



1 HOUSE BILL NO. 848  
 2 INTRODUCED BY Balansune  
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF  
 6 THE DEPARTMENT OF INSTITUTIONS AND THE DIRECTOR OF  
 7 INSTITUTIONS TO THE DEPARTMENT AND DIRECTOR OF CORRECTIONS  
 8 AND HUMAN SERVICES; DEFINING THE COMPONENTS, PURPOSE,  
 9 POWERS, AND DUTIES OF THE DEPARTMENT; AMENDING SECTIONS  
 10 2-15-104, 2-15-2301, 53-1-201, 53-1-202, AND 53-1-203, MCA;  
 11 AND PROVIDING AN EFFECTIVE DATE."

12  
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 NEW SECTION. Section 1. Name change -- instructions to  
 15 code commissioner. (1) The names of the department and the  
 16 director of institutions are changed to the department and  
 17 the director of corrections and human services.

18 (2) Wherever the terms "department of institutions" or  
 19 "department" (of institutions) and "director of  
 20 institutions" or "director" (of institutions) appear in the  
 21 Montana Code Annotated, the code commissioner shall change  
 22 the terms to the "department of corrections and human  
 23 services" or "department" (of corrections and human  
 24 services) and "director of corrections and human services"  
 25 or "director" (of corrections and human services), as

1 appropriate, and conform internal references and grammar to  
 2 the changes.

3 **Section 2.** Section 2-15-104, MCA, is amended to read:

4 "2-15-104. Structure of executive branch. (1) In  
 5 accordance with the constitution, all executive and  
 6 administrative offices, boards, commissions, agencies, and  
 7 instrumentalities of the executive branch of state  
 8 government and their respective functions are allocated by  
 9 this chapter among and within the following departments or  
 10 entities:

- 11 (a) department of administration;
- 12 (b) department of military affairs;
- 13 (c) department of revenue;
- 14 (d) state board of education;
- 15 (e) department of labor and industry;
- 16 (f) department of commerce;
- 17 (g) department of justice;
- 18 (h) department of health and environmental sciences;
- 19 (i) department of social and rehabilitation services;
- 20 (j) department of institutions corrections and human  
 21 services;
- 22 (k) department of highways;
- 23 (l) department of public service regulation;
- 24 (m) department of agriculture;
- 25 (n) department of livestock;

- 1 (o) department of state lands;  
 2 (p) department of natural resources and conservation;  
 3 (q) department of fish, wildlife, and parks;  
 4 (r) department of family services.
- 5 (2) For its internal structure, each department shall  
 6 adhere to the following standard terms:
- 7 (a) The principal unit of a department is a division.  
 8 Each division shall be headed by an administrator.
- 9 (b) The principal unit of a division is a bureau. Each  
 10 bureau shall be headed by a chief.
- 11 (c) The principal unit of a bureau is a section. Each  
 12 section shall be headed by a supervisor."

13 **Section 3.** Section 2-15-2301, MCA, is amended to read:

14 "2-15-2301. Department of ~~institutions~~ corrections and  
 15 human services -- head. There is a department of  
 16 ~~institutions~~ corrections and human services. The department  
 17 head is a director of ~~institutions~~ corrections and human  
 18 services appointed by the governor in accordance with  
 19 2-15-111."

20 **Section 4.** Section 53-1-201, MCA, is amended to read:

21 "53-1-201. Purpose of department. The department shall  
 22 utilize at maximum efficiency the resources of state  
 23 government in a coordinated effort to:  
 24 (1) develop and maintain comprehensive services and  
 25 programs in the fields of:

