

# Proposal for Legislation -- 2021 Suicide Prevention Program

## Return to:

Sue O'Connell  
Legislative Services Division  
E-mail: [soconnell@mt.gov](mailto:soconnell@mt.gov)  
Phone: 444-3597 Fax: 444-3036

**PROPOSER'S NAME/TITLE:** Zoe Barnard, Division Administrator  
**ORGANIZATION:** Addictive and Mental Disorders Division  
**ADDRESS:** 100 N. Park Avenue, Suite 300, Helena MT 59620  
**PHONE:** 406-444-7044  
**FAX:**  
**E-MAIL:** zbarnard@mt.gov

## 1. What is the problem or issue?

In 2007, MCA 53-21-1101 established a suicide prevention coordinator attached to the Director's Office of DPHHS. Over the past 13 years, the State Suicide Prevention Coordinator, DPHHS, and stakeholders across the State have worked to bring the issue of suicide to the forefront. The Department is revising the State Strategic Plan for Suicide Prevention to build on existing programs, informed by national research and current best practices to provide folks with critical resources, information, and tools to enhance resiliency. As part of that strategic initiative, the Department wishes to formally establish a suicide prevention program within the Addictive and Mental Disorders Division of DPHHS.

## 2. What do you want the legislation to do?

Specifically, the legislation should modify MCA 53-21-1101(1) to change "attached to the office of the director of the department" to "attached to the addictive and mental disorders division of the department." In addition, section (2)(c) should be updated to align with the new goals and objectives of the strategic plan.

## 3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended

MCA 53-21-1101(1)

MCA 53-21-1101(2)(c)

## 4. If the proposed change requires additional funding, what funding sources do you propose?

No additional funding is requested.

## 5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact

Other states have established similar programs, but the new goals of the suicide prevention plan are based on the best available evidence and informed by stakeholder participation.

## Proposal for Legislation -- 2021 Mandatory Reporters of Abuse and Neglect

### Return to:

Sue O'Connell  
Legislative Services Division  
E-mail: [soconnell@mt.gov](mailto:soconnell@mt.gov)  
Phone: 444-3597 Fax: 444-3036

**PROPOSER'S NAME/TITLE:** Marti Vining  
**ORGANIZATION:** Child and Family Services Division  
**ADDRESS:** 301 Park Ave 5<sup>th</sup> Floor Helena, MT  
**PHONE:** 841-2400  
**FAX:** 841-2487  
**E-MAIL:** [mvining@mt.gov](mailto:mvining@mt.gov)

**1. What is the problem or issue?**

The Montana mandatory reporting statute for abuse and neglect (MCA 41-3-201) does not include individuals who care for children at camps, after school programs and recreation centers.

**2. What do you want the legislation to do?**

Include language that would make directors, employees, and volunteers at entities that provide organized activities for children – such as after school programs, camps, day camps, youth centers, and recreation centers – mandatory reporters.

**3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.**

MCA 41-3-201

**4. If the proposed change requires additional funding, what funding sources do you propose?**

No additional funding.

**5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.**

A federal Children's Bureau April 2019 document, "Mandatory Reporters of Child Abuse and Neglect," indicates that at the time of writing there were 13 states that include the above-listed individuals in their mandatory reporter statutes. The document link and list of states is located here:

[https://www.childwelfare.gov/pubPDFs/manda.pdf#page=2&view=Professionals required to report](https://www.childwelfare.gov/pubPDFs/manda.pdf#page=2&view=Professionals%20required%20to%20report)

## Proposal for Legislation -- 2021 Congregate Care Hearings

### Return to:

Sue O'Connell  
Legislative Services Division  
E-mail: [soconnell@mt.gov](mailto:soconnell@mt.gov)  
Phone: 444-3597 Fax: 444-3036

**PROPOSER'S NAME/TITLE:** Marti Vining, Division Administrator  
**ORGANIZATION:** Child and Family Services Division  
**ADDRESS:** 301 S. Park 5<sup>th</sup> floor Helena, MT  
**PHONE:** 841-2400  
**FAX:** 841-2487  
**E-MAIL:** [mvining@mt.gov](mailto:mvining@mt.gov)

**1. What is the problem or issue?**

Family First Prevention Services Act requires states to enhance certain types of congregate care facilities to Qualify Residential Treatment Programs (QRTP) to maintain Title IV-E funding. In Montana, we are enhancing Therapeutic Group Homes to meet the QRTP standards, which includes the requirement that a judicial hearing take place within 60 days youth in CFSD's custody being placed in a Therapeutic Group Home. Currently, there is no requirement for judges to approve placement in Therapeutic Group Homes. The hearing is to confirm the appropriateness of the placement.

**2. What do you want the legislation to do?**

Require a judicial hearing within 60 days of a youth in CFSD custody being placed in a Therapeutic Group Home.

**3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.**

An additional hearing would need to be added under Title 41, Chapter 3, Part 4.

**4. If the proposed change requires additional funding, what funding sources do you propose?**

The proposed change will allow for continued federal reimbursement of costs associated with this placement setting. The federal matching rate is approximately 66% of placement costs. Without this change, this cost would shift to 100% general fund.

