

OFFICE OF THE GOVERNOR

Governor Steve Bullock
Lieutenant Governor Mike Cooney



2017 LEGISLATIVE ACCOMPLISHMENTS

FISCAL RESPONSIBILITY

Maintaining a Healthy Rainy Day Fund

- ✓ Governor Bullock signed a budget that maintains Montana's fiscal strength, does not spend more than the state takes in, and makes critical investments in Montana families and children.
- ✓ Governor Bullock signed the Budget Stabilization Fund, SB 261, which allows for a consistent rainy day fund that will smooth volatility from unforeseen circumstances such as lower commodity prices. This Fund sets up a permanent rainy day fund regardless of whether there is a Democrat or Republican governor in the future.

Creating Tax Fairness for Montanans

- ✓ Governor Bullock proposed and signed a Working Montana Families Tax Credit. HB 391 will create a Montana Earned Income Tax Credit of up to 3% of the federal earned income tax credit to help hard-working Montana families get ahead. This tax credit has been an effective anti-poverty program at the federal level.

JOBS FOR MONTANANS

Creating Jobs

- ✓ Governor Bullock proposed and signed a measure from his Quality Jobs Plan to increase career opportunities and help create good-paying jobs for Montana families. HB 308 will provide Montana businesses with a \$750 tax credit for every position hired where the worker is offered on-the-job training through the Montana Registered Apprenticeship unit. For every veteran hired and given an apprenticeship opportunity, businesses will be provided a \$1,500 tax credit.

Putting Montanans to Work Building Roads

- ✓ Governor Bullock signed the Bridge and Road Safety and Accountability Act to invest in infrastructure and fix Montana's deteriorating highways and bridges. HB 473 will make sure Montana's roads are safe and create good-paying jobs across the state.

Building Critical Infrastructure

- ✓ Governor Bullock signed improvements to the Major Facilities Siting Act in SB 42 to reduce unnecessary regulatory burden without compromising environmental protection, and streamline communication between DEQ and landowners to increase future prospects for energy development. This was a proposal from the Main Street Montana Project

Incentivizing Businesses to Grow

- ✓ Governor Bullock proposed and signed a measure from his Quality Jobs Plan to lower taxes on Main Street businesses and help create good-paying jobs for Montana families. HB 226 will give local governments the option to waive up to 75 percent of new or expanding businesses' equipment tax obligation in the first five years of operation.
- ✓ Governor Bullock signed into law a bill incentivizing data centers to do business in Montana. SB 359 creates a new property tax class and provides a property tax abatement for qualified data centers that will allow Montana to compete for data center investments.
- ✓ Governor Bullock made permanent in SB 132 a ten-year property tax exemption for air and water pollution control equipment and carbon capture equipment, as well as a 50 percent abatement in tax rates for equipment related to the sequestration of carbon dioxide.
- ✓ Montana leads the nation in pulse crop production. In order to maintain the lead in this growing industry, Governor Bullock signed into law HB 614 to provide tax incentives for the construction and operation of pulse crop processing plants in Montana.

A STRONG ECONOMY

Protecting and Expanding Access to Public Lands

- ✓ Governor Bullock successfully restored Habitat Montana, a program that plays a key role in securing hunting access and fishing sites. HB 5, the state capital improvement budget includes Habitat Montana funding paid for by hunter license dollars.
- ✓ Governor Bullock secured funding to establish the Office of Outdoor Recreation to expand economic development opportunities that will grow jobs, support local communities, and boost Montana's outdoor recreation economy.

Expanding Educational Opportunities for Montana Kids

- ✓ Governor Bullock secured a \$6 million investment to expand preschool access for 4- and 5-year-olds and create pilot programs to test multiple delivery models for preschool. This is the first-ever investment from the state in publicly funded preschool.
- ✓ Governor Bullock secured \$2 million over the biennium to leverage \$20 million in E-Rate funds to give local schools the opportunity to enhance broadband and help develop 21st century classrooms.
- ✓ Governor Bullock supported and signed an inflationary increase of over \$47 million for Montana's K-12 schools over the biennium, as well as an increase in Special Education funding of \$1.4 million.
- ✓ Governor Bullock signed SB 103, which will empower local school districts to adopt competency-based education models, awarding credit to students based on demonstrated proficiency rather than the number of minutes and hours the student spends in a classroom.

