

File

*Hayden
Hunsaker
Holmes
Magone
Fitzgerald
Kegon
Fediniso*

House BILL NO. *353* *Jack Howard* VINCENT

INTRODUCED BY *Musault - Feltz - Bertelsen Ellis St.*
Lucy Luster Palmer Johnson Long Fediniso

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR COMMUNITY
BASED SERVICES FOR THE DEVELOPMENTALLY DISABLED; AMENDING
AND RENUMBERING SECTIONS 80-2611 THROUGH 80-2615, 80-2621
THROUGH 80-2625, R.C.M. 1947; REPEALING SECTIONS 80-2605
THROUGH 80-2610, 80-2616 THROUGH 80-2618, AND 80-2620,
R.C.M. 1947; AND PROVIDING FOR AN EFFECTIVE DATE."

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

Section 1. Section 80-2612, R.C.M. 1947, is
renumbered 71-2402, and is amended to read as follows:

~~80-2612~~ 71-2402. Definitions. As used in this act:

(1) "Department" means the department of social and
rehabilitation services.

(2) "Developmental disabilities" means
disabilities attributable to mental retardation, cerebral
palsy, epilepsy, autism, or any other neurological
handicapping conditions closely related to mental
retardation and requiring treatment similar to that required
by mentally retarded individuals; which condition has
continued or can be expected to continue indefinitely and
constitutes a substantial handicap of such individuals.

(3) "Developmental disabilities facility" means

any service or group of services offering care to the
developmentally disabled on an inpatient, outpatient
residential, clinical or other programmatic basis.

(4) "Comprehensive developmental disability center
system" means a system of services not--necessaril
encompassed within one--building--offering--any--or--all--o
including, but not limited to, the following sixteen--(16)
basic services with the intention of providing alternative
to institutionalization:

- (a) evaluation services,
- (b) diagnostic services,
- (c) treatment services,
- (d) day care services,
- (e) training services,
- (f) education services,
- (g) employment services,
- (h) recreation services,
- (i) personal care services,
- (j) domiciliary care services,
- (k) special living arrangements services,
- (l) counseling services,
- (m) information and referral services,
- (n) follow-along services,
- (o) protective and other social and socioleg
services,

1 (p) transportation services.

2 ~~Provision-of-service-by-a-comprehensive-center-shall-be~~
3 ~~authorized-only-when-a-generic-service--agency--decides--to~~
4 ~~provide-such-service."~~

5 Section 2. Section 80-2613, R.C.M. 1947, is
6 renumbered 71-2403, and is amended to read as follows:

7 "~~80-2613~~ 71-2403. Responsibilities of state
8 department. The ~~state-of-Montana~~ department shall:

9 (1) take cognizance of matters affecting the
10 developmentally disabled citizens of the state;

11 (2) initiate a preventive developmental disabilities
12 program, which program shall include, but not be limited to,
13 the implementation of developmental disabilities care and
14 treatment, and prevention and research as can best be
15 accomplished by community centered services. Every means
16 shall be utilized to initiate and operate such service
17 program in cooperation with local agencies, ~~as-established~~
18 under provisions of sections ~~5--{80-2615}~~ 71-2405 and ~~7~~
19 ~~{80-2617}~~ 71-2407 of this act;

20 (3) ~~make~~ promote scientific and medical research
21 investigations relative to the incidence, cause, prevention
22 and care of developmental disabilities;

23 (4) collect and disseminate information relating to
24 developmental disabilities;

25 (5) prepare, with the advice of the state advisory

1 council, created ~~in~~ under section ~~6--{80-2616}~~ ~~herein~~
2 71-2406, an annual comprehensive plan for the initiation and
3 maintenance of developmental disabilities services in the
4 state. Such services shall include, but not be limited to,
5 community comprehensive developmental disabilities services
6 as referred to in section ~~2--{80-2612}~~ 71-2402;

7 (6) provide by regulation for the evaluation of
8 persons who ~~shall~~ apply for services, or persons ~~who--shall~~
9 be admitted ~~either--as--inpatients-or-outpatients~~ into the
10 ~~oulder-river-school-and-hospital, or other~~ a program at a
11 developmental disability clinic facility;

12 (7) provide state personnel to assist regional
13 councils provided for in section 71-2407;

14 ~~{7}~~ (8) receive from agencies of the government of the
15 United States and other agencies, persons or groups of
16 persons, associations, firms or corporations, grants of
17 money, receipts from fees, gifts, supplies, materials, and
18 contributions to initiate and maintain developmental
19 disabilities services within the state."

20 Section 3. Section 80-2614, R.C.M. 1947, is
21 renumbered 71-2404, and is amended to read as follows:

22 "~~80-2614~~ 71-2404. Rules and regulations. The ~~state-of~~
23 Montana department shall control developmental disabilities
24 programs which receive any state assistance by establishing
25 and-promulgating adopting rules, regulations--and--standards

1 for providing developmental disabilities facilities and
 2 services. It shall set minimum standards for programs,
 3 establish appropriate qualifications and compensation scales
 4 and personnel policies for persons employed in such
 5 programs. All developmental disabilities facilities and
 6 services shall comply with existing federal guidelines and
 7 with requirements which will enable the services and
 8 facilities to qualify for available aid funds. However,
 9 nothing herein shall imply the necessity for facilities
 10 serving the developmentally disabled to meet the same or
 11 equal standards as licensed medical facilities, unless the
 12 developmental disabilities facility is providing
 13 professional or skilled medical care."