- 1 ~~{1}--restore-the-physically-or-mentally-disabled;~~  
 2 ~~{2}--rehabilitate-the-violators-of-law;~~  
 3 ~~{3}--sustain-the-vigor-and-dignity-of-the-aged;~~  
 4 ~~{4}--train-children-of-limited-mental-capacity-to--their~~  
 5 ~~best-potential;~~  
 6 ~~{5}--rededicate--the--resources--of--the--state--to--the~~  
 7 ~~productive-independence-of-its-now-dependent-citizens;-and~~  
 8 ~~{6}--coordinate--and--apply--the--principles--of--modern~~  
 9 ~~institutional-administration--to--the--institutions--of--the~~  
 10 ~~state;~~
- 11 (a) adult corrections;  
 12 (b) mental health; and  
 13 (c) chemical dependency; and
- 14 (2) provide inpatient institutional care for  
 15 developmentally disabled persons who require that care  
 16 according to the requirements of Title 53, chapter 20; and  
 17 (3) provide nursing home care for honorably discharged  
 18 veterans as provided by law."
- 19 **Section 5.** Section 53-1-202, MCA, is amended to read:
- 20 "53-1-202. ~~Institutions--in--department~~ Department of  
 21 corrections and human services. (1) The following  
 22 ~~institutions~~ components are in the department of corrections  
 23 and human services to carry out the purposes of the  
 24 department:
- 25 (a) ~~Montana--state--hospital~~ adult corrections services

1 consisting of the following institutional components to  
 2 incarcerate and rehabilitate felons pursuant to Title 46,  
 3 chapter 18:

4 (i) Montana state prison;  
 5 (ii) Swan River forest camp;  
 6 (iii) the women's correctional center; and  
 7 (iv) appropriate community-based programs for the  
 8 placement, supervision, and rehabilitation of adult felons  
 9 who meet the criteria developed by the department for  
 10 placement:

11 (A) in prerelease centers;  
 12 (B) under intensive supervision;  
 13 (C) under parole or probation pursuant to Title 46,  
 14 chapter 23, part 2; or

15 (D) in other appropriate programs;  
 16 (b) Montana-veterans'-home--at--Columbia--Falls mental  
 17 health services consisting of the following institutional  
 18 components for care and treatment of the mentally ill  
 19 pursuant to Title 53, chapter 21:

20 (i) Montana state hospital;  
 21 (ii) Montana center for the aged; and  
 22 (iii) a community services component consisting of  
 23 appropriate services for the care and treatment of the  
 24 mentally ill pursuant to Title 53, chapter 21, part 2;

25 (c) Montana-veterans'-home-in-eastern-Montana; chemical

1 dependency services consisting of appropriate  
 2 detoxification, inpatient, intensive outpatient, outpatient,  
 3 prevention, education, and other necessary chemical  
 4 dependency services pursuant to Title 53, chapter 24;

5 (d) state---prison institutional and residential  
 6 components of the developmental disabilities system for  
 7 those developmentally disabled persons who require that care  
 8 according to Title 53, chapter 20, consisting of:

9 (i) the Montana developmental center;  
 10 (ii) Eastmont human services center;  
 11 (e) Montana---developmental--center veterans' nursing  
 12 homes for the nursing home and domiciliary care of honorably  
 13 discharged veterans as provided by law, consisting of:

14 (i) Montana veterans' home at Columbia Falls; and  
 15 (ii) Montana veterans' home at Glendive.  
 16 ~~(f) Montana center for the aged;~~  
 17 ~~(g) Swan River forest camp; and~~  
 18 ~~(h) Eastmont human services center.~~

19 (2) A state institution may not be moved, discontinued,  
 20 or abandoned without prior consent of the legislature."

21 **Section 6.** Section 53-1-203, MCA, is amended to read:  
 22 "53-1-203. Powers and duties of department. The  
 23 department shall:

24 (1) adopt rules for the admission, custody, transfer,  
 25 and release of residents--of--institutions persons in

1 department programs except as otherwise provided by law;  
 2 however, no such rules may amend or alter the statutory  
 3 powers and duties of the state board of pardons;

4 (2) subject to the functions of the department of  
 5 administration, lease or purchase lands for use by  
 6 institutions and classify those lands to determine which are  
 7 of such character as to be most profitably used for  
 8 agricultural purposes, taking into consideration the needs  
 9 of all institutions for the food products that can be grown  
 10 or produced on the lands and the relative value of  
 11 agricultural programs in the treatment or rehabilitation of  
 12 the persons confined in the institutions;

13 (3) contract with private nonprofit Montana  
 14 corporations to establish and maintain community based  
 15 prerelease centers for purposes of preparing inmates of the  
 16 Montana state prison who are approaching parole eligibility  
 17 or discharge for release into the community; the centers  
 18 shall provide a less restrictive environment than the prison  
 19 while maintaining adequate security; the centers shall be  
 20 operated in coordination with other department correctional  
 21 programs, including the supervised release program provided  
 22 for in Title 46, chapter 23, part 4. Nothing in this  
 23 subsection shall affect the department's authority to  
 24 operate and maintain community based prerelease centers in  
 25 existence on July 14, 1982.

