

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING BEHAVIORAL HEALTH SERVICES THROUGH THE
5 ESTABLISHMENT OF THE BEHAVIORAL HEALTH TRUST FUND AND GRANT PROGRAM; PROVIDING
6 REQUIREMENTS FOR THE TRUST FUND AND GRANT PROGRAM; PROVIDING FOR A TRANSFER OF
7 FUNDS; PROVIDING A STATUTORY APPROPRIATION AND A TEMPORARY APPROPRIATION;
8 PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 17-7-502 AND 53-21-1006, MCA; AND
9 PROVIDING EFFECTIVE DATES."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 NEW SECTION. Section 1. Behavioral health trust fund. (1) There is a behavioral health trust fund
14 within the permanent fund type to increase the availability of behavioral health services appropriate to a
15 community's or region's needs.

16 (2) The department may accept contributions and gifts for the trust fund. When accepted, the
17 contributions and gifts must be deposited in the trust fund.

18 (3) Money in the trust fund must be invested by the board of investments pursuant to Title 17,
19 chapter 6, part 2. Interest and income earned on the money in the trust fund accrue to the trust fund and must
20 be appropriated as provided in [section 2].

21 (4) The principal of the trust fund must remain inviolate unless appropriated by a two-thirds vote of
22 the members of each house of the legislature.

23
24 NEW SECTION. Section 2. Behavioral health trust fund uses -- statutory appropriation. (1)The
25 interest and income produced by the behavioral health trust fund provided for in [section 1]:

26 (a) must be used by the department for a grant program to support proposals for services that
27 meet identified mental health and substance use disorder treatment needs specific to the community or region
28 to be served by the grant activities; and

1 (b) is intended to increase behavioral health services and not supplant other sources of revenue
2 that support existing services.

3 (2) The annual earnings on the fund are statutorily appropriated, as provided in 17-7-502, to the
4 department for the grant program provided for in [section 3].

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6 **NEW SECTION. Section 3. Behavioral health trust fund grant program -- eligibility --**

7 **rulemaking authority.** (1) The department shall establish a grant program to support services designed to
8 meet the behavioral health needs of individual communities or regions of the state, as identified by applicants
9 for the grants.

10 (2) The following entities may apply for behavioral health trust fund grants:

11 (a) a licensed mental health center as defined in 50-5-101;

12 (b) a licensed mental health facility as defined in 53-21-102;

13 (c) an approved private or public treatment facility as the terms are defined in 53-24-103; and

14 (d) a nonprofit organization exempt from federal income tax under section 501(c)(3) of the Internal
15 Revenue Code, 26 U.S.C. 501(c)(3), if the organization applies jointly with a licensed mental health center,
16 licensed mental health facility, or approved private or public treatment facility or state-approved program
17 operating in accordance with Title 53, chapter 24.

18 (3) The department shall consider the needs identified by service area authorities pursuant to 53-
19 21-1006 in evaluating whether grant proposals meet the needs of the communities or regions to be served by
20 the grant activities. The department may award grants to meet a need not identified by a service area authority
21 if the applicant demonstrates the need for the proposed activity.

22 (4) The department may adopt rules specifying:

23 (a) the application process, including the materials to be submitted by an applicant to support the
24 application; and

25 (b) the criteria for grant awards.

26 (5) Costs incurred by the department in administering the behavioral health trust fund grant
27 program must be paid for with money from funds available for appropriation from the behavioral health trust
28 fund.

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Section 4. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory

appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

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

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

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

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 46-32-108; 50-1-115; 53-1-109; [section 2]; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined

1 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have
2 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the
3 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement
4 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410
5 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental
6 benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on
7 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
8 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30,
9 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025;
10 pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8,
11 Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec.
12 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017,
13 the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-
14 209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates
15 June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June
16 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to
17 sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139,
18 L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion
19 of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004
20 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30,
21 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and
22 pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

23

24 **Section 5.** Section 53-21-1006, MCA, is amended to read:

25 **"53-21-1006. Service area authorities -- leadership committees -- boards -- plans.** (1) In the
26 development of a service area authority, public meetings must be held in communities throughout a service
27 area as defined by the department by rule. The purpose of the meetings is to assist the department to establish
28 a stakeholder leadership committee. The meetings must be designed to solicit input from consumers of

1 services for persons with mental illness, advocates, family members of persons with mental illness, mental
2 health professionals, county commissioners, and other interested community members.

3 (2) The leadership committee within each service area must include but is not limited to a
4 significant portion of consumers of services for persons with mental illness, family members of persons with
5 mental illness, and a mental health services provider. The department shall provide assistance for the
6 development of a leadership committee. The department shall approve a leadership committee within each
7 service area.

8 (3) The leadership committee within each service area shall establish a service area authority
9 board and create bylaws that describe the board's functions and method of appointment. The bylaws must be
10 submitted to the department for review. The majority of the members of the board must be consumers of mental
11 health services and family members of consumers.

12 (4) The service area authority board must be established under Title 35, chapter 2. Nonprofit
13 corporations incorporated for the purposes of this part may not be considered agencies of the department or
14 the state of Montana.

15 (5) A service area authority board:

16 (a) shall collaborate with the department for purposes of planning and oversight of mental health
17 services of the service area, including:

- 18 (i) provider contracting;
- 19 (ii) quality and outcome management;
- 20 (iii) service planning;
- 21 (iv) utilization management and review;
- 22 (v) preadmission screening and discharge planning;
- 23 (vi) consumer advocacy and family education and rights protection;
- 24 (vii) infrastructure;
- 25 (viii) information requirements; and
- 26 (ix) procurement processes;
- 27 (b) shall review and monitor crisis intervention programs established pursuant to 53-21-1202;
- 28 (c) shall submit a biennial review and evaluation of mental health service needs and services

1 within the service area;

2 (d) shall identify annually, in consultation with local advisory councils, the priority needs of specific
3 communities or regions within the service area authority and provide the information to the department for the
4 purposes of informing the behavioral health trust fund grant program provided for in [section 3];

5 ~~(d)~~(e) shall keep all records of the board and make reports required by the department;

6 ~~(e)~~(f) may enter into contracts with the department for purposes of planning and oversight of the
7 service area if the department certifies that the service area authority is capable of assuming the duty;

8 ~~(f)~~(g) may receive and shall administer funding available for the provision of mental health services,
9 including grants from the United States government and other agencies, receipts for established fees rendered,
10 taxes, gifts, donations, and other types of support or income. All funds received by the board must be used to
11 carry out the purposes of this part.

12 ~~(g)~~(h) may reimburse board members for actual and necessary expenses incurred in attending
13 meetings and in the discharge of board duties as assigned by the board;

14 ~~(h)~~(i) shall either include a county commissioner or work closely with county commissioners in the
15 service area; and

16 ~~(i)~~(j) shall take into consideration the policies, plans, and budget developed by the children's system
17 of care planning committee provided for in 52-2-303.

18 (6) A service area authority may not directly provide mental health services."
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20 NEW SECTION. Section 6. Transfer of funds. The state treasurer shall transfer \$50 million from the
21 general fund to the behavioral health trust fund provided for in [section 1] on July 1, 2023.
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23 NEW SECTION. Section 7. Appropriations. (1) There is appropriated \$20 million from the
24 behavioral health trust fund provided for in [section 1] to the department of public health and human services for
25 the biennium beginning July 1, 2023, for the behavioral health trust fund grant program provided for in [section
26 3].

27 (2) The legislature intends that the appropriation in this section be a one-time-only appropriation.
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