

1 SENATE BILL 149

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

4 Bill Tallman and Pamelya Herndon and Jenifer Jones

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10 AN ACT

11 RELATING TO BEHAVIORAL HEALTH; ENACTING THE BEHAVIORAL HEALTH
12 FACILITIES FUND ACT; CREATING THE BEHAVIORAL HEALTH FACILITIES
13 FUND; PROVIDING FOR GRANTS TO PLAN AND PURCHASE, RENOVATE OR
14 CONSTRUCT BEHAVIORAL HEALTH TREATMENT FACILITIES; MAKING AN
15 APPROPRIATION.

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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
19 cited as the "Behavioral Health Facilities Fund Act".

20 SECTION 2. [NEW MATERIAL] PURPOSE OF ACT.--The purpose of
21 the Behavioral Health Facilities Fund Act is to assist counties
22 in planning for and counties and municipalities in purchasing,
23 renovating or constructing regional behavioral health
24 facilities that will provide coordinated, comprehensive
25 behavioral health treatment throughout New Mexico.

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1 SECTION 3. ~~[NEW MATERIAL]~~ DEFINITIONS.--As used in the
2 Behavioral Health Facilities Fund Act:

3 A. "behavioral health treatment" means a
4 comprehensive array of professional and ancillary treatment for
5 the treatment, habilitation, prevention and identification of
6 mental illnesses, behavioral symptoms associated with
7 developmental disabilities, substance abuse disorders or trauma
8 spectrum disorders;

9 B. "department" means the health care authority
10 department;

11 C. "fund" means the behavioral health facilities
12 fund; and

13 D. "secretary" means the secretary of health care
14 authority.

15 SECTION 4. ~~[NEW MATERIAL]~~ BEHAVIORAL HEALTH FACILITIES
16 FUND CREATED.--

17 A. The "behavioral health facilities fund" is
18 created as a nonreverting fund in the state treasury. The fund
19 consists of appropriations, gifts, grants, donations, income
20 from investment of the fund and any other money distributed or
21 otherwise allocated to the fund.

22 B. Money in the fund is appropriated to the
23 department for the purposes of carrying out the provisions of
24 the Behavioral Health Facilities Fund Act, including the
25 planning, purchase, renovation or construction of behavioral

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1 health treatment facilities. Disbursements from the fund shall
2 be made by warrant of the secretary of finance and
3 administration pursuant to vouchers signed by the secretary of
4 health care authority or the secretary's authorized
5 representative.

6 SECTION 5. [NEW MATERIAL] DEPARTMENT DUTIES--ELIGIBILITY
7 FOR AWARD OF FUNDS.--

8 A. The department shall develop a statewide
9 strategic plan for the delivery of behavioral health services.
10 The plan shall establish certain broad guidelines, structure
11 and design to be used in developing criteria set forth in
12 Subsection C of this section.

13 B. The department shall develop application forms
14 and procedures for grants pursuant to Section 6 of the
15 Behavioral Health Facilities Fund Act.

16 C. The department shall develop criteria for
17 evaluating applications for strategic planning grants and for
18 grants for the purchase, renovation or construction of county-
19 owned or municipal-owned behavioral health facilities pursuant
20 to Section 6 of the Behavioral Health Facilities Fund Act.
21 These criteria shall be based on evidence-based practices of
22 the sequential intercept model and treatment standards approved
23 by the substance abuse and mental health services
24 administration of the federal department of health and human
25 services.

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1 D. Funds may be awarded only to counties in which
2 there is a public post-secondary educational institution that
3 offers degrees in any field that supports careers in behavioral
4 health treatment and to municipalities within such counties.

5 **SECTION 6. [NEW MATERIAL] USE OF GRANT FUNDS.--**

6 A. Money from the fund may be awarded based on need
7 as determined by the secretary:

8 (1) to counties to support through grants not
9 exceeding one hundred thousand dollars (\$100,000) strategic
10 planning efforts regarding the need for behavioral health
11 treatment facilities and the manner in which the need may be
12 met; and

13 (2) to counties or municipalities to finance
14 in whole or in part the purchase, renovation or construction of
15 facilities that will provide behavioral health treatment;
16 provided that funds shall not be awarded to a county or a
17 municipality until that county or the county within which the
18 municipality is located has completed a strategic planning
19 process approved by the secretary.

20 B. Money in the fund may be used to reimburse the
21 department for actual expenses incurred in administering the
22 fund in an amount not to exceed five percent of total money
23 disbursed from the fund.

24 **SECTION 7. APPROPRIATION.--**One hundred sixty million
25 eight hundred thousand dollars (\$160,800,000) is appropriated
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1 from the general fund to the behavioral health facilities fund
2 for expenditure in fiscal year 2025 and subsequent fiscal years
3 for the purposes of carrying out the provisions of the
4 Behavioral Health Facilities Fund Act. Any unexpended or
5 unencumbered balance remaining at the end of a fiscal year
6 shall not revert to the general fund.

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