14 Section 4. Section 80-2615, R.C.M. 1947, is
 15 renumbered 71-2405, and is amended to read as follows:

16 "~~80-2615~~ 71-2405. Community services. (1) The ~~state-of~~
 17 ~~Montana department~~ may establish and administer community
 18 comprehensive services, programs, clinics or other
 19 facilities throughout the state for the purpose of aiding in
 20 the prevention, diagnosis, amelioration or treatment of
 21 developmental disabilities. ~~Such-centers~~ Programs, clinics
 22 or other services may be provided directly by state
 23 agencies, or indirectly through contract or co-operative
 24 arrangements with other agencies of government, regional or
 25 local, private or public agencies, private professional

1 persons or in accredited health or long term care
 2 facilities.

3 ~~(2) State funds specifically appropriated for regional~~
 4 ~~developmental disabilities service programs may not exceed~~
 5 ~~fifty percent (50%) of the total expenditures of the~~
 6 ~~programs. Any fees collected under this act shall be~~
 7 ~~deposited to the state's general fund in proportion to the~~
 8 ~~state's contribution. Comprehensive services, programs,~~
 9 ~~clinics or other facilities established or provided by the~~
 10 ~~department under this chapter shall conform, as nearly as~~
 11 ~~possible, to the plans of the advisory council created under~~
 12 ~~71-2406, and the regional councils provided for in 71-2407."~~

13 Section 5. There is a new R.C.M. section numbered
 14 71-2406 that reads as follows:

15 71-2406. Advisory council. (1) The governor shall
 16 appoint a developmental disabilities advisory council in
 17 accordance with section 82A-110.

18 (2) The council is composed of twenty-one (21) members
 19 appointed or reappointed annually by the governor, and
 20 consists of the following:

21 (a) the directors of the departments of social and
 22 rehabilitation services, health and environmental sciences,
 23 and institutions, or their designees;

24 (b) the superintendent of public instruction or a
 25 designee;

1 (c) one (1) recognized private professional in each
2 discipline of medicine, law, psychology and social work;

3 (d) two members of the state senate;

4 (e) two members of the state house of representatives;

5 (f) four (4) consumers or representatives of consumers
6 or consumer organizations in the discipline of developmental
7 disabilities; and

8 (g) one (1) member of each of the five (5) regional
9 councils provided for in 71-2407, who shall also be
10 consumers or representatives of consumers or consumer
11 organizations in the discipline of developmental
12 disabilities.

13 (3) The advisory council shall:

14 (a) advise the department, other state agencies,
15 councils, local governments, and private organizations on
16 programs for services to the developmentally disabled;

17 (b) develop a plan for a statewide system of community
18 based services for the developmentally disabled; and

19 (c) serve in any capacity required by federal law for
20 the administration of federal programs for services to the
21 developmentally disabled.

22 (4) The advisory council is allocated to the
23 department.

24 Section 6. There is a new R.C.M. section numbered
25 71-2407 that reads as follows:

1 71-2407. Regional councils. (1) The department shall
2 approve a citizens' organization as a regional council for
3 each of the following five (5) regions:

4 (a) Region one, consisting of Phillips, Valley,
5 Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland,
6 Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon,
7 Powder River, and Carter Counties;

8 (b) Region two, consisting of Glacier, Toole, Liberty,
9 Hill, Blaine, Pondera, Teton, Chouteau, and Cascade
10 Counties;

11 (c) Region three, consisting of Judith Basin, Fergus,
12 Petroleum, Wheatland, Golden Valley, Musselshell, Sweet
13 Grass, Stillwater, Yellowstone, Big Horn, and Carbon
14 Counties;

15 (d) Region four, consisting of Powell, Lewis and
16 Clark, Granite, Deer Lodge, Silver Bow, Jefferson,
17 Broadwater, Meagher, Beaverhead, Madison, Gallatin, and Park
18 Counties; and

19 (e) Region five, consisting of Lincoln, Flathead,
20 Sanders, Lake, Mineral, Missoula, and Ravalli Counties.

21 (2) Under guidelines adopted by the department, a
22 citizens' organization approved by the department shall be
23 broadly representative of the region and at least one third
24 (1/3) of its members shall be consumers or representatives
25 of consumers or consumer organizations in the discipline of

1 developmental disabilities.

2 (3) A citizens' organization shall be approved under
3 procedures and rules adopted by the department.

4 (4) A regional council member, who is not a full-time
5 employee of the state or of a county, is entitled to be
6 reimbursed in an amount to be determined by the department,
7 not to exceed twenty-five dollars (\$25), for each day
8 actually and necessarily engaged in the performance of board
9 duties, and for travel as provided in section 59-801.

10 (5) A regional council shall:

11 (a) make an annual review and evaluation of needs and
12 services within the region;

13 (b) advise the department, other state agencies,
14 councils, local governments, and private organizations on
15 programs for services to the developmentally disabled within
16 the region; and

17 (c) develop a plan for a system of community based
18 services for the developmentally disabled within the region.

19 Section 7. Section 80-2619, R.C.M. 1947, is
20 renumbered 71-2408, and is amended to read as follows:

21 "~~80-2619~~ 71-2408. Counties and municipalities
22 permitted to contribute to ~~facilities--outside--their~~
23 ~~jurisdiction system~~. (1) The boards of county commissioners
24 of the several counties and the governing bodies of
25 municipalities of this state, may, in their discretion,

1 contribute ~~sums--of--money--annually~~ to any developmental
2 disabilities facility approved by the ~~state--of--Montana~~
3 ~~department, or to each of such facilities~~, without regard to
4 whether they are within or outside of their respective
5 jurisdictions. The boards of county commissioners of the
6 ~~participating~~ counties may levy a tax up to, but not to
7 exceed, one (1) mill on each dollar of taxable property
8 within the county, which ~~tax-levy-hereby-authorized~~ shall be
9 in addition to all other county tax levies, all proceeds of
10 ~~which the~~ tax, if levied, shall be used for the sole purpose
11 of support of ~~such~~ developmental disabilities ~~facilities~~
12 ~~services~~.

