

HOUSE BILL NO. 669

INTRODUCED BY F. MOORE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF THE GENERAL  
5 APPROPRIATIONS ACT; GENERALLY REVISING HEALTH CARE LAWS; CREATING STATE SPECIAL  
6 REVENUE ACCOUNTS; REQUIRING OPERATION OF THE EASTERN MONTANA VETERANS' HOME AND  
7 THE SOUTHWESTERN MONTANA VETERANS' HOME BY PRIVATE VENDORS; PROVIDING FUNDING FOR  
8 100 ADDITIONAL MEDICAID WAIVER SLOTS AT SENIOR AND LONG-TERM CARE FOR ELDERLY AND  
9 PHYSICALLY DISABLED PERSONS RECEIVING HOME AND COMMUNITY BASED SERVICES THROUGH  
10 THE BIG SKY WAIVER; PROVIDING FOR FUND TRANSFERS; AMENDING SECTIONS 10-2-416, 52-3-115,  
11 53-1-402, AND 53-19-310, MCA; AND PROVIDING AN EFFECTIVE DATE."

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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15 **NEW SECTION. Section 1. Extended employment and targeted case management -- state special**  
16 **revenue account.** (1) There is an account in the state special revenue fund established in 17-2-102 to the credit  
17 of the department of public health and human services to be known as the targeted case management state  
18 special revenue account.

19 (2) The purpose of the account is to provide additional funding for extended employment and targeted  
20 case management services for adults and children with mental illness.  
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22 **NEW SECTION. Section 2. Older Montanans trust state special revenue account.** (1) There is an  
23 account in the state special revenue fund established in 17-2-102 to the credit of the department of public health  
24 and human services to be known as the older Montanans trust state special revenue account.

25 (2) The purpose of the account is to fund additional medicaid waiver slots at senior and long-term care  
26 for elderly and physically disabled persons receiving home and community-based services through the big sky  
27 waiver as follows:

- 28 (a) 25 slots beginning July 1, 2019;
- 29 (b) 25 slots beginning January 1, 2020;
- 30 (c) 25 slots beginning July 1, 2020; and

1 (d) 25 slots beginning January 1, 2021.

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3 **Section 3.** Section 10-2-416, MCA, is amended to read:

4 **"10-2-416. Pledge to continue operation and maintenance.** Pursuant to 38 U.S.C. 8134 and  
 5 8135(a)(6), the state shall appropriate funds either from the general fund or from funds generated under  
 6 16-11-111 to the department of public health and human services for financial support necessary to provide for  
 7 continued operation and maintenance of the state homes for veterans in eastern Montana and southwestern  
 8 Montana. The department of public health and human services ~~may~~ shall contract with a private vendor to provide  
 9 for the operation of the eastern Montana veterans' home and the southwestern Montana veterans' home and may  
 10 charge the contract vendor a rental fee for the maintenance and upkeep of the facility."

11

12 **Section 4.** Section 52-3-115, MCA, is amended to read:

13 **"52-3-115. (Temporary) Older Montanans trust fund.** ~~(1) There is an older Montanans trust fund within~~  
 14 ~~the permanent fund type. The trust fund is subject to legislative appropriation as provided in this section:~~

15 ~~———(2) The money in the fund may be used to create new, innovative services or to expand existing services~~  
 16 ~~for the benefit of Montana residents 60 years of age or older that will enable those Montanans to live an~~  
 17 ~~independent lifestyle in the least restrictive setting and will promote the dignity of and respect for those~~  
 18 ~~Montanans. The interest and income produced by the trust fund and appropriated to the department by the~~  
 19 ~~legislature is intended to increase services referred to in this subsection and not to supplant other sources of~~  
 20 ~~revenue for those programs in the trended traditional level, as used in 53-6-1201, of appropriations for those~~  
 21 ~~services:~~

22 ~~———(3) The department may accept contributions and gifts for the trust fund in money or other forms, and~~  
 23 ~~when accepted, the contributions and gifts must be deposited in the trust fund:~~

24 ~~———(4) Interest and income earned on money in the trust fund must be retained within the fund except as~~  
 25 ~~provided in this section. Until the year 2015, if assets in the fund reach the following amounts, money may be~~  
 26 ~~appropriated by the legislature and used in the following amounts for the programs specified in subsection (2):~~

27 ~~———(a) When the fund balance reaches \$20 million, 50% of the interest earned may be appropriated:~~

28 ~~———(b) When the fund balance reaches \$50 million, 60% of the interest earned may be appropriated:~~

29 ~~———(c) When the fund balance reaches \$100 million, 80% of the interest earned may be appropriated:~~

30 ~~———(5) On and after January 1, 2015, 90% of the interest earned on the trust fund may be appropriated for~~

1 the programs specified in subsection (2).

2 ~~—— (6) The department shall provide to the legislature a biennial report of the expenditures of the money~~  
 3 ~~appropriated from the older Montanans trust fund as provided in 5-11-210.~~

4 ~~—— **52-3-115. (Effective on occurrence of contingency -- temporary) Older Montanans trust fund.** (1)~~  
 5 ~~There is an older Montanans trust fund within the permanent fund type. The trust fund is subject to legislative~~  
 6 ~~appropriation as provided in this section.~~

7 ~~—— (2) The money in the fund may be used to fund existing services for the benefit of Montana residents~~  
 8 ~~60 years of age or older that will enable those Montanans to live an independent lifestyle in the least restrictive~~  
 9 ~~setting and will promote the dignity of and respect for those Montanans. The interest and income produced by~~  
 10 ~~the trust fund and appropriated to the department by the legislature is intended to increase services referred to~~  
 11 ~~in this subsection and not to supplant other sources of revenue for those programs in the trended traditional level,~~  
 12 ~~as used in 53-6-1201, of appropriations for those services.~~