MONTANA'S FUTURE

Protecting Montanans

- ✓ Governor Bullock supported and signed legislation updating Montana's sexual assault statute to strengthen laws to protect victims and help victims recover. Bills include providing process for terminating rights of parents who committed rape, revising registrations on the Sexual and Violent Offender Registry, eliminating the requirement that an assault involve force for it to be defined as rape, and increasing the statute of limitations from 10 to 20 years for sex crimes against children.
- ✓ Governor Bullock signed into law multiple bills to reform our criminal justice system that will save the state money, improve outcomes for offenders, and keep our communities safe. The suite of justice reinvestment bills implement evidence-based practices and ensure that decisions are data driven throughout the criminal justice system, including providing more treatment options to address underlying mental health and substance abuse disorders.

Caring for Montana Families, Children and Seniors

- ✓ Governor Bullock made it a priority in his budget to address youth suicide and signed HB 118 into law to invest \$1 million into youth suicide prevention efforts. Funding will be used to provide schools, tribes, tribal and urban health care providers, and organizations with community prevention grants to implement evidence-based efforts that reduce factors that increase risk for suicidal behaviors.
- ✓ Governor Bullock secured \$16 million in the state's budget over the biennium to fund the projected increases in the number of caseloads for foster children in Montana. This enhanced investment will increase the capacity of the Child and Family Services Division to better serve Montana families and children.
- ✓ Governor Bullock signed into law five measures recommended by his Protect Montana Kids Commission to expand services and increase protections of Montana's kids in foster care:
 - HB 303 establishes the multi-disciplinary Child Abuse and Neglect Review Commission tasked with reviewing trends of abuse and neglect. The Commission will examine patterns of child fatalities and near fatalities, educate the public, service providers and policymakers about child abuse and neglect, and provide a written report to the Governor, the Legislature, and the Supreme Court to inform discussion of policies and practices that may reduce fatalities.
 - HB 173 establishes permanency timelines for children in foster care and expedites the process of legally establishing permanency for children whether through reunification with their family, adoption, or guardianship.
 - HB 201 appoints a Court Appointed Special Advocate (CASA) volunteer, if available and in every judicial proceeding, as the guardian ad litem for any child alleged to be abused or neglected to ensure that the child's interests in the proceedings are heard.
 - HB 351 requires foster homes to normalize the experience of youth in foster care by supporting developmental growth through extracurricular, enrichment, cultural, and social activities, and gives youth 14 years of age or older input in their permanency plan.
 - SB 113 improves transparency and allows legislators and members of Congress to review of child welfare records for the purpose of evaluating the adequacy of Montana's child abuse laws and regulations.

- ✓ Governor Bullock signed multiple measures to help reduce health care costs and improve health care for Montanans:
 - HB 95 increases access to behavioral health care to reduce costs in many areas (such as jails, local courts and drug treatment courts, hospitals, outpatient clinics, and detox programs) as more clients receive treatment and maintain sobriety.
 - HB 142 provides for mental health parity to give equal treatment for physical health, mental health conditions, and substance use disorders in insurance plans. This will leverage the private insurance market to help integrate behavioral and physical health care in Montana.
 - HB 333, the Help Save Lives from Overdose Act, authorizes the prescribing, dispensing, distributing, and administering of opioid antagonist medication to decrease overdoses.
 - HJ 20 provides for the legislature to study and monitor the facts that drive health care costs and learn more delivery and payment reform options.
 - In the state's budget, Governor Bullock established a special permanent appropriation for Medicaid reimbursement to Indian Health Services, which authorizes Medicaid spending the need for a biennial legislative appropriation or budget amendment.
- ✓ Governor Bullock signed two bills to increase protections for seniors. The Montana Caregiver Act, HB 163, improves patient outcomes and saves taxpayers money by allowing a patient to designate a caregiver in the patient's medical record and give family caregivers the tools they need to help their loved ones in the hospital and as they transition home. HB 24 provides protections to vulnerable persons, particularly seniors, from financial exploitation.

MISSED OPPORTUNITIES

Building Critical Infrastructure

- ✓ Governor Bullock proposed to fund millions of dollars in infrastructure needs across Montana and create thousands of good-paying jobs. SB 367 which would have provided \$80 million in bonding that would have leveraged Montana's strong record of fiscal management to pay for critical upgrades in bridges, water and wastewater systems, schools and other infrastructure projects across the state fell three votes short on the final day of session. This would have been the first major infrastructure investment since 2005.