13 (2) For the purpose of carrying out the provisions of
14 this section, ~~such~~ boards of county commissioners and ~~such~~
15 governing bodies of municipalities may appropriate out of
16 the general fund of their respective counties or
17 municipalities."

18 Section 8. There is a new R.C.M. section numbered
19 71-2414 that reads as follows:

20 71-2414. Departments to cooperate. (1) The
21 department of institutions, the department of social and
22 rehabilitation services, department of health and
23 environmental sciences and offices of superintendent of
24 public instruction, shall cooperate on all aspects of each
25 agency's respective programs for the developmentally

1 disabled.

2 (2) Funds appropriated to the department of
3 institutions and Boulder river school and hospital for
4 programs for the developmentally disabled may be
5 transferred, by budget amendment as provided in
6 appropriation acts and with the approval of the governor, to
7 the department of social and rehabilitation services for
8 comprehensive developmental disability systems, if there is
9 a significant reduction in residents at the Boulder river
10 school and hospital which results in less expenditures at
11 that institution than allowed by legislative appropriation.

12 (3) Funds appropriated to the department of social and
13 rehabilitation services for comprehensive developmental
14 disability systems may be transferred, by budget amendment
15 as provided in appropriation acts and with the approval of
16 the governor, to Boulder river school and hospital if the
17 number of residents at that institution is not significantly
18 reduced by the provision of services by the department under
19 this chapter.

20 Section 9. Section 71-2414 is repealed on June 30,
21 1977.

22 Section 10. Section 80-2611, R.C.M. 1947, is
23 renumbered 71-2401, R.C.M. 1947; section 80-2621, R.C.M.
24 1947, is renumbered 71-2409, R.C.M. 1947; section 80-2622,
25 R.C.M. 1947, is renumbered 71-2410, R.C.M. 1947; section

1 80-2623, R.C.M. 1947, is renumbered 71-2411, R.C.M. 1947;
2 section 80-2624, R.C.M. 1947, is renumbered 71-2412, R.C.M.
3 1947; and section 80-2625, R.C.M. 1947, is renumbered
4 71-2413, R.C.M. 1947.

5 Section 11. Sections 80-2605 through 80-2610, 80-2616
6 through 80-2618, and 80-2620, R.C.M. 1947, are repealed.

7 Section 12. This act is effective upon passage and
8 approval.

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Approved by Committee
on Public Health, Welfare
& Safety

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House BILL NO. *353* *John Thomas* VINCENT

INTRODUCED BY *Stewart - Felt* *Gustafson Ellis* *Ston*

Lucy Luster *Pamela Johnson* *Lory Federico*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR COMMUNITY
BASED SERVICES FOR THE DEVELOPMENTALLY DISABLED; AMENDING
AND RENUMBERING SECTIONS 80-2611 THROUGH 80-2615, 80-2621
THROUGH 80-2625, R.C.M. 1947; REPEALING SECTIONS 80-2605
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palsy, epilepsy, autism, or any other neurological
handicapping conditions closely related to mental
retardation and requiring treatment similar to that required
by mentally retarded individuals; which condition has
continued or can be expected to continue indefinitely and
constitutes a substantial handicap of such individuals.

(3) "Developmental disabilities facility" means

any service or group of services offering care to the
developmentally disabled on an inpatient, outpatient,
residential, clinical or other programmatic basis.

(4) "Comprehensive developmental disability center
system" means a system of services ~~not--necessarily~~
~~encompassed within one building offering any or all of~~
including, but not limited to, the following ~~sixteen (16)~~
basic services with the intention of providing alternatives
to institutionalization:

- (a) evaluation services,
- (b) diagnostic services,
- (c) treatment services,
- (d) day care services,
- (e) training services,
- (f) education services,
- (g) employment services,
- (h) recreation services,
- (i) personal care services,
- (j) domiciliary care services,
- (k) special living arrangements services,
- (l) counseling services,
- (m) information and referral services,
- (n) follow-along services,
- (o) protective and other social and sociolegal
services,

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1 (p) transportation services.

2 ~~Provision-of-service-by-a-comprehensive-center-shall-be~~
3 ~~authorized-only-when-a-generic-service-agency--declines--to~~
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9 (1) take cognizance of matters affecting the
10 developmentally disabled citizens of the state;

11 (2) initiate a preventive developmental disabilities
12 program, which program shall include, but not be limited to,
13 the implementation of developmental disabilities care and
14 treatment, and prevention and research as can best be
15 accomplished by community centered services. Every means
16 shall be utilized to initiate and operate such service
17 program in cooperation with local agencies, ~~as-established~~
18 under provisions of sections ~~5--{80-2615}~~ 71-2405 and ~~7~~
19 ~~{80-2617}~~ 71-2407 of this act;

20 (3) ~~make~~ promote scientific and medical research
21 investigations relative to the incidence, cause, prevention
22 and care of developmental disabilities;

23 (4) collect and disseminate information relating to
24 developmental disabilities;

25 (5) prepare, with the advice of the state advisory

1 council, created ~~in~~ under section ~~6--{80-2616}~~ herein
2 71-2406, an annual comprehensive plan for the initiation and
3 maintenance of developmental disabilities services in the
4 state. Such services shall include, but not be limited to,
5 community comprehensive developmental disabilities services
6 as referred to in section ~~2--{80-2612}~~ 71-2402;

7 (6) provide by regulation for the evaluation of
8 persons who ~~shall~~ apply for services, or persons ~~who--shall~~
9 be admitted ~~either--as--inpatients-or-outpatients~~ into the
10 ~~Boulder-river-school-and-hospital,--or-other~~ a program at a
11 developmental disability clinic facility;

12 (7) provide state personnel to assist regional
13 councils provided for in section 71-2407;

14 ~~{7}~~ (8) receive from agencies of the government of the
15 United States and other agencies, persons or groups of
16 persons, associations, firms or corporations, grants of
17 money, receipts from fees, gifts, supplies, materials, and
18 contributions to initiate and maintain developmental
19 disabilities services within the state."