1 (4) utilize the staff and services of other state  
 2 agencies and units of the Montana university system, within  
 3 their respective statutory functions, to carry out its  
 4 functions under this title;

5 (5) propose programs to the legislature to meet the  
 6 projected long-range needs of institutions, including  
 7 programs and facilities for the diagnosis, treatment, care,  
 8 and aftercare of persons placed in institutions; and

9 (6) encourage the establishment of programs at the  
 10 local level for the prevention and rehabilitation of  
 11 physical-and-mental-disability disabilities as they relate  
 12 to mental illness and chemical dependency and encourage the  
 13 establishment of programs at the local and institutional  
 14 level for the rehabilitation and education of adult felony  
 15 offenders."

16 NEW SECTION. Section 7. Effective date. [This act] is  
 17 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0848, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: " An act changing the name of the Department of Institutions and the Director of Institutions to the Department and Director of Corrections and Human Services; defining the components, purpose, powers, and duties of the department; amending sections and providing an effective date."

ASSUMPTIONS:

Department of Institutions:

1. This bill simply changes the name of the department.
2. All letterhead stationery would be used prior to the effective date of change.

Secretary of State:

3. Publication of name change in Montana Administrative Register (MAR) and subsequent alterations to the Administrative Rules of Montana (ARM) will be made under current budget levels for the agency.
4. Standard procedure for changing the ARM will be used by the agency in changing the name of the department and its director.

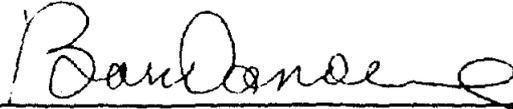
Legislative Council:

5. The statutory name change required by HB0848 will be accomplished by the Code Commissioner faithfully executing his prescribed duties under 1-11-204, MCA, and can be done within existing responsibilities.

FISCAL IMPACT:

No fiscal impact.

  
ROD SUNDSTED, BUDGET DIRECTOR      2-18-91  
Office of Budget and Program Planning      DATE

  
FRANCIS BARDANOUE, PRIMARY SPONSOR      2/19/91  
Fiscal Note for HB0848, as introduced      DATE  
HB 848



- 1 (o) department of state lands;  
 2 (p) department of natural resources and conservation;  
 3 (q) department of fish, wildlife, and parks;  
 4 (r) department of family services.

5 (2) For its internal structure, each department shall  
 6 adhere to the following standard terms:

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 8 Each division shall be headed by an administrator.

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 10 bureau shall be headed by a chief.

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20 **Section 4.** Section 53-1-201, MCA, is amended to read:

21 "53-1-201. Purpose of department. The department shall  
 22 utilize at maximum efficiency the resources of state  
 23 government in a coordinated effort to:

- 24 (1) develop and maintain comprehensive services and  
 25 programs in the fields of:

- 1 ~~{1}--restore-the-physically-or-mentally-disabled;~~  
 2 ~~{2}--rehabilitate-the-violators-of-law;~~  
 3 ~~{3}--sustain-the-vigor-and-dignity-of-the-aged;~~  
 4 ~~{4}--train-children-of-limited-mental-capacity-to--their~~  
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11 (a) adult corrections;

12 (b) mental health; and

13 (c) chemical dependency; and

14 (2) provide inpatient institutional care for  
 15 developmentally disabled persons who require that care  
 16 according to the requirements of Title 53, chapter 20; and

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 18 veterans as provided by law."

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 22 institutions components are in the department of corrections  
 23 and human services to carry out the purposes of the  
 24 department:

- 25 (a) Montana--state--hospital adult corrections services

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THIRD READING

HB 848

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 8 AND HUMAN SERVICES; DEFINING THE COMPONENTS, PURPOSE,  
 9 POWERS, AND DUTIES OF THE DEPARTMENT; AMENDING SECTIONS  
 10 2-15-104, 2-15-2301, 53-1-201, 53-1-202, AND 53-1-203, MCA;  
 11 AND PROVIDING AN EFFECTIVE DATE."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:14 NEW SECTION. Section 1. Name change -- instructions to

15 code commissioner. (1) The names of the department and the  
 16 director of institutions are changed to the department and  
 17 the director of corrections and human services.

