

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.002.005

HOUSE BILL NO. 5

INTRODUCED BY J. FITZPATRICK

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2027; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT AND A TRANSFER OF FUNDS FROM THE GENERAL FUND TO A STATE SPECIAL REVENUE FUND; PROVIDING FOR A MODIFICATION TO THE LONG-RANGE BUILDING PROGRAM; INCREASING CERTAIN VALUE THRESHOLDS FROM \$150,000 TO \$300,000; PROVIDING FOR AN INPATIENT BEHAVIORAL HEALTH SETTING INFRASTRUCTURE GRANT PROGRAM AND CRITERIA; PROVIDING RULEMAKING AUTHORITY; ESTABLISHING REPORTING REQUIREMENTS; AMENDING SECTIONS 17-7-201, 17-7-202, 17-7-210, AND 17-7-223, MCA; AMENDING SECTION 12, CHAPTER 739, LAWS OF 2023, SECTION 14(1), CHAPTER 762, LAWS OF 2023, AND SECTION 3, CHAPTER 763, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 through 10], unless otherwise stated, the following definitions apply:

(1) "Authority only" means approval provided by the legislature to expend money that does not require an appropriation, including grants, donations, auxiliary funds, proprietary funds, nonstate funds, and university funds.

(2) "Capital development" has the same meaning as provided in 17-7-201(2).

(3) "Capital project" means the planning, design, renovation, construction, alteration, replacement, furnishing, repair, improvement, site, utility, or land acquisition project provided for in [sections 1 through 10].

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.002.005

- (a) remodeling and aesthetic upgrades to meet programmatic needs; or
- (b) construct an addition to an existing building or facility."

Section 15. Section 3, Chapter 763, Laws of 2023, is amended to read:

The portion of section 3(1), Chapter 763, Laws of 2023, appropriating money from the capital development account to the department of administration for the indicated capital project is amended to read:

"DPHHS MSH Compliance Upgrades for Recertification & Deferred Maintenance

15,903,000

15,903,000

Up to \$10,000,000 of funding for the project must be used for rebuilding a water line constructed by the state serving the Montana State Hospital. The department is authorized to contract with Anaconda-Deer Lodge County for this portion of the project at the department's discretion."

NEW SECTION. **Section 16. Definition.** As used in [sections 16 through 19], "inpatient behavioral health setting" means any setting, the primary purpose of which is to provide inpatient behavioral health care consistent with eligible uses established in 50-1-119(3)(c).

NEW SECTION. **Section 17. Inpatient behavioral health setting infrastructure account -- use. (1)**

There is an account within the state special revenue fund provided for in 17-2-102 called the inpatient behavioral health setting infrastructure account to provide grant funding to nonprofit corporations that provide inpatient behavioral health consistent with eligible uses established in 50-1-119 and for administrative costs related to administering the grants. The department of public health and human services shall administer the account.

(2) Up to 3% of the funds appropriated in [section 21] may be allocated for the department's administrative costs.

NEW SECTION. **Section 18. Inpatient behavioral health setting infrastructure grants authorization. (1)** The department of public health and human services is authorized to make up to \$15 million

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.002.005

in grants to nonprofit corporations for inpatient behavioral health property acquisition, construction, or setting space acquisition. The grants authorized in this section are subject to the conditions set forth in [section 20].

(2) At least \$5,000,000 of the grant funding is reserved to fund a proposal or proposals by an Indian health service contractual agent or a tribe or tribal organization that serves at least 60% individuals who are American Indians or Alaska Natives medicaid beneficiaries.

(3) The department of public health and human services shall receive .proposals from nonprofit corporations for inpatient behavioral health setting infrastructure projects.

(4) Funding for projects may be provided only as long as there are sufficient funds available from the amount that was deposited or transferred into the inpatient behavioral health setting infrastructure account for grants established in [section 17]. Funding for these projects must be made available in the order that the grant recipients satisfy the conditions described in [section 20].

NEW SECTION. Section 19. Eligibility-- submission deadline -- priority -- rulemaking authority..

(1) A nonprofit corporation may apply to the department of public health and human services for inpatient behavioral health setting infrastructure grants under [section 18].