20 Section 3. Section 80-2614, R.C.M. 1947, is
21 renumbered 71-2404, and is amended to read as follows:

22 "~~80-2614~~ 71-2404. Rules and regulations. The ~~state-of~~
23 Montana department shall control developmental disabilities
24 programs which receive any state assistance by ~~establishing~~
25 ~~and-promulgating adopting~~ rules, regulations--and--standards

1 for providing developmental disabilities facilities and
 2 services. It shall set minimum standards for programs,
 3 establish appropriate qualifications and compensation scales
 4 and personnel policies for persons employed in such
 5 programs. All developmental disabilities facilities and
 6 services shall comply with existing federal guidelines and
 7 with requirements which will enable the services and
 8 facilities to qualify for available aid funds. However,
 9 nothing herein shall imply the necessity for facilities
 10 serving the developmentally disabled to meet the same or
 11 equal standards as licensed medical facilities, unless the
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16 "~~80-2615~~ 71-2405. Community services. (1) The ~~state of~~
 17 Montana department may establish and administer community
 18 comprehensive services, programs, clinics or other
 19 facilities throughout the state for the purpose of aiding in
 20 the prevention, diagnosis, amelioration or treatment of
 21 developmental disabilities. ~~Such centers~~ Programs, clinics
 22 or other services may be provided directly by state
 23 agencies, or indirectly through contract or co-operative
 24 arrangements with other agencies of government, regional or
 25 local, private or public agencies, private professional

1 persons or in accredited health or long term care
 2 facilities.

3 (2) ~~State funds specifically appropriated for regional~~
 4 ~~developmental disabilities service programs may not exceed~~
 5 ~~fifty percent (50%) of the total expenditures of the~~
 6 ~~programs. Any fees collected under this act shall be~~
 7 ~~deposited to the state's general fund in proportion to the~~
 8 ~~state's contribution.~~ Comprehensive services, programs,
 9 clinics or other facilities established or provided by the
 10 department under this chapter shall conform, as nearly as
 11 possible, to the plans of the advisory council created under
 12 71-2406, and the regional councils provided for in 71-2407."

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 14 71-2406 that reads as follows:

15 71-2406. Advisory council. (1) The governor shall
 16 appoint a developmental disabilities advisory council in
 17 accordance with section 82A-110.

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 22 rehabilitation services, health and environmental sciences,
 23 and institutions, or their designees;

24 (b) the superintendent of public instruction or a
 25 designee;

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1 (c) one (1) recognized private professional in each
2 discipline of medicine, law, psychology and social work;

3 (d) two members of the state senate;

4 (e) two members of the state house of representatives;

5 (f) four (4) consumers or representatives of consumers
6 or consumer organizations in the discipline of developmental
7 disabilities; and

8 (g) one (1) member of each of the five (5) regional
9 councils provided for in 71-2407, who shall also be
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6 Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon,
7 Powder River, and Carter Counties;

8 (b) Region two, consisting of Glacier, Toole, Liberty,
9 Hill, Blaine, Pondera, Teton, Chouteau, and Cascade
10 Counties;

11 (c) Region three, consisting of Judith Basin, Fergus,
12 Petroleum, Wheatland, Golden Valley, Musselshell, Sweet
13 Grass, Stillwater, Yellowstone, Big Horn, and Carbon
14 Counties;

15 (d) Region four, consisting of Powell, Lewis and
16 Clark, Granite, Deer Lodge, Silver Bow, Jefferson,
17 Broadwater, Meagher, Beaverhead, Madison, Gallatin, and Park
18 Counties; and

19 (e) Region five, consisting of Lincoln, Flathead,
20 Sanders, Lake, Mineral, Missoula, and Ravalli Counties.

21 (2) Under guidelines adopted by the department, a
22 citizens' organization approved by the department shall be
23 broadly representative of the region and at least one third
24 (1/3) of its members shall be consumers or representatives
25 of consumers or consumer organizations in the discipline of

1 developmental disabilities.

2 (3) A citizens' organization shall be approved under
3 procedures and rules adopted by the department.

4 (4) A regional council member, who is not a full-time
5 employee of the state or of a county, is entitled to be
6 reimbursed in an amount to be determined by the department,
7 not to exceed twenty-five dollars (\$25), for each day
8 actually and necessarily engaged in the performance of board
9 duties, and for travel as provided in section 59-801.

10 (5) A regional council shall:

11 (a) make an annual review and evaluation of needs and
12 services within the region;

13 (b) advise the department, other state agencies,
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15 programs for services to the developmentally disabled within
16 the region; and

17 (c) develop a plan for a system of community based
18 services for the developmentally disabled within the region.

19 Section 7. Section 80-2619, R.C.M. 1947, is
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21 "~~80-2619~~ 71-2408. Counties and municipalities
22 permitted to contribute to ~~facilities---outside---their~~
23 ~~jurisdiction system~~. (1) The boards of county commissioners
24 of the several counties and the governing bodies of
25 municipalities of this state, may, in their discretion,

1 contribute ~~sums--of--money--annually~~ to any developmental
2 disabilities facility approved by the ~~state--of--Montana~~
3 ~~department, or-to-each-of-such-facilities~~, without regard to
4 whether they are within or outside of their respective
5 jurisdictions. The boards of county commissioners of the
6 ~~participating~~ counties may levy a tax up to, but not to
7 exceed, one (1) mill on each dollar of taxable property
8 within the county, which ~~tax-levy-hereby-authorized~~ shall be
9 in addition to all other county tax levies, all proceeds of
10 ~~which the~~ tax, if levied, shall be used for the sole purpose
11 of support of ~~such~~ developmental disabilities ~~facilities~~
12 ~~services~~.