18 (2) Wherever the terms "department of institutions" or  
 19 "department" (of institutions) and "director of  
 20 institutions" or "director" (of institutions) appear in the  
 21 Montana Code Annotated, the code commissioner shall change  
 22 the terms to the "department of corrections and human  
 23 services" or "department" (of corrections and human  
 24 services) and "director of corrections and human services"  
 25 or "director" (of corrections and human services), as

1 appropriate, and conform internal references and grammar to  
 2 the changes.

3 Section 2. Section 2-15-104, MCA, is amended to read:

4 "2-15-104. Structure of executive branch. (1) In  
 5 accordance with the constitution, all executive and  
 6 administrative offices, boards, commissions, agencies, and  
 7 instrumentalities of the executive branch of state  
 8 government and their respective functions are allocated by  
 9 this chapter among and within the following departments or  
 10 entities:

11 (a) department of administration;

12 (b) department of military affairs;

13 (c) department of revenue;

14 (d) state board of education;

15 (e) department of labor and industry;

16 (f) department of commerce;

17 (g) department of justice;

18 (h) department of health and environmental sciences;

19 (i) department of social and rehabilitation services;

20 (j) department of ~~institutions~~ corrections and human  
21 services;

22 (k) department of highways;

23 (l) department of public service regulation;

24 (m) department of agriculture;

25 (n) department of livestock;

- 1 (o) department of state lands;
- 2 (p) department of natural resources and conservation;
- 3 (q) department of fish, wildlife, and parks;
- 4 (r) department of family services.

5 (2) For its internal structure, each department shall  
6 adhere to the following standard terms:

7 (a) The principal unit of a department is a division.  
8 Each division shall be headed by an administrator.

9 (b) The principal unit of a division is a bureau. Each  
10 bureau shall be headed by a chief.

11 (c) The principal unit of a bureau is a section. Each  
12 section shall be headed by a supervisor."

13 **Section 3.** Section 2-15-2301, MCA, is amended to read:

14 **"2-15-2301. Department of institutions corrections and**  
15 **human services -- head.** There is a department of  
16 **institutions corrections and human services.** The department  
17 head is a director of **institutions corrections and human**  
18 **services** appointed by the governor in accordance with  
19 2-15-111."

20 **Section 4.** Section 53-1-201, MCA, is amended to read:

21 **"53-1-201. Purpose of department.** The department shall  
22 utilize at maximum efficiency the resources of state  
23 government in a coordinated effort to:

- 24 (1) develop and maintain comprehensive services and  
25 programs in the fields of:

- 1 ~~{1}--restore-the-physically-or-mentally-disabled;~~
- 2 ~~{2}--rehabilitate-the-violators-of-law;~~
- 3 ~~{3}--sustain-the-vigor-and-dignity-of-the-aged;~~
- 4 ~~{4}--train-children-of-limited-mental-capacity-to--their~~  
5 ~~best-potential;~~

6 ~~{5}--rededicate--the--resources--of--the--state--to--the~~  
7 ~~productive-independence-of-its-now-dependent-citizens;and~~

8 ~~{6}--coordinate--and--apply--the--principles--of--modern~~  
9 ~~institutional--administration--to--the--institutions--of--the~~  
10 ~~state;~~

11 (a) adult corrections;

12 (b) mental health; and

13 (c) chemical dependency; and

14 (2) provide inpatient institutional care for  
15 developmentally disabled persons who require that care  
16 according to the requirements of Title 53, chapter 20; and

17 (3) provide nursing home care for honorably discharged  
18 veterans as provided by law."