Creating Tax Fairness for Montanans

- ✓ Governor Bullock proposed a Constitutional Amendment to prohibit a statewide sales tax. This ban would have allowed Montanans' voices to be heard at the ballot box and put an end to the possibility that future legislators and Governors could impose a statewide sales tax on Montana's hard-working, middle-class families.

Creating Jobs for Montanans

- ✓ Governor Bullock proposed to Hire Montanans First so that Montana taxpayer dollars go to support Montana jobs. This measure would have closed loopholes and expanded requirements so that state and locally funded public contracts give preference to Montana workers.

Creating Our Energy Future

- ✓ Property Assessed Clean Energy (PACE) would have enabled low-cost, long-term funding for energy efficiency, renewable energy and water conservation projects for commercial, nonprofit and residential properties. This legislation was part of Governor Bullock's Energy Blueprint to drive economic growth by sparking a new generation of clean technology business.

Caring for Montana Seniors

- ✓ Doubling the investment in Area Agencies on Aging would have allowed more seniors to stay in their homes and save taxpayers money.

Advancing Equal Pay for Equal Work

- ✓ Governor Bullock proposed implementing the Paycheck Transparency Act which would have helped to narrow the wage gap by ensuring best practices and uncovering unfair disparities. Closing the wage gap boost earning potential for Montana working families.

Strengthening Democracy

- ✓ Governor Bullock issued an amendatory veto to give every voter a mailed absentee ballot for the May 25 special election. Conducting the special Congressional election by automatic absentee mailing would have enabled more people to participate in democracy, saved counties and taxpayers \$750,000, and alleviated the difficulties of finding physical locations for precincts.



AN ACT PROVIDING FOR CERTIFICATION AND REGULATION OF BEHAVIORAL HEALTH PEER SUPPORT SPECIALISTS; ESTABLISHING CERTIFICATION REQUIREMENTS; AND PROVIDING RULEMAKING AUTHORITY TO THE BOARD OF BEHAVIORAL HEALTH.

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

Section 1. Behavioral health peer support specialist. The profession of behavioral health peer support specialist is subject to certification requirements set forth in this chapter and by rules promulgated by the board of behavioral health.

Section 2. Definitions. As used in [sections 1 through 5], the following definitions apply:

- (1) "Behavioral health" includes a person with a diagnosis of:
 - (a) a mental disorder, as that term is defined in 53-21-102; or
 - (b) chemical dependency, as that term is defined in 53-24-103.
- (2) "Behavioral health peer support" means the use of a peer support specialist's personal experience with a behavioral health disorder to provide support, mentoring, guidance, and advocacy and to offer hope to individuals with behavioral health disorders.
- (3) "Board" means the board of behavioral health established under 2-15-1744.
- (4) "Certified behavioral health peer support specialist" means a person who:
 - (a) has experienced and is in recovery from a behavioral health disorder;
 - (b) has obtained the education and skills needed to provide therapeutic support to individuals with behavioral health disorders; and
 - (c) possesses a valid and current certification.
- (5) "Mental health professional" means:
 - (a) a physician licensed under Title 37, chapter 3;
 - (b) a psychologist licensed under Title 37, chapter 17;

- (c) a social worker licensed under Title 37, chapter 22;
- (d) a professional counselor licensed under Title 37, chapter 23;
- (e) an advanced practice registered nurse, as provided for in 37-8-202, with a clinical specialty in psychiatric mental health nursing;
- (f) a marriage and family therapist licensed under Title 37, chapter 37; or
- (g) a licensed addiction counselor licensed under Title 37, chapter 35.

Section 3. Certification required -- exceptions. (1) Upon certification in accordance with this chapter, a person may use the title "certified behavioral health peer support specialist" or "behavioral health peer support specialist".

(2) Subsection (1) does not prohibit a qualified member of another profession, such as a physician, lawyer, psychologist, pastoral counselor, probation officer, court employee, nurse, school counselor, educator, chemical dependency counselor accredited by a federal agency, clinical social worker licensed pursuant to Title 37, chapter 22, clinical professional counselor licensed pursuant to Title 37, chapter 23, addiction counselor licensed pursuant to Title 37, chapter 35, or marriage and family therapist licensed pursuant to Title 37, chapter 37, from performing duties and services consistent with the person's licensure or certification and the code of ethics of the person's profession.