13 (2) For the purpose of carrying out the provisions of
14 this section, ~~such~~ boards of county commissioners and ~~such~~
15 governing bodies of municipalities may appropriate out of
16 the general fund of their respective counties or
17 municipalities."

18 Section 8. There is a new R.C.M. section numbered
19 71-2414 that reads as follows:

20 71-2414. Departments to cooperate. (1) The
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22 rehabilitation services, department of health and
23 environmental sciences and offices of superintendent of
24 public instruction, shall cooperate on all aspects of each
25 agency's respective programs for the developmentally

1 disabled.

2 (2) Funds appropriated to the department of
3 institutions and Boulder river school and hospital for
4 programs for the developmentally disabled may be
5 transferred, by budget amendment as provided in
6 appropriation acts and with the approval of the governor, to
7 the department of social and rehabilitation services for
8 comprehensive developmental disability systems, if there is
9 a significant reduction in residents at the Boulder river
10 school and hospital which results in less expenditures at
11 that institution than allowed by legislative appropriation.

12 (3) Funds appropriated to the department of social and
13 rehabilitation services for comprehensive developmental
14 disability systems may be transferred, by budget amendment
15 as provided in appropriation acts and with the approval of
16 the governor, to Boulder river school and hospital if the
17 number of residents at that institution is not significantly
18 reduced by the provision of services by the department under
19 this chapter.

20 Section 9. Section 71-2414 is repealed on June 30,
21 1977.

22 Section 10. Section 80-2611, R.C.M. 1947, is
23 renumbered 71-2401, R.C.M. 1947; section 80-2621, R.C.M.
24 1947, is renumbered 71-2409, R.C.M. 1947; section 80-2622,
25 R.C.M. 1947, is renumbered 71-2410, R.C.M. 1947; section

1 80-2623, R.C.M. 1947, is renumbered 71-2411, R.C.M. 1947;
2 section 80-2624, R.C.M. 1947, is renumbered 71-2412, R.C.M.
3 1947; and section 80-2625, R.C.M. 1947, is renumbered
4 71-2413, R.C.M. 1947.

5 Section 11. Sections 80-2605 through 80-2610, 80-2616
6 through 80-2618, and 80-2620, R.C.M. 1947, are repealed.

7 Section 12. This act is effective upon passage and
8 approval.

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House BILL NO. *353* *Jack Howard VINCENT*

INTRODUCED BY *Missault - FARR* *Bertelsen Edith Jb.*
Lucy Luster Palmer Johnson Long

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR COMMUNITY
BASED SERVICES FOR THE DEVELOPMENTALLY DISABLED; AMENDING
AND RENUMBERING SECTIONS 80-2611 THROUGH 80-2615, 80-2621
THROUGH 80-2625, R.C.M. 1947; REPEALING SECTIONS 80-2605
THROUGH 80-2610, 80-2616 THROUGH 80-2618, AND 80-2620,
R.C.M. 1947; AND PROVIDING FOR AN EFFECTIVE DATE."

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

Section 1. Section 80-2612, R.C.M., 1947, is
renumbered 71-2402, and is amended to read as follows:

~~80-2612~~ 71-2402. Definitions. As used in this act:

(1) "Department" means the department of social and
rehabilitation services.

~~(1)~~ (2) "Developmental disabilities" means
disabilities attributable to mental retardation, cerebral
palsy, epilepsy, autism, or any other neurological
handicapping conditions closely related to mental
retardation and requiring treatment similar to that required
by mentally retarded individuals; which condition has
continued or can be expected to continue indefinitely and
constitutes a substantial handicap of such individuals.

~~(2)~~ (3) "Developmental disabilities facility" means

any service or group of services offering care to the
developmentally disabled on an inpatient, outpatient,
residential, clinical or other programmatic basis.

~~(3)~~ (4) "Comprehensive developmental disability center
system" means a system of services ~~not--necessariiy~~
~~encompassed within one--building--offering--any--or--all--of~~
~~including, but not limited to,~~ the following ~~sixteen--(16)~~
basic services with the intention of providing alternatives
to institutionalization:

- (a) evaluation services,
- (b) diagnostic services,
- (c) treatment services,
- (d) day care services,
- (e) training services,
- (f) education services,
- (g) employment services,
- (h) recreation services,
- (i) personal care services,
- (j) domiciliary care services,
- (k) special living arrangements services,
- (l) counseling services,
- (m) information and referral services,
- (n) follow-along services,
- (o) protective and other social and sociolegal
services,

1 (p) transportation services.

2 ~~Provision-of-service-by-a-comprehensive-center-shall-be~~
3 ~~authorized-only-when-a-generic-service-agency--declines--to~~
4 ~~provide-such-service."~~

5 Section 2. Section 80-2613, R.C.M. 1947, is
6 renumbered 71-2403, and is amended to read as follows:

7 "~~80-2613~~ 71-2403. Responsibilities of state
8 department. The ~~state-of-Montana~~ department shall:

9 (1) take cognizance of matters affecting the
10 developmentally disabled citizens of the state;

11 (2) initiate a preventive developmental disabilities
12 program, which program shall include, but not be limited to,
13 the implementation of developmental disabilities care and
14 treatment, and prevention and research as can best be
15 accomplished by community centered services. Every means
16 shall be utilized to initiate and operate such service
17 program in cooperation with local agencies, ~~as-established~~
18 ~~under provisions of sections 5--~~80-2615~~~~ 71-2405 and ~~7~~
19 ~~~~80-2617~~~~ 71-2407 of this act;

