HOUSE BILL NO. 808

INTRODUCED BY E. CLARK, SINRUD, BARKUS, MCGILLVRAY, MCGEE, MACLAREN, BARRETT

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR THE BIENNIUM ENDING JUNE 30, 2009; REVISING LAWS TO ALLOW FOR THE APPROPRIATIONS AND TO IMPLEMENT THE STATUTORY PROVISIONS GOVERNING APPROPRIATIONS FOR THE OPERATION OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AMENDING SECTIONS 15-1-122, 17-1-507, 17-7-123, 17-7-131, 17-7-138, 17-7-139, 17-7-140, 17-7-301, 17-7-304, 52-2-710, 53-2-217, 53-6-1020, AND 90-4-614, MCA; AND PROVIDING EFFECTIVE DATES."

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

NEW SECTION. **Section 1. First level expenditures.** The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 2009 biennium, are adopted as legislative intent.

NEW SECTION. **Section 2. Appropriation control.** An appropriation item designated "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2011 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide accounting, budgeting, and human resource system for any item designated "Biennial", "Restricted", "One Time Only", or "OTO". The office of budget and program planning shall establish at least one appropriation on the statewide accounting, budgeting, and human resource system for any appropriation that appears as a separate line item in [section 21].

NEW SECTION. **Section 3. Program definition.** As used in [section 21], "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide accounting, budgeting, and human resource system, and is identified as a major subdivision of an agency ordinally numbered with an Arabic numeral.

NEW SECTION. **Section 4. Personal services funding -- 2011 biennium.** Present law and new proposal funding budget requests for the 2011 biennium submitted under Title 17, chapter 7, part 1, by each executive, judicial, and legislative branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services by accounting entity or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2011 biennium submitted by October 30 to the legislative fiscal analyst by the office of budget and program planning.

NEW SECTION. **Section 5. Totals not appropriations.** The totals shown in [section 21] are for informational purposes only and are not appropriations.

**Section 6.** Section 15-1-122, MCA, is amended to read:

**"15-1-122. Fund transfers.** (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, $36,764 for fiscal year 2003. ~~Beginning with fiscal year 2004, the~~ The amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

(a) $3,050,205 in fiscal year 2006; and

(b) in each succeeding fiscal year, the amount in subsection (2)(a), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5, ~~1.62% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 1.48% of the motor vehicle revenue deposited in the state general fund in ~~succeeding~~ each fiscal ~~years~~ year. The amount of ~~8.75% of the allocation in fiscal year 2006 and~~ 9.48% of the allocation in ~~fiscal year 2007 and succeeding years~~ each fiscal year must be used for the purpose of reimbursing the hired removal of abandoned vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as provided in 75-10-532.

(b) to the noxious weed state special revenue account provided for in 80-7-816, ~~1.53% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 1.50% of the motor vehicle revenue deposited in the state general fund in ~~succeeding~~ each fiscal ~~years~~ year;

(c) to the department of fish, wildlife, and parks:

(i) ~~0.47% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and in succeeding fiscal years,~~ 0.46% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with the applicable percentage to be:

(A) used to:

(I) acquire and maintain pumpout equipment and other boat facilities~~, 5.2% in fiscal year 2006 and~~ 4.8% in each fiscal year ~~2007 and succeeding years~~;

(II) administer and enforce the provisions of Title 23, chapter 2, part 5, ~~20.8% in fiscal year 2006 and~~ 19.1% in each fiscal year ~~2007 and succeeding years~~;

(III) enforce the provisions of 23-2-804, ~~12.1% in fiscal year 2006 and~~ 11.1% in each fiscal year ~~2007 and succeeding fiscal years~~; and

(IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use, ~~18.1% in fiscal year 2006 and~~ 16.7% in each fiscal year ~~2007 and succeeding fiscal years~~; and

(B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to ~~43.8% in fiscal year 2006 and~~ 48.3% in each fiscal year ~~2007 and succeeding fiscal years~~;

(ii) ~~0.12% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 0.10% of the motor vehicle revenue deposited in the state general fund in each ~~subsequent~~ fiscal year, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and

(iii) ~~0.5% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 0.16% of the motor vehicle revenue deposited in the state general fund in each ~~succeeding~~ fiscal year to be deposited in the motorboat account to be used as provided in 23-2-533;

(d) ~~0.75% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 0.64% of the motor vehicle revenue deposited in the state general fund in each ~~succeeding~~ fiscal year, with ~~21.30% in fiscal year 2006 and~~ 24.55% in each fiscal year ~~2007 and succeeding fiscal years~~ to be deposited in the state veterans' cemetery account provided for in 10-2-603 and with ~~78.70% in fiscal year 2006 and~~ 75.45% in each fiscal year ~~2007 and succeeding fiscal years~~ to be deposited in the veterans' services account provided for in 10-2-112(1);

(e) ~~0.59% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 0.30% of the motor vehicle revenue deposited in the state general fund in each ~~succeeding~~ fiscal year for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112; and

(f) to the search and rescue account provided for in 10-3-801, ~~0.20% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 0.04% of the motor vehicle revenue deposited in the state general fund in each ~~succeeding~~ fiscal year.

(4) For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means revenue received from:

(a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;

(b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered pursuant to 61-3-321 and 61-3-562;

(c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and

(d) all money collected pursuant to 15-1-504(3).

(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue ~~in the general appropriations act~~ for the designated purposes."

**Section 7.** Section 17-1-507, MCA, is amended to read:

**"17-1-507. Principles of revenue dedication.** (1) It is the policy of the legislature that a revenue source not be dedicated for a specific purpose unless one or more of the following conditions are met:

(a) The person or entity paying the tax, fee, or assessment is the direct beneficiary of the specific activity that is funded by the tax, fee, or assessment; the entire cost of the activity is paid by the beneficiary; and the tax, fee, or assessment paid is commensurate with the cost of the activity, including reasonable administrative costs.

(b) There is an expectation that funds donated by a person or entity will be used for a specified purpose. Grants from private or public entities are considered donations under this subsection.

(c) There is a legal basis for the revenue dedication. A legal basis is a constitutional mandate, federal mandate, or statutory requirement in which a source of funds is designated for a specific purpose.

(d) There is a recognized need for accountability through a separation of funding from the general fund consistent with generally accepted accounting principles.

(2) The total funding for a program is a legislative budget and policy issue for which a dedicated revenue provision may not be justified if:

(a) a general fund appropriation is needed to supplement the dedicated revenue support for the program or activity; or

(b) dedicating a revenue source or portion of a revenue source diverts funds that could be considered a general revenue source.

(3) In the consideration of the ~~general~~ appropriations ~~act~~ for each biennium, the legislature shall determine the appropriateness of dedicating revenue to a program or activity under conditions described in subsection (2). The office of budget and program planning shall describe the occurrence in its presentation of the executive budget, and the legislative fiscal analyst shall highlight the issue in the budget analysis and for the appropriations subcommittee considering the revenue dedication."

**Section 8.** Section 17-7-123, MCA, is amended to read:

**"17-7-123. Form of executive budget.** (1) The budget submitted must set forth a balanced financial plan for funds subject to appropriation and enterprise funds that transfer profits to the general fund or to accounts subject to appropriation for each accounting entity and for the state government for each fiscal year of the ensuing biennium. The base level plan must consist of:

(a) a consolidated budget summary setting forth the aggregate figures of the budget in a manner that shows a balance between the total proposed disbursements and the total anticipated receipts, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last-completed fiscal year and the fiscal year in progress. The consolidated budget summary must be supported by explanatory schedules or statements.

(b) budget and full-time equivalent personnel position comparisons by agency, program, and appropriated funds for the current and subsequent biennium;

(c) the departmental mission and a statement of goals and objectives for the department;

(d) base budget disbursements for the completed fiscal year of the current biennium, estimated comparable disbursements for the current fiscal year, and the proposed present law base budget plus new proposals, if any, for each department and each program of the department;

(e) a statement containing recommendations of the governor for the ensuing biennium by program and disbursement category, including:

(i) explanations of appropriation and revenue measures included in the budget that involve policy changes;

(ii) matters not included as a part of the executive budget bill but included as a part of the executive budget, such as the state employee pay plan, programs funded through separate appropriations measures, and other matters considered necessary for comprehensive public and legislative consideration of the state budget; and

(iii) a summary of budget requests that include proposed expenditures on information technology resources. The summary must include funding, program references, and a decision package reference;

(f) a report on:

(i) enterprise funds not subject to the requirements of subsections (1)(a) through (1)(e), including retained earnings and contributed capital, projected operations and charges, and projected fund balances; and

(ii) fees and charges in the internal service fund type, including changes in the level of fees and charges, projected use of the fees and charges, and projected fund balances. Fees and charges in the internal service fund type must be approved by the legislature in ~~the general~~ a bill providing appropriations ~~act~~ for each agency. Fees and charges in a biennium may not exceed the level approved by the legislature ~~in the general appropriations act effective for that biennium~~.

