effective on passage and approval.

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