

HOUSE BILL NO. 884

INTRODUCED BY S. HOWELL

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA BEHAVIORAL HEALTH TRUST FUND AND RELATED STRUCTURE; ESTABLISHING A BEHAVIORAL HEALTH TRUST FUND BOARD AND MEMBERSHIP REQUIREMENTS; CREATING THE MONTANA BEHAVIORAL HEALTH TRUST SPECIAL REVENUE ACCOUNT; PROVIDING FOR A QUARTERLY TRANSFER OF INTEREST INTO THE STATE SPECIAL REVENUE ACCOUNT; PROVIDING A STATUTORY APPROPRIATION; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; ESTABLISHING ELIGIBLE USES OF FUNDS; PROVIDING FOR FUND TRANSFERS; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Montana behavioral trust fund board. (1) There is a Montana behavioral health trust fund board consisting of seven members appointed as follows:

(a) three members appointed by the governor, two of which must be employees of the department of public health and human services. One must be an employee of the behavioral health division, and one must be employed in the office of the American Indian health director.

(b) one public member appointed by the president of the senate;

(c) one public member appointed by the senate minority leader;

(d) one public member appointed by the speaker of the house of representatives; and

(e) one public member appointed by the house minority leader.

(2) A member's term is 3 years. Initial appointments may specify a shorter length of the initial term to stagger the terms. Vacancies must be filled for the balance of an unexpired term. A member of the board may be reappointed.

(3) The board is allocated to the department of public health and human services for administrative purposes only, as provided in 2-15-121. The board may employ staff to carry out its duties as described in

1 [sections 1 through 6].

2 (4) Unless otherwise provided by law, each member is entitled to be reimbursed for travel
3 expenses incurred, as provided in 2-18-501 through 2-18-503, while performing board duties.

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5 **NEW SECTION. Section 2. Endowment for behavioral health -- quarterly transfer into state**
6 **special revenue account.** (1) There is within the permanent fund type an endowment for Montana behavioral
7 health. The endowment is not subject to appropriation. The purpose of the endowment is to provide a
8 permanent source of funding to support the programs and services described in [section 4].

9 (2) The endowment may receive funds from:

10 (a) appropriations and transfers;

11 (b) gifts, grants, and donations from public or private sources; and

12 (c) other money credited or transferred to the endowment from any other fund or source.

13 (3) The state treasurer shall receive and deposit money in the endowment. The board of
14 investments shall invest the money in the endowment. Only the interest generated by the endowment is
15 available for expenditure by the board and is transferred into the account provided for in [section 3] on a
16 quarterly basis.

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18 **NEW SECTION. Section 3. Montana behavioral health trust fund account -- nonsupplantation**
19 **of funds -- statutory appropriation.** (1) There is a Montana behavioral health trust fund account in the state
20 special revenue fund in the state treasury. The money in the account is allocated to the Montana behavioral
21 health trust fund board established in [section 1] for funding services and activities under and payment of
22 administrative costs of the programs described in [section 4].

23 (2) Funds deposited in the Montana behavioral health trust fund account may only be used for the
24 programs and grants authorized in [section 4] and may not be used to pay the expenses of any other program
25 or service administered in whole or in part by the department of public health and human services.

26 (3) Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department of
27 public health and human services for the purposes of funding services described in [section 4] and
28 administration costs outlined in [section 6].

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2 **NEW SECTION. Section 4. Eligible uses of Montana behavioral trust fund grants.** (1) The
3 Montana behavioral health trust fund board established in [section 1] shall use the money in the Montana
4 behavioral health trust fund account provided for in [section 3] as well as the interest transferred from the
5 endowment established in [section 2] to fund services and activities related to a broad range of programs
6 operated by nonprofit or public community-based educational organizations and service organizations related to
7 behavioral health.

8 (2) Eligible purposes for which the board may authorize grants include:
9 (a) grants for mental health in public elementary and secondary schools;
10 (b) expanding or establishing crisis care, jail diversion, and crisis receiving and stabilization
11 services;
12 (c) providing mental health or substance use counselors in homeless shelters or warming centers;
13 (d) temporary supportive housing or transition housing for people leaving inpatient care for mental
14 health or substance use or for people transitioning out of state institutionalization;
15 (e) working with people transitioning out of homelessness;
16 (f) capital projects for the expansion of existing behavioral care sites; and
17 (g) other uses not identified in subsections (2)(a) through (2)(f) if they have been approved by the
18 board in consultation with community and tribal stakeholders.

19 (3) In administering the behavioral health grant program, the board shall:
20 (a) (i) develop a state plan;
21 (ii) determine priorities for funded services and activities; and
22 (iii) establish further criteria for the receipt of program funds;
23 (b) monitor the expenditure of funds by organizations receiving funds under this section;
24 (c) evaluate the effectiveness of services and activities funded under this section; and
25 (d) adopt rules necessary to implement this section.

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27 **NEW SECTION. Section 5. Gifts and grants to program.** The Montana behavioral health trust fund
28 board may accept contributions, gifts, and grants, of money or otherwise, to the programs described in [section

4]. Monetary gifts, contributions, and grants earmarked for the endowment for Montana behavioral health must be paid into the endowment established in [section 2].

NEW SECTION. Section 6. Program costs -- quarterly reporting. (1) The costs incurred by the Montana behavioral health trust fund board in administering the programs described in [section 4] must be paid for with money from the Montana behavioral health trust fund account provided for in [section 3]. The board shall keep costs to a minimum and use existing office space, personnel, equipment, and supplies of the department of public health and human services to the extent possible.

(2) (a) Each quarter during the interim, the department shall provide a written report to the children, families, health, and human services interim committee in accordance with 5-11-210.

(b) The report must identify:

(i) the project or activity for which the grant is awarded;

(ii) the amount of each grant provided;

(iii) proposed and actual uses of grant funds for each grant;

(iv) the duration of the grant; and

(v) grant recipients.

Section 7. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-

807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; [section 3]; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs.

11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143 terminates December 31, 2025.)"

NEW SECTION. Section 8. Transfer of funds. By June 30, 2025, the state treasurer shall transfer:

(1) \$65 million from the capital developments long-range building program account established in 17-7-209 into the fund provided for in [section 2]; and

(2) \$10 million from the capital developments long-range building program account established in 17-7-209 into the account provided for in [section 3].

NEW SECTION. Section 9. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 53, chapter 21, and the provisions of Title 53, chapter 21, apply to [sections 1 through 6].

NEW SECTION. Section 10. Effective date. [This act] is effective on passage and approval.

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