(g) any other financial or budgetary material agreed to by the budget director and the legislative fiscal analyst.

(2) The statement of departmental goals and objectives and the schedule for each fund required in 17-7-111(3)(b) of the executive budget are not required to be printed but must be available in the office of budget and program planning and on the internet."

**Section 9.** Section 17-7-131, MCA, is amended to read:

**"17-7-131. Legislative action -- ending fund balance.** (1) The presiding officers of the house of representatives and of the senate shall promptly refer the budgets and budget bills to the proper committees. The budget bill for the maintenance of the agencies of state government and the state institutions must be based upon the budget and proposed budget bill submitted at the request of the governor. The legislature may amend the proposed budget bill, but it may not ~~amend the proposed~~ enact a budget ~~bill so as to~~ that will affect either the obligations of the state or the payment of any salaries required to be paid by the constitution and laws of the state.

(2) The adopted budget must be limited so that a positive ending general fund balance exists at the end of the biennium for which funds are appropriated."

**Section 10.** Section 17-7-138, MCA, is amended to read:

**"17-7-138. Operating budget.** (1) (a) Expenditures by a state agency must be made in substantial compliance with the budget approved by the legislature. Substantial compliance may be determined by conformity to the conditions contained in the bill providing ~~general~~ appropriations ~~act~~ for the agency and to legislative intent as established in the narrative accompanying the ~~general~~ bill providing appropriations ~~act~~ for the agency. An explanation of any significant change in agency or program scope must be submitted on a regular basis to the interim committee that has program evaluation and monitoring functions for the agency pursuant to Title 5, chapter 5, part 2. An explanation of any significant change in agency or program scope, objectives, activities, or expenditures must be submitted to the legislative fiscal analyst for review and comment by the legislative finance committee prior to any implementation of the change. A significant change may not conflict with a condition contained in the ~~general~~ bill providing appropriations ~~act~~ for the agency. If the approving authority certifies that a change is time-sensitive, the approving authority may approve the change prior to the next regularly scheduled meeting of the legislative finance committee. The approving authority shall submit all proposed time-sensitive changes to the legislative fiscal analyst prior to approval. If the legislative fiscal analyst determines that notification of the legislative finance committee is warranted, the legislative fiscal analyst shall immediately notify as many members as possible of the proposed change and communicate any concerns expressed to the approving authority. The approving authority shall present a report fully explaining the reasons for the action to the next meeting of the legislative finance committee. Except as provided in subsection (2), the expenditure of money appropriated in the ~~general~~ bill providing appropriations ~~act~~ for an agency is contingent upon approval of an operating budget by August 1 of each fiscal year. An approved original operating budget must comply with state law and conditions contained in the ~~general~~ bill providing appropriations ~~act~~ for the agency.

(b) For the purposes of this subsection (1), an agency or program is considered to have a significant change in its scope, objectives, activities, or expenditures if:

(i) the operating budget change exceeds $1 million; or

(ii) the operating budget change exceeds 25% of a budget category and the change is greater than $25,000. If there have been other changes to the budget category in the current fiscal year, all the changes, including the change under consideration, must be used in determining the 25% and $25,000 threshold.

(2) The expenditure of money appropriated in the ~~general~~ bill providing appropriations ~~act~~ to the board of regents, on behalf of the university system units, as defined in 17-7-102, is contingent upon approval of a comprehensive operating budget by October 1 of each fiscal year. The operating budget must contain detailed revenue and expenditures and anticipated fund balances of current funds, loan funds, endowment funds, and plant funds. After the board of regents approves operating budgets, transfers between units may be made only with the approval of the board of regents. Transfers and related justification must be submitted to the office of budget and program planning and to the legislative fiscal analyst.

(3) The operating budget for money appropriated by the ~~general~~ bill providing the primary appropriations ~~act~~ for an agency must be separate from the operating budget for money appropriated by another law except a law appropriating money for the state pay plan or any portion of the state pay plan. The legislature may restrict the use of funds appropriated for personal services to allow use only for the purpose of the appropriation. Each operating budget must include expenditures for each agency program, detailed at least by first-level categories as provided in 17-1-102(3). Each agency shall record its operating budget for all funds, other than higher education funds, and any approved changes on the statewide budget and accounting state financial system. Documents implementing approved changes must be signed. The operating budget for higher education funds must be recorded on the university financial system, with separate accounting categories for each source or use of state government funds. State sources and university sources of funds may be combined for the general operating portion of the current unrestricted funds."

**Section 11.** Section 17-7-139, MCA, is amended to read:

**"17-7-139. Program transfers.** (1) Unless prohibited by law or a condition contained in the ~~general~~ bill providing appropriations ~~act~~ for an agency, the approving authority may approve agency requests to transfer appropriations between programs within each fund type within each fiscal year. The legislature may restrict the use of funds appropriated for personal services to allow use only for the purpose of the appropriation. An explanation of any significant transfer must be submitted on a regular basis to the interim committee that has program evaluation and monitoring functions for the agency pursuant to Title 5, chapter 5, part 2. An explanation of any transfer that involves a significant change in agency or program scope, objectives, activities, or expenditures must be submitted to the legislative fiscal analyst for review and comment by the legislative finance committee prior to any implementation of the change. If the approving authority certifies that a request for a transfer representing a significant change in agency or program scope, objectives, activities, or expenditures is time-sensitive, the approving authority may approve the transfer prior to the next regularly scheduled meeting of the legislative finance committee. The approving authority shall submit all proposed time-sensitive changes to the legislative fiscal analyst prior to approval. If the legislative fiscal analyst determines that notification of the legislative finance committee is warranted, the legislative fiscal analyst shall immediately notify as many members as possible of the proposed change and communicate any concerns expressed to the approving authority. The approving authority shall present a report fully explaining the reasons for the action to the next meeting of the legislative finance committee. All program transfers must be completed within the same fund from which the transfer originated. A request for a transfer accompanied by a justification explaining the reason for the transfer must be submitted by the requesting agency to the approving authority and the office of budget and program planning. Upon approval of the transfer in writing, the approving authority shall inform the legislative fiscal analyst of the approved transfer and the justification for the transfer. If money appropriated for a fiscal year is transferred to another fiscal year, the money may not be retransferred, except that money remaining from projected costs for spring fires estimated in the last quarter of the first year of a biennium may be retransferred.

(2) For the purposes of subsection (1), an agency or program is considered to have a significant change in its scope, objectives, activities, or expenditures if:

(a) the budget transfer exceeds $1 million; or

(b) the budget transfer exceeds 25% of a program's total operating plan and the transfer is greater than $25,000. If there have been other transfers to or from the program in the current fiscal year, all the transfers, including the transfer under consideration, must be used in determining the 25% and $25,000 threshold."

**Section 12.** Section 17-7-140, MCA, is amended to read:

**"17-7-140. Reduction in spending.** (1) (a) As the chief budget officer of the state, the governor shall ensure that the expenditure of appropriations does not exceed available revenue. Except as provided in subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the criteria provided in subsection (1)(b), shall direct agencies to reduce spending in an amount that ensures that the projected ending general fund balance for the biennium will be at least 1% of all general fund appropriations during the biennium. An agency may not be required to reduce general fund spending for any program, as defined in each ~~general~~ bill providing appropriations ~~act~~ for an agency, by more than 10% during a biennium. Departments or agencies headed by elected officials or the board of regents may not be required to reduce general fund spending by a percentage greater than the percentage of general fund spending reductions required for the total of all other executive branch agencies. The legislature may exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not be reduced by more than 10%.

(b) The governor shall direct agencies to manage their budgets in order to reduce general fund expenditures. Prior to directing agencies to reduce spending as provided in subsection (1)(a), the governor shall direct each agency to analyze the nature of each program that receives a general fund appropriation to determine whether the program is mandatory or permissive and to analyze the impact of the proposed reduction in spending on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The office of budget and program planning shall review each agency's analysis, and the budget director shall submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the recommendations. The legislative finance committee shall meet within 20 days of the date that the proposed changes to the recommendations for reductions in spending are provided to the legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative finance committee. The committee may make recommendations concerning the proposed reductions in spending. The governor shall consider each agency's analysis and the recommendations of the office of budget and program planning and the legislative finance committee in determining the agency's reduction in spending. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(2) Reductions in spending for the following may not be directed by the governor:

(a) payment of interest and principal on state debt;

(b) the legislative branch;

(c) the judicial branch;

(d) the school BASE funding program, including special education;

(e) salaries of elected officials during their terms of office; and

(f) the Montana school for the deaf and blind.

