

Amendment - 1st Reading/2nd House-blue - Requested by: John Esp - (S) Finance and Claims

- 2025

69th Legislature 2025

Drafter: Milly Allen,

HB0912.004.003

HOUSE BILL NO. 912

INTRODUCED BY S. KELLY, M. CUNNINGHAM, B. MERCER, A. REGIER, T. SHARP

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO BEHAVIORAL HEALTH; CREATING A SECURE FORENSIC FACILITY; PROVIDING MINIMUM REQUIREMENTS FOR THE FACILITY AND ITS SERVICES; ALLOWING THE BEHAVIORAL HEALTH SYSTEM FOR FUTURE GENERATIONS FUND TO SUPPORT THE CONSTRUCTION OF NEW PROPERTY TO SUPPORT BEHAVIORAL HEALTH SETTINGS AND IMMEDIATE CARE FACILITIES; PROVIDING AN APPROPRIATION; AMENDING SECTION 50-1-119, MCA; AMENDING SECTION 12, CHAPTER 739, LAWS OF 2023; REPEALING SECTIONS 9, 10, 11, AND 13, CHAPTER 739, LAWS OF 2023; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Establishment of secure forensic facility.** (1) The department of public health and human services ADMINISTRATION shall oversee the construction and operation of a secure forensic facility to provide care, treatment, and security for individuals who have been adjudicated as guilty but mentally ill, not guilty by reason of mental illness, or in need of forensic evaluations or competency restoration prior to legal proceedings.

(2) The facility must be designed to house a ~~maximum of~~ AT LEAST 70 patients.

(3) The facility must be located ~~east of a line running north and south through Big Timber, IN~~ EASTERN Montana, at a site determined by the department in consultation with other appropriate state agencies.

NEW SECTION. **Section 2. Facility design and services.** (1) The secure forensic facility established in [section 1] must provide:

(a) secure housing units designed to meet the needs of forensic patients;

(b) onsite psychiatric and medical treatment services;

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- 1 (c) competency restoration programs;
- 2 (d) rehabilitation and reintegration services;
- 3 (e) adequate security measures to ensure the safety of patients, staff, and the public; and
- 4 (f) a clinical environment and supplies to support the involuntary administration of medication to a
- 5 patient at the facility under a court order when necessary for the treatment and stabilization of a patient.

6 (2) The department shall develop rules and policies for patient admissions, treatment, involuntary

7 medication, and discharge in compliance with state and federal laws.

8

9 **Section 3.** Section 50-1-119, MCA, is amended to read:

10 **"50-1-119. — Behavioral health system for future generations fund.** (1) There is an account in the

11 state special revenue fund established in 17-2-102 to be known as the behavioral health system for future

12 generations fund.

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

14 (3) ~~Eligible uses of the fund include:~~

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

16 (b) ~~medicaid and CHIP matching funds for payments made to intermediate care facilities for~~

17 ~~individuals with intellectual disabilities;~~

18 (c) ~~statewide community-based investments to stabilize behavioral health and developmental~~

19 ~~disabilities service providers and delivery, increase and strengthen the behavioral health and developmental~~

20 ~~disabilities workforce, increase service capacity to meet identified behavioral health and developmental~~

21 ~~disabilities services demands, and increase opportunities for Montanans to receive integrated physical and~~

22 ~~behavioral health care;~~

23 (d) ~~acquisition or construction of new or remodeling of existing infrastructure or property to support~~

24 ~~the establishment of behavioral health settings and intermediate care facilities for individuals with intellectual~~

25 ~~disabilities;~~

26 (e) ~~planning, operation, or other contract expenses associated with intermediate care facilities for~~

27 ~~individuals with intellectual disabilities;~~

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- (f) ~~planning, operation, or other contract expenses associated with behavioral health settings; and~~
- (g) ~~studying and planning of the development of a comprehensive behavioral health system.~~
- (4) ~~Funds in this account may not be used to operate existing state facilities."~~

NEW SECTION. SECTION 3. REPEALER. SECTIONS 9, 10, 11, AND 13, CHAPTER 739, LAWS OF 2023, ARE REPEALED.

SECTION 4. SECTION 12, CHAPTER 739, LAWS OF 2023, IS AMENDED TO READ:

"Section 12. Appropriations. (1) ~~There is appropriated \$20 million from the capital development long-range building program account to the department of public health and human services for the biennium beginning July 1, 2023, for the uses outlined in [section 3(3)(d)].~~

(2) ~~There is appropriated \$83.5 million in federal special revenue to the department of public health and human services for the biennium beginning July 1, 2023, to provide matching funds to the department."~~

NEW SECTION. SECTION 5. PLANNING AND DESIGN. THE DEPARTMENT OF ADMINISTRATION MAY PROCEED WITH THE PLANNING AND DESIGN OF CAPITAL PROJECTS AUTHORIZED IN [SECTION 1] PRIOR TO THE RECEIPT OF OTHER FUNDING SOURCES. THE DEPARTMENT MAY USE INTERENTITY LOANS IN ACCORDANCE WITH 17-2-107 TO PAY PLANNING AND DESIGN COSTS INCURRED BEFORE THE RECEIPT OF OTHER FUNDING SOURCES.