20 (3) ~~make~~ promote scientific and medical research
21 investigations relative to the incidence, cause, prevention
22 and care of developmental disabilities;

23 (4) collect and disseminate information relating to
24 developmental disabilities;

25 (5) prepare, with the advice of the state advisory

1 council, created ~~in~~ under section ~~6--~~80-2616~~--herein~~
2 71-2406, an annual comprehensive plan for the initiation and
3 maintenance of developmental disabilities services in the
4 state. Such services shall include, but not be limited to,
5 community comprehensive developmental disabilities services
6 as referred to in section ~~2--~~80-2612~~~~ 71-2402;

7 (6) provide by regulation for the evaluation of
8 persons who ~~shall~~ apply for services, or persons ~~who--shall~~
9 be admitted ~~either--as--inpatients-or-outpatients~~ into the
10 ~~Boulder-river-school-and-hospital,-or-other~~ a program at a
11 developmental disability ~~clinic~~ facility;

12 (7) provide state personnel to assist regional
13 councils provided for in section 71-2407;

14 ~~(7)~~ (8) receive from agencies of the government of the
15 United States and other agencies, persons or groups of
16 persons, associations, firms or corporations, grants of
17 money, receipts from fees, gifts, supplies, materials, and
18 contributions to initiate and maintain developmental
19 disabilities services within the state."

20 Section 3. Section 80-2614, R.C.M. 1947, is
21 renumbered 71-2404, and is amended to read as follows:

22 "~~80-2614~~ 71-2404. Rules and regulations. The ~~state-of~~
23 Montana department shall control developmental disabilities
24 programs which receive any state assistance by ~~establishing~~
25 ~~and-promulgating~~ adopting rules, ~~regulations--and--standards~~

1 for providing developmental disabilities facilities and
 2 services. It shall set minimum standards for programs,
 3 establish appropriate qualifications and compensation scales
 4 and personnel policies for persons employed in such
 5 programs. All developmental disabilities facilities and
 6 services shall comply with existing federal guidelines and
 7 with requirements which will enable the services and
 8 facilities to qualify for available aid funds. However,
 9 nothing herein shall imply the necessity for facilities
 10 serving the developmentally disabled to meet the same or
 11 equal standards as licensed medical facilities, unless the
 12 developmental disabilities facility is providing
 13 professional or skilled medical care."

14 Section 4. Section 80-2615, R.C.M. 1947, is
 15 renumbered 71-2405, and is amended to read as follows:

16 "~~80-2615~~ 71-2405. Community services. (1) The ~~state of~~
 17 ~~Montana~~ department may establish and administer community
 18 comprehensive services, programs, clinics or other
 19 facilities throughout the state for the purpose of aiding in
 20 the prevention, diagnosis, amelioration or treatment of
 21 developmental disabilities. ~~Such centers~~ Programs, clinics
 22 or other services may be provided directly by state
 23 agencies, or indirectly through contract or co-operative
 24 arrangements with other agencies of government, regional or
 25 local, private or public agencies, private professional

1 persons or in accredited health or long term care
 2 facilities.

3 (2) ~~State funds specifically appropriated for regional~~
 4 ~~developmental disabilities service programs may not exceed~~
 5 ~~fifty percent (50%) of the total expenditures of the~~
 6 ~~programs. Any fees collected under this act shall be~~
 7 ~~deposited to the state's general fund in proportion to the~~
 8 ~~state's contribution. Comprehensive services, programs,~~
 9 ~~clinics or other facilities established or provided by the~~
 10 ~~department under this chapter shall conform, as nearly as~~
 11 ~~possible, to the plans of the advisory council created under~~
 12 ~~71-2406, and the regional councils provided for in 71-2407."~~

13 Section 5. There is a new R.C.M. section numbered
 14 71-2406 that reads as follows:

15 71-2406. Advisory council. (1) The governor shall
 16 appoint a developmental disabilities advisory council in
 17 accordance with section 82A-110.

18 (2) The council is composed of twenty-one (21) members
 19 appointed or reappointed annually by the governor, and
 20 consists of the following:

21 (a) the directors of the departments of social and
 22 rehabilitation services, health and environmental sciences,
 23 and institutions, or their designees;

24 (b) the superintendent of public instruction or a
 25 designee;

1 (c) one (1) recognized private professional in each
2 discipline of medicine, law, psychology and social work;

3 (d) two members of the state senate;

4 (e) two members of the state house of representatives;

5 (f) four (4) consumers or representatives of consumers
6 or consumer organizations in the discipline of developmental
7 disabilities; and

8 (g) one (1) member of each of the five (5) regional
9 councils provided for in 71-2407, who shall also be
10 consumers or representatives of consumers or consumer
11 organizations in the discipline of developmental
12 disabilities.

13 (3) The advisory council shall:

14 (a) advise the department, other state agencies,
15 councils, local governments, and private organizations on
16 programs for services to the developmentally disabled;

17 (b) develop a plan for a statewide system of community
18 based services for the developmentally disabled; and

19 (c) serve in any capacity required by federal law for
20 the administration of federal programs for services to the
21 developmentally disabled.

22 (4) The advisory council is allocated to the
23 department.

24 Section 6. There is a new R.C.M. section numbered
25 71-2407 that reads as follows:

1 71-2407. Regional councils. (1) The department shall
2 approve a citizens' organization as a regional council for
3 each of the following five (5) regions:

4 (a) Region one, consisting of Phillips, Valley,
5 Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland,
6 Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon,
7 Powder River, and Carter Counties;

8 (b) Region two, consisting of Glacier, Toole, Liberty,
9 Hill, Blaine, Pondera, Teton, Chouteau, and Cascade
10 Counties;

11 (c) Region three, consisting of Judith Basin, Fergus,
12 Petroleum, Wheatland, Golden Valley, Musselshell, Sweet
13 Grass, Stillwater, Yellowstone, Big Horn, and Carbon
14 Counties;

15 (d) Region four, consisting of Powell, Lewis and
16 Clark, Granite, Deer Lodge, Silver Bow, Jefferson,
17 Broadwater, Meagher, Beaverhead, Madison, Gallatin, and Park
18 Counties; and

19 (e) Region five, consisting of Lincoln, Flathead,
20 Sanders, Lake, Mineral, Missoula, and Ravalli Counties.