(3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the budget director to the governor, by which the projected ending general fund balance for the biennium is less than:

(i) 2% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 3/4 of 1% in October of the year preceding a legislative session;

(iii) 1/2 of 1% in January of the year in which a legislative session is convened; and

(iv) 1/4 of 1% in March of the year in which a legislative session is convened.

(b) In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated supplemental appropriations for school equalization aid, and anticipated reversions.

(4) If the budget director determines that an amount of actual or projected receipts will result in an amount less than the amount projected to be received in the revenue estimate established pursuant to 5-5-227, the budget director shall notify the revenue and transportation interim committee of the estimated amount. Within 20 days of notification, the revenue and transportation interim committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue and transportation interim committee prior to certifying a projected general fund budget deficit to the governor."

**Section 13.** Section 17-7-301, MCA, is amended to read:

**"17-7-301. Authorization to expend during first year of biennium from appropriation for second year -- proposed supplemental appropriation defined -- limit on second-year expenditures.** (1) An agency may make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium if authorized by the ~~general~~ bill providing appropriations ~~act~~ for the agency. An agency that is not authorized ~~in the general appropriations act~~ to make first-year expenditures may be granted spending authorization by the approving authority upon submission and approval of a proposed supplemental appropriation to the approving authority. The proposal submitted to the approving authority must include a plan for reducing expenditures in the second year of the biennium that allows the agency to contain expenditures within appropriations. If the approving authority finds that, ~~due to~~ because of an unforeseen and unanticipated emergency, the amount actually appropriated for the first fiscal year of the biennium with all other income will be insufficient for the operation and maintenance of the agency during the year for which the appropriation was made, the approving authority shall, after careful study and examination of the request and upon review of the recommendation for executive branch proposals by the budget director, submit the proposed supplemental appropriation to the legislative fiscal analyst.

(2) The plan for reducing expenditures required by subsection (1) is not required if the proposed supplemental appropriation is:

(a) due to an unforeseen and unanticipated emergency for fire suppression;

(b) requested by the superintendent of public instruction, in accordance with the provisions of 20-9-351, and is to complete the state's funding of guaranteed tax base aid, transportation aid, or equalization aid to elementary and secondary schools for the current biennium; or

(c) requested by the attorney general and:

(i) is to pay the costs associated with litigation in which the department of justice is required to provide representation to the state of Montana; or

(ii) in accordance with the provisions of 7-32-2242, is to pay costs for which the department of justice is responsible for confinement of an arrested person in a detention center.

(3) Upon receipt of the recommendation of the legislative finance committee pursuant to 17-7-311, the approving authority may authorize an expenditure during the first fiscal year of the biennium to be made from the appropriation for the second fiscal year of the biennium. Except as provided in subsection (2), the approving authority shall require the agency to implement the plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations.

(4) The agency may expend the amount authorized by the approving authority only for the purposes specified in the authorization.

(5) The approving authority shall report to the next legislature in a special section of the budget the amounts expended as a result of all authorizations granted by the approving authority and shall request that any necessary supplemental appropriation bills be passed.

(6) As used in this part, "proposed supplemental appropriation" means an application for authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium.

(7) (a) Except as provided in subsections (2) and (7)(b), an agency may not make expenditures in the second year of the biennium that, if carried on for the full year, will require a deficiency appropriation, commonly referred to as a "supplemental appropriation".

(b) An agency shall prepare and, to the extent feasible, implement a plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations. The approving authority is responsible for ensuring the implementation of the plan. If, in the second year of a biennium, mandated expenditures that are required by state or federal law will cause an agency to exceed appropriations or available funds, the agency shall reduce all nonmandated expenditures pursuant to the plan in order to reduce to the greatest extent possible the expenditures in excess of appropriations or funding. An agency may not transfer funds between fund types in order to implement a plan."

**Section 14.** Section 17-7-304, MCA, is amended to read:

**"17-7-304. Disposal of unexpended appropriations.** (1) All money appropriated for any specific purpose except that appropriated for the university system units listed in subsection (2) [or state money appropriated for the state children's health insurance program provided for in Title 53, chapter 4, part 10,] and except as provided in subsection (4) must, after the expiration of the time for which appropriated, revert to the several funds and accounts from which originally appropriated. However, any unexpended balance in any specific appropriation may be used for the years for which the appropriation was made or may be used to fund the provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

(2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for the university of Montana campuses at Missoula, Butte, Dillon, and Helena and the Montana state university campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central offices at Bozeman, the forest and conservation experiment station with central offices at Missoula, the cooperative extension service with central offices at Bozeman, and the bureau of mines and geology with central offices in Butte must, after the expiration of the time for which appropriated, revert to an account held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a statutory appropriation, as provided in 17-7-502, to use the funds held in this account in accordance with a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases prepared by the affected university system units and approved by the board of regents. The affected university system units may, with the approval of the board of regents, modify the long-term plan at any time to address changing needs and priorities. The board of regents shall communicate the plan to each legislature, to the finance committee when requested by the committee, and to the office of budget and program planning.

(3) Subsection (2) does not apply to reversions that are the result of a reduction in spending directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction

in spending directed by the governor must revert to the fund or account from which it was originally appropriated.

(4) (a) Subject to subsection (4)(b), after the end of a fiscal year, 30% of the money appropriated to an agency for that year ~~by the general appropriations act~~ for personal services, operating expenses, and equipment, by fund type, and remaining unexpended and unencumbered at the end of the year may be reappropriated to be spent during the following 2 years for any purpose that is consistent with the goals and objectives of the agency. The dollar amount of the 30% amount that may be carried forward and spent must be determined by the office of budget and program planning.

(b) (i) Any portion of the 30% of the unexpended and unencumbered money referred to in subsection (4)(a) that was appropriated to a legislative branch entity may be deposited in the account established in 5-11-407.

(ii) After the end of a biennium, any portion of the unexpended and unencumbered money appropriated for the operation of the preceding legislature in a separate appropriation act may be deposited in the account established in 5-11-407. The approving authority shall determine the portion of the unexpended and unencumbered money that is deposited in the account. (Bracketed language terminates on occurrence of contingency--sec. 7, Ch. 565, L. 2005.)"

**Section 15.** Section 52-2-710, MCA, is amended to read:

**"52-2-710. At-home infant care program -- definition.** (1) There is an at-home infant care program for low-income families in which a parent provides full-time child care for the family's infant under 2 years of age that will be funded if a specific appropriation is ~~added to the general~~ contained in a bill providing appropriations ~~act~~ to the department or by budget amendment if funds become available from federal or private sources. Subject to subsection (2), the family may receive a payment in lieu of child-care assistance if the family meets the following eligibility requirements:

(a) The family is not receiving financial assistance under Title 53, chapter 4, parts 2 and 6.

(b) The family has not previously received a total of 24 months of at-home infant care assistance under this section.

(c) The family is at or below 150% of the federal poverty level.

(d) The family has fulfilled the following work requirements for 1 out of the 3 months prior to entering the program:

(i) 120 hours a month for two-parent families, which may be the contribution of one or both parents;

(ii) 60 hours a month for single-parent families;

(iii) 40 hours a month for single-parent families who are attending postsecondary education or training.

(e) A parent must be 18 years of age or older or, if under 18 years of age, have attained an equivalency of completion of secondary education, as provided in 20-7-131, or a high school diploma.

(f) A parent must meet any additional requirements as provided in administrative rules.

(2) A parent who is under 18 years of age and attending high school or a program for equivalency of completion of secondary education, as provided in 20-7-131, may receive benefits for months outside of the regular school year.

(3) For the purposes of this section, "parent" means a birth parent, a stepparent, a foster parent, or a guardian who is acting in loco parentis.

(4) The maximum rate of assistance allowed is equal to the amount of child-care assistance for infant family care for the appropriate district, as adopted by the department by rule. The family may not receive subsidies for child care for other children in the family.

(5) A participating family shall report income and other family changes as specified by rule. State agencies shall treat income received under this program as earned income.

(6) Family members may participate in education and work activities as long as one or both parents provide care full time for the infant."

**Section 16.** Section 53-2-217, MCA, is amended to read:

**"53-2-217. Contingency on expenditure.** Title 33, chapter 22, part 20, may not be construed to require implementation or ongoing operation of the programs in 53-6-1201(3)(d) through (3)(g) without a line item appropriation ~~in the general appropriations bill included~~ for that purpose."

**Section 17.** Section 53-6-1020, MCA, is amended to read:

**"53-6-1020. Contingency on expenditure.** This part may not be construed to require implementation or ongoing operation of the program under 53-6-1201(3)(b) without a line item appropriation ~~in the general appropriations bill included~~ for that purpose."

**Section 18.** Section 90-4-614, MCA, is amended to read:

**"90-4-614. Appropriation of energy cost savings.** (1) In preparing the executive budget each biennium, the governor shall include for each state agency participating in the state energy conservation program:

(a) an estimate of the energy cost savings expected for that agency in each year of the biennium; and

(b) a projection of the debt service on energy conservation program bonds that should be apportioned to that agency in each year of the biennium. Debt service is zero after the term of bond repayment.