NEW SECTION. SECTION 6. PROGRAM EXPANSION AND OPERATIONS AND MAINTENANCE APPROPRIATION.

(1) (A) PURSUANT TO 17-7-210, IF CONSTRUCTION OF A NEW FACILITY REQUIRES AN IMMEDIATE OR FUTURE INCREASE IN STATE FUNDING FOR PROGRAM EXPANSION OR OPERATIONS AND MAINTENANCE, THE LEGISLATURE MAY NOT AUTHORIZE THE NEW FACILITY UNLESS IT ALSO APPROPRIATES FUNDS FOR THE INCREASE IN STATE FUNDING FOR PROGRAM EXPANSION AND OPERATIONS AND MAINTENANCE. TO THE EXTENT ALLOWED BY LAW, AT THE END OF EACH FISCAL YEAR FOLLOWING APPROVAL OF A NEW FACILITY BUT PRIOR TO RECEIPT OF ITS CERTIFICATE OF OCCUPANCY, THE APPROPRIATION MADE IN SUBSECTION (3) REVERTS TO ITS ORIGINATING FUND. THE APPROPRIATION IS NOT SUBJECT TO THE PROVISIONS OF 17-7-304.

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(B) IT IS THE LEGISLATURE'S INTENT THAT THE APPROPRIATION IN SUBSECTION (3) BECOME PART OF THE RESPECTIVE AGENCY'S BASE BUDGET FOR THE BIENNIUM BEGINNING JULY 1, 2025.

(3) THE AMOUNT OF \$1,661,426 IS APPROPRIATED FOR THE BIENNIUM BEGINNING JULY 1, 2025, TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM THE ACCOUNT ESTABLISHED IN THE BEHAVIORAL HEALTH SYSTEM FOR FUTURE GENERATIONS FUND ESTABLISHED IN 50-1-119 FOR PROGRAM EXPANSION OR OPERATIONS AND MAINTENANCE FOR THE INDICATED NEW SETTING.

NEW SECTION. SECTION 7. REVIEW BY DEPARTMENT OF ENVIRONMENTAL QUALITY. THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL REVIEW THE CAPITAL PROJECT AUTHORIZED IN [SECTION 1] FOR POTENTIAL INCLUSION IN THE STATE BUILDING ENERGY CONSERVATION PROGRAM UNDER TITLE 90, CHAPTER 4, PART 6. WHEN A REVIEW SHOWS THAT A CAPITAL PROJECT WILL RESULT IN ENERGY OR UTILITY SAVINGS AND IMPROVEMENTS, THAT PROJECT MUST BE SUBMITTED TO THE ENERGY CONSERVATION PROGRAM FOR FUNDING CONSIDERATION BY THE STATE BUILDING ENERGY CONSERVATION PROGRAM. FUNDING PROVIDED UNDER THE ENERGY CONSERVATION PROGRAM GUIDELINES MUST BE USED TO OFFSET OR ADD TO THE AUTHORIZED FUNDING FOR THE PROJECT, AND THE AMOUNT MUST BE DEPENDENT ON THE ANNUAL UTILITY SAVINGS RESULTING FROM THE CAPITAL PROJECT. THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MUST BE NOTIFIED OF POTENTIAL FUNDING AFTER THE REVIEW AND IS OBLIGATED TO UTILIZE THE STATE BUILDING ENERGY CONSERVATION PROGRAM FUNDING, IF AVAILABLE.

NEW SECTION. SECTION 8. LEGISLATIVE INTENT. THE APPROPRIATION AUTHORIZED IN [SECTION 9] CONSTITUTES LEGISLATIVE CONSENT FOR THE CAPITAL PROJECT OUTLINED IN [SECTION 1] WITHIN THE MEANING OF 18-2-102.

NEW SECTION. Section 9. Appropriation. ~~(4) There is appropriated \$60 million from the behavioral health system for future generations fund established in 17-2-102~~ CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT ESTABLISHED IN 17-7-209 ~~for the biennium beginning July 1, 2025, to the department of public health and human services~~ ADMINISTRATION for the purpose of planning, designing, constructing, and equipping the secure forensic facility established in [section 1].

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(2) — Any unexpended funds remaining after the completion of the facility must revert to the behavioral health system for future generations fund established in 17-2-102.

COORDINATION SECTION. SECTION 10. COORDINATION INSTRUCTION. IF BOTH HOUSE BILL NO. 5 AND [THIS ACT] ARE PASSED AND APPROVED AND IF HOUSE BILL NO. 5 CONTAINS FUNDING FOR A FACILITY THAT PERFORMS THE SAME similar or overlapping FUNCTIONS AS THOSE PROPOSED IN [THIS ACT], THEN [THIS ACT] IS VOID.

NEW SECTION. Section 11. Effective date. [This act] is effective July 1, 2025.

- END -