21 (2) Under guidelines adopted by the department, a
22 citizens' organization approved by the department shall be
23 broadly representative of the region and at least one third
24 (1/3) of its members shall be consumers or representatives
25 of consumers or consumer organizations in the discipline of

1 developmental disabilities.

2 (3) A citizens' organization shall be approved under
3 procedures and rules adopted by the department.

4 (4) A regional council member, who is not a full-time
5 employee of the state or of a county, is entitled to be
6 reimbursed in an amount to be determined by the department,
7 not to exceed twenty-five dollars (\$25), for each day
8 actually and necessarily engaged in the performance of board
9 duties, and for travel as provided in section 59-801.

10 (5) A regional council shall:

11 (a) make an annual review and evaluation of needs and
12 services within the region;

13 (b) advise the department, other state agencies,
14 councils, local governments, and private organizations on
15 programs for services to the developmentally disabled within
16 the region; and

17 (c) develop a plan for a system of community based
18 services for the developmentally disabled within the region.

19 Section 7. Section 80-2619, R.C.M. 1947, is
20 renumbered 71-2408, and is amended to read as follows:

21 "~~80-2619~~ 71-2408. Counties and municipalities
22 permitted to contribute to ~~facilities---outside---their~~
23 ~~jurisdiction system~~. (1) The boards of county commissioners
24 of the several counties and the governing bodies of
25 municipalities of this state, may, in their discretion,

1 contribute ~~sums--of--money--annually~~ to any developmental
2 disabilities facility approved by the ~~state--of--Montana~~
3 ~~department, or-to-each-of-such-facilities~~, without regard to
4 whether they are within or outside of their respective
5 jurisdictions. The boards of county commissioners of the
6 ~~participating~~ counties may levy a tax up to, but not to
7 exceed, one (1) mill on each dollar of taxable property
8 within the county, which ~~tax-levy-hereby-authorized~~ shall be
9 in addition to all other county tax levies, all proceeds of
10 ~~which the~~ tax, if levied, shall be used for the sole purpose
11 of support of ~~such~~ developmental disabilities ~~facilities~~
12 services.

13 (2) For the purpose of carrying out the provisions of
14 this section, ~~such~~ boards of county commissioners and ~~such~~
15 governing bodies of municipalities may appropriate out of
16 the general fund of their respective counties or
17 municipalities."

18 Section 8. There is a new R.C.M. section numbered
19 71-2414 that reads as follows:

20 71-2414. Departments to cooperate. (1) The
21 department of institutions, the department of social and
22 rehabilitation services, department of health and
23 environmental sciences and offices of superintendent of
24 public instruction, shall cooperate on all aspects of each
25 agency's respective programs for the developmentally

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1 disabled.

2 (2) Funds appropriated to the department of
3 institutions and Boulder river school and hospital for
4 programs for the developmentally disabled may be
5 transferred, by budget amendment as provided in
6 appropriation acts and with the approval of the governor, to
7 the department of social and rehabilitation services for
8 comprehensive developmental disability systems, if there is
9 a significant reduction in residents at the Boulder river
10 school and hospital which results in less expenditures at
11 that institution than allowed by legislative appropriation.

12 (3) Funds appropriated to the department of social and
13 rehabilitation services for comprehensive developmental
14 disability systems may be transferred, by budget amendment
15 as provided in appropriation acts and with the approval of
16 the governor, to Boulder river school and hospital if the
17 number of residents at that institution is not significantly
18 reduced by the provision of services by the department under
19 this chapter.

20 Section 9. Section 71-2414 is repealed on June 30,
21 1977.

22 Section 10. Section 80-2611, R.C.M. 1947, is
23 renumbered 71-2401, R.C.M. 1947; section 80-2621, R.C.M.
24 1947, is renumbered 71-2409, R.C.M. 1947; section 80-2622,
25 R.C.M. 1947, is renumbered 71-2410, R.C.M. 1947; section

1 80-2623, R.C.M. 1947, is renumbered 71-2411, R.C.M. 1947;
2 section 80-2624, R.C.M. 1947, is renumbered 71-2412, R.C.M.
3 1947; and section 80-2625, R.C.M. 1947, is renumbered
4 71-2413, R.C.M. 1947.

5 Section 11. Sections 80-2605 through 80-2610, 80-2616
6 through 80-2618, and 80-2620, R.C.M. 1947, are repealed.

7 Section 12. This act is effective upon passage and
8 approval.

-End-

HOUSE BILL NO. 353

INTRODUCED BY DUSSAULT, FAGG, BERTELSEN,

ELLIS, SLOAN, FINLEY, LESTER, PALMER, JOHNSON,

LORY, FEDERICO, JACK MOORE, VINCENT, GOULD, HARPER,

HUENNEKENS, HOLMES, MAGONE, FABREGA, AAGESON, KUMMERFELDT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR COMMUNITY BASED SERVICES FOR THE DEVELOPMENTALLY DISABLED; AMENDING AND RENUMBERING SECTIONS 80-2611 THROUGH 80-2615, 80-2621 THROUGH 80-2625, R.C.M. 1947; REPEALING SECTIONS 80-2605 THROUGH 80-2610, 80-2616 THROUGH 80-2618, AND 80-2620, R.C.M. 1947; AND PROVIDING FOR AN EFFECTIVE DATE."