(2) Each session, the legislature shall review the governor's submission pursuant to 90-4-606 and subsection (1) of this section and appropriate ~~in the general appropriations act~~ the following:

(a) authority for each participating state agency to transfer funds in an amount equal to the agency's projected debt service to the energy conservation program account established in 90-4-612; and

(b) authority for each participating state agency to transfer funds to the long-range building program fund in an amount equal to the difference between the estimated energy cost savings to the agency and the projected debt service apportioned to that agency.

(3) The current level utility appropriations of state agencies participating in the energy conservation program must be reduced by the sum of the amounts appropriated in subsections (2)(a) and (2)(b).

(4) Each participating state agency shall transfer upon request of the department the amounts appropriated in accordance with subsection (2)."

NEW SECTION. **Section 19. Severability.** If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

NEW SECTION. **Section 20. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2007.

(2) [Sections 6 through 18] and this section are effective on passage and approval.

NEW SECTION. **Section 21. Appropriations.** The following money is appropriated for the respective fiscal years:

| Fiscal 2008 | | | | | | Fiscal 2009 | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| General Fund | State Special Revenue | Federal Special Revenue | Proprietary | Other | Total | General Fund | State Special Revenue | Federal Special Revenue | Proprietary | Other | Total |
| B. HEALTH AND HUMAN SERVICES | | | | | | | | | | | |
| DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (6901) | | | | | | | | | | | |
| 1. Human and Community Services Division (02) | | | | | | | | | | | |
| ~~27,195,871~~ | 1,396,131 | ~~190,662,281~~ | 0 | 0 | ~~219,254,283~~ | ~~27,258,023~~ | 1,400,969 | ~~199,929,871~~ | 0 | 0 | ~~228,588,863~~ |
| 27,471,115 | | 190,961,707 | | | 219,828,953 | 27,533,235 | | 200,229,161 | | | 229,163,365 |
| a. Energy Assistance/Conservation(Biennial/OTO) | | | | | | | | | | | |
| 0 | 0 | 1,600,000 | 0 | 0 | 1,600,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| b. Tri-State Housing Grant (Biennial) | | | | | | | | | | | |
| 0 | 0 | 966,000 | 0 | 0 | 966,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| c. Child Care for Working Caretaker Relative (Restricted/OTO) | | | | | | | | | | | |
| 0 | 0 | 683,784 | 0 | 0 | 683,784 | 0 | 0 | 683,784 | 0 | 0 | 683,784 |
| d. Work Training Program (Restricted) | | | | | | | | | | | |
| 0 | 0 | 504,436 | 0 | 0 | 504,436 | 0 | 0 | 504,436 | 0 | 0 | 504,436 |
| e. Human and Community Services Division / Reporting | | | | | | | | | | | |
| 216,581 | 0 | 307,656 | 0 | 0 | 524,237 | 263,227 | 0 | 262,072 | 0 | 0 | 525,299 |
| 2. Child and Family Services Division (03) | | | | | | | | | | | |
| 26,020,218 | 2,393,118 | 28,047,261 | 0 | 0 | 56,460,597 | 27,608,616 | 2,393,119 | 29,241,493 | 0 | 0 | 59,243,228 |
| a. CFSD Overtime (Restricted) | | | | | | | | | | | |
| 124,021 | 0 | 82,838 | 0 | 0 | 206,859 | 124,021 | 0 | 82,838 | 0 | 0 | 206,859 |
| b. Replacement of Computers and Equipment (Restricted) | | | | | | | | | | | |
| 52,273 | 0 | 34,848 | 0 | 0 | 87,121 | 52,273 | 0 | 34,848 | 0 | 0 | 87,121 |
| c. Mental Health Case Management Increase (Restricted / OTO) | | | | | | | | | | | |
| 187,500 | 0 | 62,500 | 0 | 0 | 250,000 | 187,500 | 0 | 62,500 | 0 | 0 | 250,000 |
| d. Federal Law Change for Kin Care Providers (Restricted) | | | | | | | | | | | |
| 86,000 | 0 | 0 | 0 | 0 | 86,000 | 86,000 | 0 | 0 | 0 | 0 | 86,000 |
| e. Additional Field Staff / Report | | | | | | | | | | | |
| 447,161 | 0 | 298,107 | 0 | 0 | 745,268 | 588,433 | 0 | 392,288 | 0 | 0 | 980,721 |

| | Fiscal 2008 | | | | | | Fiscal 2009 | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total | General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total |
| f. Targeted Case Management Federal Law Change (Restricted/OTO) | | | | | | | | | | | | |
| | 1,800,000 | 0 | 0 | 0 | 0 | 1,800,000 | 1,800,000 | 0 | 0 | 0 | 0 | 1,800,000 |
| g. Therapeutic Group Homes/Family Foster Care (Restricted / OTO | | | | | | | | | | | | |
| | 300,000 | 0 | 0 | 0 | 0 | 300,000 | 300,000 | 0 | 0 | 0 | 0 | 300,000 |
| h. Child and Family Services / Reporting | | | | | | | | | | | | |
| | 1,907,931 | 0 | 419,306 | 0 | 0 | 2,327,237 | 1,916,106 | 0 | 421,081 | 0 | 0 | 2,337,187 |
| i. Direct Care Worker Wage Increase (Restricted) | | | | | | | | | | | | |
| | 314,937 | 0 | 134,974 | 0 | 0 | 449,911 | 314,937 | 0 | 134,974 | 0 | 0 | 449,911 |
| j. Provider Rate Increase (Restricted) | | | | | | | | | | | | |
| | 357,243 | 0 | 175,956 | 0 | 0 | 533,199 | 748,425 | 0 | 368,627 | 0 | 0 | 1,117,052 |
| 3. Director's Office (04) | | | | | | | | | | | | |
| | 2,876,136 | 256,542 | 6,792,940 | 0 | 0 | 9,925,618 | 2,681,679 | 257,088 | 6,201,063 | 0 | 0 | 9,139,830 |
| a. Administration/Reporting | | | | | | | | | | | | |
| | 191,881 | 56,701 | 243,859 | 0 | 0 | 492,441 | 196,820 | 58,160 | 250,137 | 0 | 0 | 505,117 |
| b. Health Insurance Flexibility Accountability Waiver | | | | | | | | | | | | |
| | 0 | 0 | 15,027,480 | 0 | 0 | 15,027,480 | 0 | 0 | 15,027,554 | 0 | 0 | 15,027,554 |
| 4. Child Support Enforcement Division (05) | | | | | | | | | | | | |
| | 1,545,664 | 1,602,945 | 4,491,239 | 0 | 0 | 7,639,848 | 1,553,250 | 1,606,036 | 3,978,142 | 0 | 0 | 7,137,428 |
| a. Child Support Enforcement Rent Increase (Restricted) | | | | | | | | | | | | |
| | 37,686 | 0 | 73,156 | 0 | 0 | 110,842 | 40,879 | 0 | 79,353 | 0 | 0 | 120,232 |
| b. Child Support Deficit Reduction Act (Restricted/OTO) | | | | | | | | | | | | |
| | 1,620,765 | 0 | 0 | 0 | 0 | 1,620,765 | 2,154,589 | 0 | 0 | 0 | 0 | 2,154,589 |
| c. Child Support Enforcement DRA Fee (Restricted/OTO) | | | | | | | | | | | | |
| | 187,025 | 0 | 0 | 0 | 0 | 187,025 | 187,025 | 0 | 0 | 0 | 0 | 187,025 |
| d. Child Support Enforcement / Reporting | | | | | | | | | | | | |
| | 158,108 | 124,822 | 549,216 | 0 | 0 | 832,146 | 158,717 | 125,303 | 551,334 | 0 | 0 | 835,354 |
| 5. Business and Financial Services Division (06) | | | | | | | | | | | | |