19 **Section 5.** Section 53-1-202, MCA, is amended to read:

20 **"53-1-202. Institutions--in--department** Department of  
21 corrections and human services. (1) The following  
22 institutions components are in the department of corrections  
23 and human services to carry out the purposes of the  
24 department:

- 25 (a) Montana--state--hospital adult corrections services

1 consisting of the following institutional components to  
 2 incarcerate and rehabilitate felons pursuant to Title 46,  
 3 chapter 18:

4 (i) Montana state prison;  
 5 (ii) Swan River forest camp;  
 6 (iii) the women's correctional center; and  
 7 (iv) appropriate community-based programs for the  
 8 placement, supervision, and rehabilitation of adult felons  
 9 who meet the criteria developed by the department for  
 10 placement:

11 (A) in prerelease centers;  
 12 (B) under intensive supervision;  
 13 (C) under parole or probation pursuant to Title 46,  
 14 chapter 23, part 2; or

15 (D) in other appropriate programs;  
 16 (b) Montana-veterans'-home--at--Columbia--Falls mental  
 17 health services consisting of the following institutional  
 18 components for care and treatment of the mentally ill  
 19 pursuant to Title 53, chapter 21:

20 (i) Montana state hospital;  
 21 (ii) Montana center for the aged; and  
 22 (iii) a community services component consisting of  
 23 appropriate services for the care and treatment of the  
 24 mentally ill pursuant to Title 53, chapter 21, part 2;  
 25 (c) Montana-veterans'-home-in-eastern-Montana; chemical

1 dependency services consisting of appropriate  
 2 detoxification, inpatient, intensive outpatient, outpatient,  
 3 prevention, education, and other necessary chemical  
 4 dependency services pursuant to Title 53, chapter 24;

5 (d) state---prison institutional and residential  
 6 components of the developmental disabilities system for  
 7 those developmentally disabled persons who require that care  
 8 according to Title 53, chapter 20, consisting of:

9 (i) the Montana developmental center;  
 10 (ii) Eastmont human services center;  
 11 (e) Montana---developmental--center veterans' nursing  
 12 homes for the nursing home and domiciliary care of honorably  
 13 discharged veterans as provided by law, consisting of:

14 (i) Montana veterans' home at Columbia Falls; and  
 15 (ii) Montana veterans' home at Glendive.

16 {f}--Montana-center-for-the-aged;  
 17 {g}--Swan-River-forest-camp;--and  
 18 {h}--Eastmont-human-services-center;

19 (2) A state institution may not be moved, discontinued,  
 20 or abandoned without prior consent of the legislature."

21 **Section 6.** Section 53-1-203, MCA, is amended to read:

22 "53-1-203. Powers and duties of department. The  
 23 Department shall:

24 (1) adopt rules for the admission, custody, transfer,  
 25 and release of residents--of--institutions persons in

1 department programs except as otherwise provided by law;  
 2 however, no such rules may amend or alter the statutory  
 3 powers and duties of the state board of pardons;

4 (2) subject to the functions of the department of  
 5 administration, lease or purchase lands for use by  
 6 institutions and classify those lands to determine which are  
 7 of such character as to be most profitably used for  
 8 agricultural purposes, taking into consideration the needs  
 9 of all institutions for the food products that can be grown  
 10 or produced on the lands and the relative value of  
 11 agricultural programs in the treatment or rehabilitation of  
 12 the persons confined in the institutions;

13 (3) contract with private nonprofit Montana  
 14 corporations to establish and maintain community based  
 15 prerelease centers for purposes of preparing inmates of the  
 16 Montana state prison who are approaching parole eligibility  
 17 or discharge for release into the community; the centers  
 18 shall provide a less restrictive environment than the prison  
 19 while maintaining adequate security; the centers shall be  
 20 operated in coordination with other department correctional  
 21 programs, including the supervised release program provided  
 22 for in Title 46, chapter 23, part 4. Nothing in this  
 23 subsection shall affect the department's authority to  
 24 operate and maintain community based prerelease centers in  
 25 existence on July 14, 1982.

1 (4) utilize the staff and services of other state  
 2 agencies and units of the Montana university system, within  
 3 their respective statutory functions, to carry out its  
 4 functions under this title;

5 (5) propose programs to the legislature to meet the  
 6 projected long-range needs of institutions, including  
 7 programs and facilities for the diagnosis, treatment, care,  
 8 and aftercare of persons placed in institutions; and

9 (6) encourage the establishment of programs at the  
 10 local level for the prevention and rehabilitation of  
 11 physical-and-mental-disability disabilities as they relate  
 12 to mental illness and chemical dependency and encourage the  
 13 establishment of programs at the local and institutional  
 14 level for the rehabilitation and education of adult felony  
 15 offenders."

16 NEW SECTION. Section 7. Effective date. [This act] is  
 17 effective July 1, 1991.

-End-