

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].