| | Fiscal 2008 General Fund | Fiscal 2008 State Special Revenue | Fiscal 2008 Federal Special Revenue | Fiscal 2008 Propri-etary | Fiscal 2008 Other | Fiscal 2008 Total | Fiscal 2009 General Fund | Fiscal 2009 State Special Revenue | Fiscal 2009 Federal Special Revenue | Fiscal 2009 Propri-etary | Fiscal 2009 Other | Fiscal 2009 Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2,597,297 | 907,864 | 3,338,931 | 0 | 0 | 6,844,092 | 2,577,985 | 906,007 | 3,302,130 | 0 | 0 | 6,786,122 |
| a. Legislative Audit (Restricted/Biennial) | | | | | | | | | | | | |
| | 140,107 | 7,873 | 168,362 | 0 | 0 | 316,342 | 0 | 0 | 0 | 0 | 0 | 0 |
| b. Business and Financial Services / Reporting | | | | | | | | | | | | |
| | 1,022,403 | 0 | 943,976 | 0 | 0 | 1,966,379 | 1,025,730 | 0 | 947,050 | 0 | 0 | 1,972,780 |
| 6. Public Health and Safety Division (07) | | | | | | | | | | | | |
| | 2,300,101 | 12,384,021 | 31,352,459 | 0 | 0 | 46,036,581 | 1,938,724 | 12,400,190 | 31,382,999 | 0 | 0 | 45,721,913 |
| a. Lab Equipment Replacement & Maintenance (Biennial/OTO) | | | | | | | | | | | | |
| | 45,000 | 100,000 | 0 | 0 | 0 | 145,000 | 45,000 | 100,000 | 0 | 0 | 0 | 145,000 |
| b. Newborn Screening Follow-Up Program (Restricted) | | | | | | | | | | | | |
| | 0 | 145,000 | 0 | 0 | 0 | 145,000 | 0 | 290,000 | 0 | 0 | 0 | 290,000 |
| c. Tobacco Prevention Activities (Restricted) | | | | | | | | | | | | |
| | 0 | 630,000 | 0 | 0 | 0 | 630,000 | 0 | 630,000 | 0 | 0 | 0 | 630,000 |
| d. Division Administration/Reporting | | | | | | | | | | | | |
| | 202,946 | 261,889 | 797,913 | 0 | 0 | 1,262,748 | 203,849 | 263,055 | 801,507 | 0 | 0 | 1,268,411 |
| e. FCSS Spending Authority for Pool Inspections | | | | | | | | | | | | |
| | 0 | 60,000 | 0 | 0 | 0 | 60,000 | 0 | 60,000 | 0 | 0 | 0 | 60,000 |
| f. Chronic Disease Program | | | | | | | | | | | | |
| | 0 | 2,700,000 | 0 | 0 | 0 | 2,700,000 | 0 | 2,700,000 | 0 | 0 | 0 | 2,700,000 |
| g. Public Health Emergency Preparedness | | | | | | | | | | | | |
| | 0 | 0 | 9,997,550 | 0 | 0 | 9,997,550 | 0 | 0 | 10,004,991 | 0 | 0 | 10,004,991 |
| h. Youth Suicide Prevention Program | | | | | | | | | | | | |
| | 0 | 0 | 400,000 | 0 | 0 | 400,000 | 0 | 0 | 400,000 | 0 | 0 | 400,000 |
| 7. Quality Assurance Division (08) | | | | | | | | | | | | |
| | 2,212,435 | 99,474 | 5,344,027 | 0 | 0 | 7,655,936 | 2,225,938 | 99,985 | 5,365,685 | 0 | 0 | 7,691,608 |
| a. Additional Lien and Estate Recovery Costs OTO | | | | | | | | | | | | |
| | 0 | 91,540 | 91,540 | 0 | 0 | 183,080 | 0 | 91,540 | 91,540 | 0 | 0 | 183,080 |

| | Fiscal 2008 | | | | | | Fiscal 2009 | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total | General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total |
| b. Division Administration/Reporting | | | | | | | | | | | | |
| | 106,500 | 35,000 | 212,250 | 0 | 0 | 353,750 | 106,630 | 35,000 | 212,445 | 0 | 0 | 354,075 |
| c. PERM (Restricted) | | | | | | | | | | | | |
| | 115,295 | 0 | 206,863 | 0 | 0 | 322,158 | 136,805 | 0 | 249,156 | 0 | 0 | 385,961 |
| 8. Technology Services Division (09) | | | | | | | | | | | | |
| | 7,300,319 | 714,202 | 10,721,453 | 0 | 0 | 18,735,974 | 7,378,252 | 720,260 | 10,802,365 | 0 | 0 | 18,900,877 |
| a. CAPS System Facilities Management Inc. (Restricted/Biennial/OTO) | | | | | | | | | | | | |
| | 61,618 | 0 | 48,414 | 0 | 0 | 110,032 | 61,618 | 0 | 48,414 | 0 | 0 | 110,032 |
| b. On-Going Support for CHIMES (Restricted/Biennial/OTO) | | | | | | | | | | | | |
| | 114,046 | 0 | 114,046 | 0 | 0 | 228,092 | 0 | 0 | 0 | 0 | 0 | 0 |
| c. Technology Services Division / Reporting | | | | | | | | | | | | |
| | 47,356 | 0 | 66,107 | 0 | 0 | 113,463 | 47,442 | 0 | 66,228 | 0 | 0 | 113,670 |
| 9. Disability Services Division (10) | | | | | | | | | | | | |
| | 47,684,884 | 3,688,590 | 84,555,565 | 0 | 0 | 135,929,039 | 48,187,207 | 4,157,517 | 85,499,415 | 0 | 0 | 137,844,139 |
| a. MDC Base Adjustments (Biennial) | | | | | | | | | | | | |
| | 439,448 | 0 | 0 | 0 | 0 | 439,448 | 449,601 | 0 | 0 | 0 | 0 | 449,601 |
| b. DD Crisis Funding (OTO) | | | | | | | | | | | | |
| | 120,000 | 0 | 0 | 0 | 0 | 120,000 | 120,000 | 0 | 0 | 0 | 0 | 120,000 |
| c. MTAP New Technologies (Restricted/Biennial) | | | | | | | | | | | | |
| | 0 | 1,065,000 | 0 | 0 | 0 | 1,065,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| d. Disability Services Division/Reporting | | | | | | | | | | | | |
| | 1,518,215 | 0 | 1,880,896 | 0 | 0 | 3,399,111 | 1,522,962 | 0 | 1,886,777 | 0 | 0 | 3,409,739 |
| e. DD Wait List Reduction (Restricted/OTO) | | | | | | | | | | | | |
| | 500,000 | 0 | 1,093,372 | 0 | 0 | 1,593,372 | 500,000 | 0 | 1,082,278 | 0 | 0 | 1,582,278 |
| f. Direct Care Worker Wage Increase (Restricted) | | | | | | | | | | | | |
| | 528,010 | 742,503 | 1,668,390 | 0 | 0 | 2,938,903 | 528,147 | 747,709 | 1,663,047 | 0 | 0 | 2,938,903 |
| g. Provider Rate Increase (Restricted) | | | | | | | | | | | | |

| | Fiscal 2008 General Fund | Fiscal 2008 State Special Revenue | Fiscal 2008 Federal Special Revenue | Fiscal 2008 Propri-etary | Fiscal 2008 Other | Fiscal 2008 Total | Fiscal 2009 General Fund | Fiscal 2009 State Special Revenue | Fiscal 2009 Federal Special Revenue | Fiscal 2009 Propri-etary | Fiscal 2009 Other | Fiscal 2009 Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 163,993 | 0 | 1,916 | 0 | 0 | 165,909 | 332,098 | 0 | 3,866 | 0 | 0 | 335,964 |
| 10. Health Resources Division (11) | | | | | | | | | | | | |
| | 123,426,470 | 21,973,294 | 336,269,318 | 0 | 0 | 481,669,082 | 134,447,818 | 23,131,710 | 361,085,581 | 0 | 0 | 518,665,109 |
| a. Health Resources Division Administration/Reporting | | | | | | | | | | | | |
| | 232,550 | 12,726 | 281,657 | 0 | 0 | 526,933 | 234,655 | 12,841 | 284,208 | 0 | 0 | 531,704 |
| b. Direct Care Worker Wage Increase (Restricted) | | | | | | | | | | | | |
| | 0 | 318,036 | 695,142 | 0 | 0 | 1,013,178 | 0 | 319,050 | 694,128 | 0 | 0 | 1,013,178 |
| c. Provider Rate Increase (Restricted) | | | | | | | | | | | | |
| | 0 | 1,620,277 | 3,541,486 | 0 | 0 | 5,161,763 | 0 | 3,291,513 | 7,161,058 | 0 | 0 | 10,452,571 |
| d. Hospital Utilization Fee (Restricted) | | | | | | | | | | | | |
| | 0 | 17,503,443 | 38,222,192 | 0 | 0 | 55,725,635 | 0 | 20,324,595 | 44,183,150 | 0 | 0 | 64,507,745 |
| e. Prescription Drug Discount Program (Restricted) | | | | | | | | | | | | |
| | 0 | 1,389,441 | 0 | 0 | 0 | 1,389,441 | 0 | 2,037,846 | 0 | 0 | 0 | 2,037,846 |
| f. Raise CHIP Eligibility (Restricted) | | | | | | | | | | | | |
| | 0 | 877,725 | 3,124,667 | 0 | 0 | 4,002,392 | 0 | 934,920 | 3,293,573 | 0 | 0 | 4,228,493 |
| g. Medicaid Eligibility for Pregnant Women to 150% (Restricted) | | | | | | | | | | | | |
| | 0 | 943,117 | 2,061,397 | 0 | 0 | 3,004,514 | 0 | 1,216,532 | 2,646,701 | 0 | 0 | 3,863,233 |
| 11. Senior and Long-Term Care Division (22) | | | | | | | | | | | | |
| | 48,878,084 | 27,200,950 | 150,312,122 | 0 | 0 | 226,391,156 | 48,480,936 | 27,186,012 | 149,757,271 | 0 | 0 | 225,424,219 |
| a. Senior Long Term Care Administration/Reporting | | | | | | | | | | | | |
| | 156,811 | 48,394 | 145,629 | 0 | 0 | 350,834 | 158,226 | 48,845 | 146,942 | 0 | 0 | 354,013 |
| b. County Nursing Home Intergovernmental Transfer (Restricted) | | | | | | | | | | | | |
| | 0 | 3,030,598 | 6,028,599 | 0 | 0 | 9,059,197 | 0 | 3,816,586 | 7,459,004 | 0 | 0 | 11,275,590 |
| c. IGT Offset (Restricted) | | | | | | | | | | | | |
| | 1,600,000 | 0 | 0 | 0 | 0 | 1,600,000 | 1,600,000 | 0 | 0 | 0 | 0 | 1,600,000 |
| d. Aging Services (Restricted) | | | | | | | | | | | | |
| | 500,000 | 0 | 0 | 0 | 0 | 500,000 | 500,000 | 0 | 0 | 0 | 0 | 500,000 |

