

HOUSE BILL NO. 686

INTRODUCED BY M. REGIER

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO REPORT TO LEGISLATIVE COMMITTEES PRIOR TO TAKING CERTAIN ACTIONS; PROVIDING FOR THE TRANSFER OF THE BOULDER CAMPUS FROM THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO THE DEPARTMENT OF JUSTICE; PROVIDING A CONTINGENT APPROPRIATION; ELIMINATING THE PAIN MANAGEMENT EDUCATION AND TREATMENT SPECIAL REVENUE ACCOUNT; AMENDING SECTION 50-46-345, MCA; REPEALING SECTION 50-46-346, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Notification to legislative committees prior to action. (1) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department of public health and human services shall report this information to the following committees:

- (a) the children, families, health, and human services interim committee; and
- (b) the legislative finance committee.

(2) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years.

NEW SECTION. Section 2. Transfer of Boulder campus -- contingent appropriation. (1) The department of public health and human services and the department of justice may enter into a memorandum of understanding to transfer the Boulder campus from the department of public health and human services to the department of justice for use by the Montana highway patrol.

(2) The transfer may include the behavioral health facility located in Boulder.

(3) The transfer must be completed by December 31, 2021.

(4) If the Boulder campus is transferred to the department of justice by December 31, 2021, there is appropriated \$500,000 from the general fund to the department of justice in each year of the biennium beginning July 1, 2021.

Section 3. Section 50-46-345, MCA, is amended to read:

"50-46-345. Medical marijuana state special revenue account -- operating reserve -- transfer of excess funds. (1) There is a medical marijuana state special revenue account within the state special revenue fund established in 17-2-102.

(2) The account consists of:

(a) money deposited into the account pursuant to 50-46-344 and 50-46-347;

(b) the tax collected pursuant to Title 15, chapter 64, part 1; and

(c) civil penalties collected under this part.

(3) Except as provided in subsection (4), money in the account must be used by the department for the purpose of administering the Montana Medical Marijuana Act and tracking system development.

(4) (a) At the end of each fiscal year, the department shall transfer funds in excess of a \$250,000 operating reserve as provided in this subsection (4).

(b) At the end of fiscal year 2019:

(i) the first \$2.5 million in excess funds must be transferred to the mental health services special revenue account provided for in 53-21-1207; and

(ii) any remaining excess funds must be transferred to the ~~pain management education and treatment special revenue account provided for in 50-46-346~~ general fund.

(c) At the end of fiscal year 2020 and subsequent fiscal years, any excess funds must be transferred to the ~~pain management education and treatment special revenue account provided for in 50-46-346~~ general fund."

NEW SECTION. Section 4. Repealer. The following section of the Montana Code Annotated is repealed:

50-46-346. Pain management education and treatment special revenue account.

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2 COORDINATION SECTION. **Section 5. Coordination instruction.** If both [this act] and House Bill
3 No. 497 are passed and approved, [section 1] must read:

4 **"Section 1. Notification to legislative committees prior to action.** (1) Prior to enacting changes to
5 provider rates, medicaid waivers, or the medicaid state plan, the department of public health and human
6 services shall report this information to the following committees:

7 (a) the children, families, health, and human services interim committee;

8 (b) the legislative finance committee; and

9 (c) the health and human services budget committee.

10 (2) In its report to the committees, the department shall provide an explanation for the proposed
11 changes and an estimated budget impact to the department over the next 4 fiscal years."

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13 NEW SECTION. **Section 6.** **Effective date.** [This act] is effective July 1, 2021.

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