13 ~~—— (3) The department may accept contributions and gifts for the trust fund in money or other forms, and~~  
 14 ~~when accepted, the contributions and gifts must be deposited in the trust fund.~~

15 ~~—— (4) Interest and income earned on money in the trust fund must be retained within the fund except as~~  
 16 ~~provided in this section. Money may be appropriated by the legislature and used for the programs specified in~~  
 17 ~~section 2, Chapter 375, Laws of 2017.~~

18 ~~—— (5) The department shall provide to the legislature a biennial report of the expenditures of the money~~  
 19 ~~appropriated from the older Montanans trust fund as provided in 5-11-210. (Terminates June 30, 2019--sec. 10,~~  
 20 ~~Ch. 375, L. 2017.)~~

21 **52-3-115. (Effective July 1, 2019) Older Montanans trust fund.** (1) There is an older Montanans trust  
 22 fund within the permanent fund type. The trust fund is subject to legislative transfer and appropriation as provided  
 23 in this section.

24 (2) The money in the fund may be used to create new, innovative services or to expand existing services  
 25 for the benefit of Montana residents 60 years of age or older that will enable those Montanans to live an  
 26 independent lifestyle in the least restrictive setting and will promote the dignity of and respect for those  
 27 Montanans. The interest and income produced by the trust fund and appropriated to the department by the  
 28 legislature is intended to increase services referred to in this subsection and not to supplant other sources of  
 29 revenue for those programs in the trended traditional level, as used in 53-6-1201, of appropriations for those  
 30 services.

1 (3) The department may accept contributions and gifts for the trust fund in money or other forms, and  
2 when accepted, the contributions and gifts must be deposited in the trust fund.

3 (4) Interest and income earned on money in the trust fund must be retained within the fund ~~except as~~  
4 ~~provided in this section. Until the year 2015, if assets in the fund reach the following amounts, money may be~~  
5 ~~appropriated by the legislature and used in the following amounts for the programs specified in subsection (2):~~

6 ~~—— (a) When the fund balance reaches \$20 million, 50% of the interest earned may be appropriated.~~

7 ~~—— (b) When the fund balance reaches \$50 million, 60% of the interest earned may be appropriated.~~

8 ~~—— (c) When the fund balance reaches \$100 million, 80% of the interest earned may be appropriated.~~

9 (5) ~~On and after January 1, 2015, 90%~~ Ninety percent of the interest earned on the trust fund may be  
10 appropriated for the programs specified in subsection (2).

11 (6) The department shall provide to the legislature a biennial report of the expenditures of the money  
12 appropriated from the older Montanans trust fund as provided in 5-11-210."

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14 **Section 5.** Section 53-1-402, MCA, is amended to read:

15 **"53-1-402. Residents and financially responsible persons liable for cost of care.** (1) A resident and  
16 a financially responsible person are liable to the department for the resident's cost of care as provided in this part.  
17 The cost of care includes the applicable per diem and ancillary charges or all-inclusive rate charges for the care  
18 of residents in the following institutions:

19 (a) Montana state hospital;

20 (b) Montana developmental center;

21 (c) Montana veterans' home;

22 (d) eastern Montana veterans' home;

23 (e) southwestern Montana veterans' home;

24 (f) Montana mental health nursing care center; and

25 (g) Montana chemical dependency treatment center.

26 (2) The eastern Montana veterans' home and the southwestern Montana veterans' home may assess  
27 charges on either a per diem and ancillary charge basis or an all-inclusive rate basis if the department contracts  
28 with a private vendor to operate the facility as provided for in 10-2-416.

29 (3) The Montana state hospital and the Montana mental health nursing center may determine the cost  
30 of care using an all-inclusive rate or per diem and ancillary charges if the department contracts with a private

1 entity to operate a mental health managed care program."

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3 **Section 6.** Section 53-19-310, MCA, is amended to read:

4 **"53-19-310. Account for telecommunications services and specialized telecommunications**  
5 **equipment for persons with disabilities.** (1) ~~There~~ Subject to legislative transfer, there is an account for  
6 telecommunications services and specialized telecommunications equipment for persons with disabilities in the  
7 state special revenue fund in the state treasury. The account consists of:

8 (a) all monetary contributions, gifts, and grants received by the committee as provided in 53-19-309; and

9 (b) all fees billed and collected pursuant to 53-19-311.

10 (2) The money in the account is allocated to the committee for purposes of implementing this part.

11 (3) All expenditures of the committee in administering this part must be paid from money deposited in  
12 the account."

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14 NEW SECTION. **Section 7. Fund transfers.** (1) By August 15, 2019, the state treasurer shall make  
15 the following transfers:

16 (a) \$1.5 million from the account established in 53-19-310 to the account established in [section 1]; and

17 (b) \$320,608 from the older Montanans trust fund established in 52-3-115 to the older Montanans trust  
18 fund state special revenue account established in [section 2].

19 (2) By August 15, 2020, the state treasurer shall make the following transfers:

20 (a) \$2 million from the account established in 53-19-310 to the account established in [section 1]; and

21 (b) \$748,085 from the older Montanans trust fund established in 52-3-115 to the older Montanans trust  
22 fund state special revenue account established in [section 2].

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24 NEW SECTION. SECTION 8. CODIFICATION INSTRUCTION. [SECTIONS 1 AND 2] ARE INTENDED TO BE CODIFIED  
25 AS AN INTEGRAL PART OF TITLE 52, AND THE PROVISIONS OF TITLE 52 APPLY TO [SECTIONS 1 AND 2].

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27 NEW SECTION. **Section 9. Effective date.** [This act] is effective July 1, 2019.

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