| | Fiscal 2008 | | | | | | Fiscal 2009 | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total | General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total |
| e. EMVH Resident Bus Replacement (OTO) | | | | | | | | | | | | |
| | 0 | 40,000 | 0 | 0 | 0 | 40,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| f. MVH Facility Upgrades (OTO) | | | | | | | | | | | | |
| | 0 | 165,000 | 0 | 0 | 0 | 165,000 | 0 | 165,000 | 0 | 0 | 0 | 165,000 |
| g. EMVH Fire Alarm System (OTO) | | | | | | | | | | | | |
| | 0 | 15,000 | 0 | 0 | 0 | 15,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| h. MVH Contingency Fund (Restricted) | | | | | | | | | | | | |
| | 0 | 250,000 | 0 | 0 | 0 | 250,000 | 0 | 250,000 | 0 | 0 | 0 | 250,000 |
| i. Direct Care Worker Wage Increase (Restricted) | | | | | | | | | | | | |
| | 0 | 2,482,171 | 5,425,352 | 0 | 0 | 7,907,523 | 0 | 2,490,079 | 5,417,444 | 0 | 0 | 7,907,523 |
| j. Provider Rate Increase (Restricted) | | | | | | | | | | | | |
| | 220,789 | 1,555,760 | 3,398,230 | 0 | 0 | 5,174,779 | 447,098 | 3,155,973 | 6,867,306 | 0 | 0 | 10,470,377 |
| 12. Addictive and Mental Disorders Division (33) | | | | | | | | | | | | |
| | 51,481,876 | 8,472,424 | 46,078,800 | 0 | 0 | 106,033,100 | 52,979,079 | 8,575,352 | 47,747,122 | 0 | 0 | 109,301,553 |
| a. Addictive/Mental Disorders Administration/Reporting | | | | | | | | | | | | |
| | 477,886 | 169,817 | 512,013 | 0 | 0 | 1,159,716 | 484,739 | 170,487 | 514,470 | 0 | 0 | 1,169,696 |
| b. Direct Care Worker Wage Increase (Restricted) | | | | | | | | | | | | |
| | 0 | 224,964 | 491,711 | 0 | 0 | 716,675 | 0 | 225,681 | 490,994 | 0 | 0 | 716,675 |
| c. Mental Health Drop In Centers (Restricted) | | | | | | | | | | | | |
| | 500,000 | 0 | 0 | 0 | 0 | 500,000 | 500,000 | 0 | 0 | 0 | 0 | 500,000 |
| d. Suicide Prevention (Restricted) | | | | | | | | | | | | |
| | 400,000 | 0 | 0 | 0 | 0 | 400,000 | 400,000 | 0 | 0 | 0 | 0 | 400,000 |
| e. Services for Mentally Ill Offenders (Restricted) | | | | | | | | | | | | |
| | 500,000 | 0 | 0 | 0 | 0 | 500,000 | 500,000 | 0 | 0 | 0 | 0 | 500,000 |
| f. Expand Mental Health Services Plan (Restricted) | | | | | | | | | | | | |
| | 3,500,000 | 0 | 0 | 0 | 0 | 3,500,000 | 3,500,000 | 0 | 0 | 0 | 0 | 3,500,000 |
| g. Provider Rate Increase (Restricted) | | | | | | | | | | | | |

| | Fiscal 2008 General Fund | Fiscal 2008 State Special Revenue | Fiscal 2008 Federal Special Revenue | Fiscal 2008 Propri-etary | Fiscal 2008 Other | Fiscal 2008 Total | Fiscal 2009 General Fund | Fiscal 2009 State Special Revenue | Fiscal 2009 Federal Special Revenue | Fiscal 2009 Propri-etary | Fiscal 2009 Other | Fiscal 2009 Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 281,480 | 334,162 | 730,386 | 0 | 0 | 1,346,028 | 569,997 | 707,590 | 1,539,439 | 0 | 0 | 2,817,026 |
| h. Mentally Ill Offender Drugs (Biennial/Restricted) | | | | | | | | | | | | |
| | 950,000 | 0 | 0 | 0 | 0 | 950,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| i. MHSP Drugs (Biennial) | | | | | | | | | | | | |
| | 0 | 6,305,210 | 0 | 0 | 0 | 6,305,210 | 0 | 0 | 0 | 0 | 0 | 0 |
| j. Community Liaison Officers (Restricted) | | | | | | | | | | | | |
| | 0 | 145,000 | 0 | 0 | 0 | 145,000 | 0 | 145,000 | 0 | 0 | 0 | 145,000 |
| Total | | | | | | | | | | | | |
| | ~~365,952,920~~ | 124,540,724 | ~~1,001,480,568~~ | 0 | 0 | ~~1,491,974,212~~ | ~~380,411,056~~ | 127,247,550 | ~~1,051,304,679~~ | 0 | 0 | ~~1,558,963,285~~ |
| | 366,228,164 | | 1,001,779,994 | | | 1,492,548,882 | 380,686,268 | | 1,051,603,969 | | | 1,559,537,787 |

Human and Community Services Division

If House Bill No. 41 is not passed and approved, funding in Human and Community Services Division is reduced by a total of $1,600,000 in federal special revenue.

Funding for Child Care for Working Caretaker Relative may be expended only by the human and community services division for child care assistance for working grandparents or caretaker relatives providing care for children in place of their parents. This appropriation includes funding for a report to the children, families, health, and human services interim committee at each meeting from October 2007 through December 2009 on the number and location of relatives and children receiving assistance, and the amount of the appropriation spent on childcare. If the reports are not received, the fiscal year 2009 appropriation for childcare for working caretaker relatives is void.

Funding for Work Training Program includes $504,436 of TANF block grant funds each year of the biennium. Funds may be expended only by TANF work contractors to support additional employment and training activities including anti-poverty efforts that enhance the work capacity of TANF recipients. This appropriation includes funding for a report by TANF work contractors or the human and community services division to the legislative finance committee and the children, families, health, and human services interim committee at each meeting from October 2007 through December 2009 that includes a description of the activities, number and location of participants, and the amount spent on the program. If the reports are not received, the fiscal year 2009 appropriation for the work training program is void.

Included in Human and Community Services Division/Reporting is funding for a semiannual report to the legislative finance committee, the children, families, health, and human services interim committee, and members of the joint appropriations subcommittee on health and human services for the following:

(1) progress toward the goals presented to the joint appropriations subcommittee on health and human services in the division's final template; and

(2) attainment of measurable objectives as outlined in the division final template presented to the joint appropriations subcommittee on health and human services.

If the reports are not received by the legislative finance committee by December 31, 2007 and June 30, 2008, the fiscal year 2009 appropriation is void.

| Fiscal 2008 | | | | | | Fiscal 2009 | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total | General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total |

Child and Family Services Division

Funding for CFSD Overtime may be expended only in support of CFSD staff overtime costs.

Funding for Replacement of Computers and Equipment may be expended only to replace child and family services division computers and equipment.

Funding for Mental Health Case Management Increase for the child and family services division may be expended only for mental health case management services. Funding is contingent upon revisions to centers for medicare and medicaid services (CMS) federal regulations that disallow federal reimbursement to the state for case management services for children in foster care.

Funding for Federal Law Change for Kin Care Providers may be expended only by the CFSD to replace lost federal funding for administrative activities associated with children in unlicensed foster care homes.