(2) Nonprofit corporations shall submit grant applications to the department in order to be eligible for funding under [section 18].

(3) The department is authorized to adopt rules or guidelines necessary to implement [sections 17 through 23].

NEW SECTION. Section 20. Condition of grants -- disbursement of funds. (1) The disbursement

of grant funds for the projects chosen by the department of public health and human services pursuant to [section 18] is subject to completion of the following conditions:

(a) For grants in an amount of \$500,000 or more, the grant recipient shall document the availability of matching funds or in-kind contributions of assets with an appraised value from private sources representing at least \$1 in value for each \$1 of the grant.

(b) The grant recipient shall execute a grant agreement with the department of public health and

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.002.005

human services that includes a project management plan and reporting requirements to track the outcomes of allocated grants.

(c) The grant recipient shall satisfy other specific requirements considered necessary by the department of public health and human services to accomplish the purpose of the project as evidenced by the application to the department.

(2) Projects must adhere to the design standards required by applicable regulatory agencies. Recipients of program funds for projects that are not subject to any design standards must comply with generally accepted industry standards.

(3) If actual project expenses are lower than the projected expense of the project, the department shall reduce the amount of grant funds to be provided to grant recipients.

NEW SECTION. Section 21. Appropriations. (1) There is appropriated \$15 million for the biennium beginning July 1, 2025, from the inpatient behavioral health setting infrastructure account established in [section 17] to the department of public health and human services for grants as authorized in [sections 18 through 23].

(2) Any unobligated funds remaining at the end of the biennium must revert to the capital developments long-range building program account provided for in 17-7-209.

NEW SECTION. Section 22. Transfer of funds. By July 1, 2025, the state treasurer shall transfer \$15 million from the capital developments long-range building program account provided for in 17-7-209 to the inpatient behavioral health setting infrastructure account established in [section 17].

NEW SECTION. Section 23. Maximum state funding available -- per project. (1) The maximum amount of state funding allocated to entities under [sections 18 through 23] may not exceed \$5,000,000.

(2) If total requested funding of applications exceeds the maximum amount authorized in [section 18(1)], the department of public health and human services shall include input from elected officials and in consultation with Montana's tribal governments in its ranking criteria for applications.

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.002.005

1

2 **NEW SECTION. Section 24. Transfer of funds.** (1) By June 30, 2027, the department of

3 administration shall transfer \$150 million from the general fund to the capital developments long-range building

4 program account established in 17-7-209.

5 (2) BY JULY 1, 2025, THE STATE TREASURER SHALL TRANSFER \$2 MILLION FROM THE GENERAL FUND TO A

6 STATE SPECIAL ACCOUNT WITHIN THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF LEAKING

7 PETROLEUM TANK REMEDIATION.

8

9 **COORDINATION SECTION. Section 25. Coordination instruction.** If both ~~[LC0544]~~ HOUSE BILL No.

10 217 and [this act] are passed and approved, then the reference to the department of environmental quality in

11 [section 8 of this act] must be changed to "the department of administration architecture and engineering

12 division".

13

14 **SECTION 26. SECTION 14(1), CHAPTER 762, LAWS OF 2023, IS AMENDED TO READ:**

15 **"Section 14. Appropriations.** (1) There is appropriated \$12.5 million from the account established in

16 [section 11] to the legislative branch for the biennium beginning July 1, 2023, for the purposes set forth in

17 subsections (2) and (3). This appropriation is reappropriated for the purposes of the original appropriation until

18 the funds are fully expended."

19

20 **Section 27.** Section 12, Chapter 739, Laws of 2023, is amended to read:

21 **"Section 12. Appropriations.** (1) ~~There is appropriated \$20 million from the capital development~~

22 ~~long-range building program account to the department of public health and human services for the biennium~~

23 ~~beginning July 1, 2023, for the uses outlined in [section 3(3)(d)].~~

24 (2) There is appropriated \$83.5 million in federal special revenue to the department of public

25 health and human services for the biennium beginning July 1, 2023, to provide matching funds to the

26 department."

27