**5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.**

This is a new requirement of all states, including Montana.

## Proposal for Legislation -- 2021 Voluntary Service Agreement

### Return to:

Sue O'Connell  
Legislative Services Division  
E-mail: [soconnell@mt.gov](mailto:soconnell@mt.gov)  
Phone: 444-3597 Fax: 444-3036

**PROPOSER'S NAME/TITLE:** Marti Vining, Division Administrator  
**ORGANIZATION:** Child and Family Services Division  
**ADDRESS:** 301 S. Park 5<sup>th</sup> floor Helena, MT  
**PHONE:** 841-2400  
**FAX:** 841-2487  
**E-MAIL:** [mvining@mt.gov](mailto:mvining@mt.gov)

- 1. What is the problem or issue?**  
MCA 41-3-302 includes language that confuses the process of differentiating between prevention plan services and a voluntary placement outside of a child's home. Clarifying this language is necessary in order to effectuate the provisions of the Family First Prevention Services Act, which require that a child is not placed outside of the home in order for a prevention plan to occur.
- 2. What do you want the legislation to do?**  
Streamline and clarify language to align with Family First Prevention Services Act for effectuating prevention plans.
- 3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.**  
MCA 41-3-302
- 4. If the proposed change requires additional funding, what funding sources do you propose?**  
No additional funding is necessary.
- 5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.**  
  
Several states have approved Title-IV Prevention Plans; unknown if each state needed legislative changes or has statutory language that requires clarification.

## Proposal for Legislation -- 2021 Title X Statutory Appropriation

### Return to:

Sue O'Connell  
Legislative Services Division  
E-mail: [soconnell@mt.gov](mailto:soconnell@mt.gov)  
Phone: 444-3597 Fax: 444-3036

**PROPOSER'S NAME/TITLE:** Jamie Palagi, ECFSD Administrator  
**ORGANIZATION:** DPHHS ECFSD Family Planning Program  
**ADDRESS:** 1625 11<sup>th</sup> Ave, Helena 59620  
**PHONE:** 406-444-6676  
**FAX:** 406-444-2750  
**E-MAIL:** [jpalagi@mt.gov](mailto:jpalagi@mt.gov)

- 1. What is the problem or issue?**  
The statutory appropriation for federal Title X funding sunsets in June 2021.
- 2. What do you want the legislation to do?**  
Reauthorize the federal Title X statutory appropriation without a sunset date.
- 3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.**  
Title X statutory state special revenue account MCA 50-1-115, and MCA 17-7-502 Statutory Appropriations
- 4. If the proposed change requires additional funding, what funding sources do you propose?**  
No additional state general funds are requested to match federal funds. This bill will allow the Title X funding to be appropriated by statute as opposed to in House Bill 2; as a result, DPHHS would be able to receive and spend the grant funds from HHS as they are granted. Title X grant funding is on a three-year grant cycle and funding amounts can vary from one grant cycle to the next.  
  
If this legislation does not pass, the Title X funding would need to be placed in House Bill 2.
- 5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.**  
This legislation passed the Montana legislature in 2015 with a sunset date of 2021.

MCA 50-1-115:

[https://leg.mt.gov/bills/mca/title\\_0500/chapter\\_0010/part\\_0010/section\\_0150/0500-0010-0010-0150.html](https://leg.mt.gov/bills/mca/title_0500/chapter_0010/part_0010/section_0150/0500-0010-0010-0150.html)

MCA 17-7-502

[https://leg.mt.gov/bills/mca/title\\_0170/chapter\\_0070/part\\_0050/section\\_0020/0170-0070-0050-0020.html](https://leg.mt.gov/bills/mca/title_0170/chapter_0070/part_0050/section_0020/0170-0070-0050-0020.html)

# Montana Code Annotated 2019

TITLE 50. HEALTH AND SAFETY

CHAPTER 1. ADMINISTRATION OF PUBLIC HEALTH LAWS

Part 1. General Provisions

## Special Revenue Account -- Statutory Appropriation

50-1-115. (Temporary) Special revenue account -- statutory appropriation. (1) There is an account in the federal special revenue fund to the credit of the department. Money received by the state pursuant to Title X of the Public Health Service Act, 42 U.S.C. 300a, et seq., must be deposited into the account.

(2) The department shall use the money from the account to:

- (a) make grants in accordance with federal law and regulations; and
- (b) pay for grant-related administrative costs.

(3) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes of subsection (2). (Terminates June 30, 2021--sec. 6, Ch. 291, L. 2015.)

History: En. Sec. 1, Ch. 291, L. 2015.

# Montana Code Annotated 2019

TITLE 17. STATE FINANCE

CHAPTER 7. BUDGETING AND APPROPRIATIONS

Part 5. Statutory Appropriations

## Statutory Appropriations -- Definition -- Requisites For Validity

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; 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; 15-1-121; 15-1-218; 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; 17-3-112; 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; 20-9-905; 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; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 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; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 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; 87-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 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 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)