The appropriation for Additional Field Staff/Report includes funding for reports to the children, families, health, and human services interim committee showing the dates on which new staff were hired, areas of service, and measurements included in the division's goals and objectives. If reports are not received, the fiscal year 2009 appropriation for additional field staff is void.

Funding for Targeted Case Management Federal Law Change may be expended only by the child and family services division to replace federal funds for targeted case management services that are eliminated by the federal Deficit Reduction Act of 2005.

Funding for Therapeutic Group Homes/Family Foster Care may be expended only by the CFSD to implement changes in federal medicaid policy related to federal funding for therapeutic services.

Included in Child and Family Services/Reporting is funding for a semiannual report to the legislative finance committee, the children, families, health, and human services interim committee, and members of the joint appropriation subcommittee on health and human services for the following:

(1) progress toward the goals presented to the joint appropriations subcommittee on health and human services in the division's final template; and

(2) attainment of measurable objectives as outlined in the division final template presented to the joint appropriations subcommittee on health and human services.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void.

Funds in Direct Care Worker Wage Increase may be used only to raise direct care worker wages AND RELATED BENEFITS through an increase in provider rates. Funds in Direct Care Worker Wage Increases may not be used to offset any other wage increase mandated by any other laws, contracts, or written agreements, which will go into effect at the same time as or after implementation of the appropriation included in Direct Care Worker Wage Increase. Funds in Direct Care Worker Wage Increase must be used first to raise the lowest paid direct care workers to $8.50 an hour AND TO RAISE RELATED BENEFITS, and the remaining balance must be used to raise wages AND RELATED BENEFITS of all direct care workers. The department shall provide documentation that these funds are used solely for direct care worker wage AND RELATED BENEFITS increases. The documentation must include initial wage rates, wage rates after the rate increases have been applied, and wage rates every 6 months after the rate increases have been granted. Child and Family Services/Reporting includes funding for a semiannual report for the legislative finance committee and the children, families, health, and human services interim committee summarizing direct care wage rates.

| | Fiscal 2008 | | | | | | Fiscal 2009 | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total | General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total |

Funds in Provider Rate Increase may be used only to raise provider rates by 2.5% in fiscal year 2008 and 2.5% in fiscal year 2009.

Director's Office

Included in Administration/Reporting is funding for a semiannual report to the legislative finance committee, the children, families, health, and human services interim committee, and members of the joint appropriations subcommittee on health and human services for the following:

(1) progress toward the goals presented to the joint appropriations subcommittee on health and human services in the division's final template; and

(2) attainment of measurable objectives as outlined in the division's final template presented to the joint appropriations subcommittee on health and human services.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void.

Child Support Enforcement Division

Funding for Child Support Enforcement Rent Increase may be expended only for increases in rent for CSED office space located in Helena and for regional offices in Butte, Billings, Great Falls, and Missoula.

Funding for Child Support Deficit Reduction Act may be expended only to replace federal funding from the elimination of the incentive funds match and the reduction of the federal match allowed for child support paternity testing services. Funds may be expended in the historical expenditure categories.

Funding for Child Support Enforcement DRA Fee may be expended only for the federally mandated $25 fee according to the percentage split of the fee of 66% federal and 34% state.

Included in Child Support Enforcement/Reporting is funding for a semiannual report to the legislative finance committee, the children, families, health, and human services interim committee, and members of the joint appropriations subcommittee on health and human services for the following:

(1) progress toward the goals presented to the joint appropriations subcommittee on health and human services in the division's final template; and

(2) attainment of measurable objectives as outlined in the division final template presented to the joint appropriations subcommittee on health and human services.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void.

Business and Financial Services Division

Included in Business and Financial Services/Reporting is funding for a semiannual report to the legislative finance committee, the children, families, health, and human services interim committee, and members of the joint appropriations subcommittee on health and human services for the following:

(1) progress toward the goals presented to the joint appropriations subcommittee on health and human services in the division's final template; and

(2) attainment of measurable objectives as outlined in the division final template presented to the joint appropriations subcommittee on health and human services.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void.

Public Health and Safety Division

Tobacco Prevention Activities includes $90,000 each year of the biennium for each of the seven Montana tribes. The funding must be used for tribal tobacco use prevention programs that meet the same requirements as other community-based contractors providing tobacco use prevention programs.

Included in Division Administration/Reporting is funding for a semiannual report to the legislative finance committee, the children, families, health, and human services interim committee, and members of the joint appropriations subcommittee on health and human services for the following:

(1) progress toward the goals presented to the joint appropriations subcommittee on health and human services in the division's final template; and

(2) attainment of measurable objectives as outlined in the division's final template presented to the joint appropriations subcommittee on health and human services.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void.

FCSS Spending Authority for Pool Inspections is contingent upon passage and approval of House Bill No. 148.

Chronic Disease Program is contingent upon passage and approval of House Bill No. 743.

Quality Assurance Division

Included in Division Administration/Reporting is funding for a semiannual report to the legislative finance committee, the children, families, health, and human services interim committee, and members of the joint appropriations subcommittee on health and human services for the following:

(1) progress toward the goals presented to the joint appropriations subcommittee on health and human services in the division's final template; and

(2) attainment of measurable objectives as outlined in the division's final template presented to the joint appropriations subcommittee on health and human services.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void.

Technology Services Division

Funding for CAPS System Facilities Management Increase may be expended only for the child and adult protective services CAPS contract for an increase in cost of living and level of effort.

Funding for the On-Going Support for CHIMES may be expended only for platform costs, lease payments, maintenance of servers, and operating system support associated with the new combined health information and medicaid eligibility system (CHIMES).

Included in Technology Services Division/Reporting is funding for a semiannual report to the legislative finance committee, the children, families, health, and human services interim committee, and members of the joint appropriations subcommittee on health and human services for the following:

(1) progress toward the goals presented to the joint appropriations subcommittee on health and human services in the division's final template; and

(2) attainment of measurable objectives as outlined in the division final template presented to the joint appropriations subcommittee on health and human services.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void.

Disability Services Division

Funding for MTAP New Technologies includes $1,065,000 in biennial state special revenue in fiscal year 2008 for the Montana telecommunications access program that is contingent upon passage of federal communication commission regulations requiring states to pay for new technologies related to video relay service (VRS) and internet protocol relay

| | Fiscal 2008 | | | | | | Fiscal 2009 | | | | |
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| General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total | General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total |

(IP). Funding for MTAP new technologies may be expended only to replace federal funds for VRS and IP services.

Included in Disability Services Division/Reporting is funding for a semiannual report to the legislative finance committee, the children, families, health, and human services interim committee, and members of the joint appropriations subcommittee on health and human services for the following:

(1) progress toward the goals presented to the joint appropriations subcommittee on health and human services in the division's final template; and

(2) attainment of measurable objectives as outlined in the division final template presented to the joint appropriations subcommittee on health and human services.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void.

Funding for DD Wait List Reduction may be expended only for developmental disabilities community services for persons who are on the waiting list and currently not receiving community services and for persons who are receiving some community services and are in need of further services.

Funds in Direct Care Worker Wage Increase may be used only to raise direct care worker wages AND RELATED BENEFITS through an increase in provider rates. Funds in Direct Care Worker Wage Increase may not be used to offset any other wage increase mandated by any other laws, contracts, or written agreements, which will go into effect at the same time as or after implementation of the appropriation included in Direct Care Worker Wage Increase. Funds in Direct Care Worker Wage Increase must be used first to raise the lowest paid direct care workers to $8.50 an hour AND TO RAISE RELATED BENEFITS, and the remaining balance may be used only to raise wages AND RELATED BENEFITS of all direct care workers. The department shall provide documentation that these funds are used solely for direct care worker wage AND RELATED BENEFITS increases. The documentation must include initial wage rates, wage rates after the rate increases have been applied, and wage rates every 6 months after the rate increases have been granted. Disability Services Division/Reporting includes funding for a semiannual report for the legislative finance committee and the children, families, health, and human services interim committee summarizing direct care wage rates.

Funds in Provider Rate Increase may be used only to raise provider rates by 2.5% in fiscal year 2008 and 2.5% in fiscal year 2009.

Health Resources Division

Included in Health Resources Division Administration/Reporting is funding for a semiannual report to the legislative finance committee, the children, families, health, and human services interim committee, and members of the joint appropriations subcommittee on health and human services for the following:

(1) progress toward the goals presented to the joint appropriations subcommittee on health and human services in the division's final template; and

(2) attainment of measurable objectives as outlined in the division final template presented to the joint appropriations subcommittee on health and human services.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void.