(3) Subsection (1) does not prohibit a qualified member of another profession, business, educational program, or volunteer organization who is not licensed or certified or for whom there is no applicable code of ethics, including peer mentors, advocates, and coaches, from performing duties and services consistent with the person's training, as long as the person does not represent by title that the person is engaging in the practice of behavioral health peer support.

Section 4. Certificate requirements -- supervision -- fees. (1) A person may apply for certification as a behavioral health peer support specialist if the person has attested to the fact that the person:

- (a) has been diagnosed by a mental health professional as having a behavioral health disorder;
- (b) has received treatment; and
- (c) is in recovery, as defined by the board by rule, from a behavioral health disorder.

(2) An applicant shall submit a written application on a form provided by the board and an application

fee prescribed by the board. A person must be recertified annually using a process specified by the board by rule, including payment of a fee prescribed by the board.

(3) An applicant must have:

(a) successfully completed a training course in behavioral health peer support, as defined by the board by rule, which must include a module in ethics; and

(b) verified the applicant's ability to perform all essential functions of the certified peer support role through the application and certification process provided for by the board.

(4) As a prerequisite to the issuance of a certificate, the board shall require the applicant to submit fingerprints for the purpose of fingerprint background checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

(5) Pursuant to 37-1-203, an applicant who has a history of criminal convictions has the opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust. The board may deny the license if it determines that the applicant is not sufficiently rehabilitated.

(6) Supervision of a certified behavioral health peer support specialist must be provided by a competent mental health professional. The amount, duration, and scope of supervision may vary depending on the demonstrated competency and experience of the peer support specialist, as well as the service mix. Supervision may range from direct oversight to periodic care consultation. The board may create guidelines for supervision but must allow for flexibility in the provision of peer support services.

(7) In selecting approved training courses as required in subsection (3), the board shall provide as much flexibility and inclusivity as possible to applicants. The board shall review existing training materials from national, regional, and state agencies and organizations, including existing Montana-based peer support providers, that adequately address the essential functions of the certified peer support role and shall include those materials as possible. The board may not exclude a training course from the list of approved courses solely because the training course was created by or is provided by a faith-based or culturally based entity, association, tribe, church, or educational institution.

Section 5. Privileged communications -- exceptions. (1) Certified behavioral health peer support specialists work in health care teams. Communication among team members that is essential for the supported individual's recovery must be defined and established by board rule.

(2) A certified behavioral health peer support specialist may not disclose any information the peer support specialist acquires from an individual to whom the peer support specialist provides behavioral health peer support except:

(a) with the written consent of the individual or, in the case of the individual's death or mental incapacity, with the written consent of the individual's personal representative or guardian;

(b) when a communication that otherwise would be confidential reveals that the individual or another person is contemplating the commission of a crime or in the behavioral health peer support specialist's professional opinion reveals a threat of imminent harm to the individual or others;

(c) that if the individual is a minor and information acquired by the certified behavioral health peer support specialist indicates that the minor was the victim of a crime, the peer support specialist may be required to testify fully in relation to the information in any investigation, trial, or other legal proceeding in which the commission of that crime is the subject of inquiry;

(d) that if the individual or the individual's personal representative or guardian brings an action against a certified behavioral health peer support specialist for a claim arising out of the peer support specialist's professional relationship with the individual, the individual is considered to have waived any privilege;

(e) to the extent that the privilege is otherwise waived by the individual; and

(f) as may otherwise be required by law.

Section 6. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 37, and the provisions of Title 37 apply to [sections 1 through 5].

- END -

I hereby certify that the within bill,
SB 0062, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2017.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2017.

SENATE BILL NO. 62
INTRODUCED BY C. WOLKEN
BY REQUEST OF THE COMMISSION ON SENTENCING

AN ACT PROVIDING FOR CERTIFICATION AND REGULATION OF BEHAVIORAL HEALTH PEER SUPPORT SPECIALISTS; ESTABLISHING CERTIFICATION REQUIREMENTS; AND PROVIDING RULEMAKING AUTHORITY TO THE BOARD OF BEHAVIORAL HEALTH.