Funds in Direct Care Worker Wage Increase may be used only to raise direct care worker wages AND RELATED BENEFITS through an increase in provider rates. Funds in Direct Care Worker Wage Increase may not be used to offset any other wage increase mandated by any other laws, contracts, or written agreements, which will go into effect at the same time as or after implementation of the appropriation included in Direct Care Worker Wage Increase. Funds in Direct Care Worker Wage Increase must be used first to raise the lowest paid direct care workers to $8.50 an hour AND TO RAISE RELATED BENEFITS, and the remaining balance may be used only to raise wages AND RELATED BENEFITS of all direct care workers. The department shall provide documentation that these funds are used solely for direct care worker wage AND RELATED BENEFITS increases. The documentation must include initial wage rates, wage rates after the rate increases have been applied, and wage rates every 6 months after the rate increases have been granted. Health Resources Division Administration/Reporting includes funding for a semiannual report for the legislative finance committee and the children, families, health, and human services interim committee summarizing direct care wage rates.

Funds in Provider Rate Increase may be used only to raise provider rates by 2.5% in fiscal year 2008 and 2.5% in fiscal year 2009.

~~Senior and Long-Term Care Division~~

Funds in Medicaid Eligibility for Pregnant Women to 150% may be used only to provide medicaid services for infants up to 1 year of age and for pregnant women with incomes between 133% and 150% of the federal poverty index.

Senior and Long-Term Care Division

Included in Senior Long Term Care Administration/ Reporting is funding for a semiannual report to the legislative finance committee, the children, families, health, and human services interim committee, and members of the joint appropriations subcommittee on health and human services for the following:

(1) progress toward the goals presented to the joint appropriations subcommittee on health and human services in the division's final template; and

(2) attainment of measurable objectives as outlined in the division final template presented to the joint appropriations subcommittee on health and human services.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void.

Senior and Long-Term Care Division includes $1.6 million in state special funds from county fund transfers for the nonfederal medicaid match for nursing home and home-based services. If federal rules or regulations prohibit or restrict the use of county funds for the nonfederal medicaid match for nursing home and home-based services or if the amount of county funding contributed to the intergovernmental transfer program is too low for the program to be viable, then funds in IGT Offset may be used for the nonfederal match for medicaid services for nursing home and home-based services. The county nursing home intergovernmental transfer program is not viable if the amount of funds transferred from counties is insufficient to meet the $1.6 million threshold and also provide sufficient nonfederal medicaid matching funds to fund a net payment of at least $5 a day in reimbursement to county nursing homes and $2 a day in reimbursement to other nursing homes.

County Nursing Home Intergovernmental Transfer may be used only to make one-time payments to nursing homes based on the number of medicaid services provided. The office of budget and program planning shall review the conditions applied to IGT Offset prior to allowing funds to be expended from County Nursing Home Intergovernmental Transfer.

IGT Offset may be used only for the nonfederal medicaid match in proportion to the short fall in county funds transferred for the county nursing home intergovernmental transfer program and must be used to support medicaid payments for nursing home and home-based services. IGT Offset must be allocated to compensate for the shortfall in county funds state special revenue appropriated as the nonfederal medicaid match. The allocation must be proportional and in an amount necessary to partially or fully offset up to $1 million in the nonfederal medicaid match for home-based services and $600,000 in the nonfederal medicaid match for nursing home services.

Funds remaining in IGT Offset appropriation are appropriated as follows: up to $1 million is appropriated for public health services, and any remainder over $1 million is

| Fiscal 2008 | | | | | | Fiscal 2009 | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total | General Fund | State Special Revenue | Federal Special Revenue | Propri-etary | Other | Total |

appropriated to expand services for developmentally disabled children.

Funds in Aging Services may be used only to expand community-based aging services. The funds may not be used for medicaid matching funds.

Funding in Montana Veterans' Home Contingency Fund may be used only after a determination by the office of budget and program planning that federal and private revenue available from federal special revenue and private payment state special revenue appropriations in fiscal year 2008 or fiscal year 2009 are insufficient to operate the homes at capacity to maximize collection of federal and private payments. The office of budget and program planning shall notify the legislative finance committee if it determines that the conditions are met and when the appropriation becomes effective.

Funds in Direct Care Worker Wage Increase may be used only to raise direct care worker wages AND RELATED BENEFITS through an increase in provider rates. Funds in Direct Care Worker Wage Increase may not be used to offset any other wage increase mandated by any other laws, contracts, or written agreements, which will go into effect at the same time as or after implementation of the appropriation included in Direct Care Worker Wage Increase. Funds in Direct Care Worker Wage Increase must be used first to raise the ~~lowest paid direct care workers to $8.50 an hour, and the remaining balance may be used only to raise wages of all direct care workers~~ CERTIFIED NURSE AIDE AND PERSONAL CARE ATTENDANT DIRECT CARE WORKER WAGES AND BENEFITS TO $8.50 AN HOUR, INCLUDING RELATED BENEFITS. ANY REMAINING FUNDS MAY BE USED ONLY TO RAISE WAGES AND RELATED BENEFITS UP TO $0.70 AN HOUR FOR DIRECT CARE WORKERS AND OTHER LOW-PAID STAFF. The department shall provide documentation that these funds are used solely for direct care worker wage AND RELATED BENEFITS increases. The documentation must include initial wage rates, wage rates after the rate increases have been applied, and wage rates every 6 months after the rate increases have been granted. Senior and Long Term Care Administration/Reporting includes funding for a semiannual report for the legislative finance committee and the children, families, health, and human services interim committee summarizing direct care wage rates.

Funds in Provider Rate Increase may be used only to raise provider rates by 2.5% in fiscal year 2008 and 2.5% in fiscal year 2009.

Addictive and Mental Disorders Division

Included in Addictive/Mental Disorders Administration/Reporting is funding for a semiannual report to the legislative finance committee, the children, families, health, and human services interim committee, and members of the joint appropriations subcommittee on health and human services for the following:

(1) progress toward the goals presented to the joint appropriations subcommittee on health and human services in the division's final template; and

(2) attainment of measurable objectives as outlined in the division final template presented to the joint appropriations subcommittee on health and human services.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void.

Funds in Direct Care Worker Wage Increase may be used only to raise direct care worker wages AND RELATED BENEFITS through an increase in provider rates. Funds in Direct Care Worker Wage Increase may not be used to offset any other wage increase mandated by any other laws, contracts, or written agreements, which will go into effect at the same time as or after implementation of the appropriation included in Direct Care Worker Wage Increase. Funds in Direct Care Worker Wage Increase must be used first to raise the lowest paid direct care workers to $8.50 an hour AND TO RAISE RELATED BENEFITS, and the remaining balance may be used only to raise wages AND RELATED BENEFITS of all direct care workers. The department shall provide documentation that these funds are used solely for direct care worker wage AND RELATED BENEFITS increases. The documentation must include initial wage rates, wage rates after the rate increases have been applied, and wage rates every 6 months after the rate increases have been granted. Addictive/Mental Disorders Administration/Reporting includes funding for a semiannual report for the legislative finance committee and the children, families, health, and human services interim committee summarizing direct care wage rates.

Funds in Mental Health Drop In Centers may be used only to support community drop-in centers for persons with a mental illness and to provide training for up to 60 consumers each fiscal year to perform peer specialist duties. Drop-in centers with staff who can assist persons with medication management must receive priority in consideration for funding.

Funds in Suicide Prevention may be used only to implement a comprehensive suicide prevention program, which at a minimum includes a suicide prevention officer, a comprehensive suicide reduction plan, and a 24-hour suicide prevention hotline. Funds in Suicide Prevention are contingent upon passage and approval of Senate Bill No. 45.

Funding in Services for Mentally Ill Offenders may be used for two purposes only:

(1) services for adults under the supervision of the community corrections division in the department of corrections; and

(2) training for community probation and parole officers.

The services may include case management, treatment, transition support, and medication monitoring. Funding may be used to provide training to community probation and parole officers about mental illness and chemical dependency and about how to assist offenders to enroll in public benefit programs, if appropriate.

Funds in Expand Mental Health Services Plan may be used only for services provided under 53-21-702(2). Funds appropriated in fiscal year 2009 may not be expended unless the department has implemented a fee-for-service payment system and allows any willing, enrolled provider to participate.

Funds in Provider Rate Increase may be used only to raise provider rates by 2.5% in fiscal year 2008 and 2.5% in fiscal year 2009.

Funding in Mentally Ill Offender Drugs may be used only to provide a prescription benefit for offenders leaving secure care who meet the criteria for serious mental illness and who have not been enrolled in public benefit programs. Benefits may include a 60-day supply of medications and other short-term medication purchases for offenders who become unstable and need medications and who are not eligible for other public prescription drug programs.

Funding in Community Liaison Officers may be used only for five half-time staff in the addictive and mental disorders division to provide focused reentry support services, including assistance in accessing community services, to persons who are discharged from Montana state hospital. The legislature intends that the positions be filled by individuals who have a primary diagnosis of mental illness and are certified peer specialists. The goal of this service is to reduce readmissions to Montana state hospital at 30- and 60-day intervals, as a result of assisted reintegration to community settings.

-End