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

Section 1. Section 80-2612, R.C.M. 1947, is renumbered 71-2402, and is amended to read as follows:

"~~80-2612~~ 71-2402. Definitions. As used in this act:

(1) "Department" means the department of social and rehabilitation services.

(2) "Developmental disabilities" means disabilities attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurological handicapping conditions closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals; which condition has

continued or can be expected to continue indefinitely and constitutes a substantial handicap of such individuals.

(3) "Developmental disabilities facility" means any service or group of services offering care to the developmentally disabled on an inpatient, outpatient, residential, clinical or other programmatic basis.

(4) "Comprehensive developmental disability center system" means a system of services ~~not necessarily encompassed within one building offering any or all of including, but not limited to,~~ the following ~~sixteen~~ basic services with the intention of providing alternatives to institutionalization:

- (a) evaluation services,
- (b) diagnostic services,
- (c) treatment services,
- (d) day care services,
- (e) training services,
- (f) education services,
- (g) employment services,
- (h) recreation services,
- (i) personal care services,
- (j) domiciliary care services,
- (k) special living arrangements services,
- (l) counseling services,
- (m) information and referral services,

- 1 (n) follow-along services,
- 2 (o) protective and other social and sociolegal
- 3 services,
- 4 (p) transportation services.

5 ~~Provision-of-service-by-a-comprehensive-center-shall-be~~
 6 ~~authorized--only--when--a-generic-service-agency--declines-to~~
 7 ~~provide-such-service."~~

8 Section 2. Section 80-2613, R.C.M. 1947, is
 9 renumbered 71-2403, and is amended to read as follows:

10 "~~80-2613~~ 71-2403. Responsibilities of state
 11 department. The ~~state-of-Montana~~ department shall:

12 (1) take cognizance of matters affecting the
 13 developmentally disabled citizens of the state;

14 (2) initiate a preventive developmental disabilities
 15 program, which program shall include, but not be limited to,
 16 the implementation of developmental disabilities care and
 17 treatment, and prevention and research as can best be
 18 accomplished by community centered services. Every means
 19 shall be utilized to initiate and operate such service
 20 program in cooperation with local agencies, ~~as--established~~
 21 under provisions of sections ~~5--{80-2615}~~ 71-2405 and ~~7~~
 22 ~~{80-2617}~~ 71-2407 of this act;

23 (3) ~~make~~ promote scientific and medical research
 24 investigations relative to the incidence, cause, prevention
 25 and care of developmental disabilities;

1 (4) collect and disseminate information relating to
 2 developmental disabilities;

3 (5) prepare, with the advice of the state advisory
 4 council, created ~~in~~ under section ~~6--{80-2616}~~--herein
 5 71-2406, an annual comprehensive plan for the initiation and
 6 maintenance of developmental disabilities services in the
 7 state. Such services shall include, but not be limited to,
 8 community comprehensive developmental disabilities services
 9 as referred to in section ~~2--{80-2612}~~ 71-2402;

10 (6) provide by regulation for the evaluation of
 11 persons who ~~shall~~ apply for services, or persons ~~who--shall~~
 12 be admitted ~~either--as--inpatients-or-outpatients~~ into the
 13 Boulder-river-school-and-hospitaly-or-other a program at a
 14 developmental disability ~~etinic~~ facility;

15 {7} provide state personnel to assist regional
 16 councils provided for in section 71-2407;

17 ~~{7}~~ {8} receive from agencies of the government of the
 18 United States and other agencies, persons or groups of
 19 persons, associations, firms or corporations, grants of
 20 money, receipts from fees, gifts, supplies, materials, and
 21 contributions to initiate and maintain developmental
 22 disabilities services within the state."

23 Section 3. Section 80-2614, R.C.M. 1947, is
 24 renumbered 71-2404, and is amended to read as follows:

25 "~~80-2614~~ 71-2404. Rules and regulations. The ~~state-of~~

1 Montana department shall control developmental disabilities
 2 programs which receive any state assistance by ~~establishing~~
 3 ~~and-promulgating~~ adopting rules, ~~regulations--and--standards~~
 4 for providing developmental disabilities facilities and
 5 services. It shall set minimum standards for programs,
 6 establish appropriate qualifications and compensation scales
 7 and personnel policies for persons employed in such
 8 programs. All developmental disabilities facilities and
 9 services shall comply with existing federal guidelines and
 10 with requirements which will enable the services and
 11 facilities to qualify for available aid funds. However,
 12 nothing herein shall imply the necessity for facilities
 13 serving the developmentally disabled to meet the same or
 14 equal standards as licensed medical facilities, unless the
 15 developmental disabilities facility is providing
 16 professional or skilled medical care."

17 Section 4. Section 80-2615, R.C.M. 1947, is
 18 renumbered 71-2405, and is amended to read as follows:

19 "~~80-2615~~ 71-2405. Community services. (1) The ~~state-of~~
 20 Montana department may establish and administer community
 21 comprehensive services, programs, clinics or other
 22 facilities throughout the state for the purpose of aiding in
 23 the prevention, diagnosis, amelioration or treatment of
 24 developmental disabilities. ~~Such-centers~~ Programs, clinics
 25 or other services may be provided directly by state

1 agencies, or indirectly through contract or co-operative
 2 arrangements with other agencies of government, regional or
 3 local, private or public agencies, private professional
 4 persons or in accredited health or long term care
 5 facilities.

6 ~~(2) State-funds-specifically-appropriated-for-regional~~
 7 ~~developmental-disabilities-service-programs-may--not--exceed~~
 8 ~~fifty--percent--(50%)--of--the--total--expenditures--of--the~~
 9 ~~programs;--Any--fees--collected--under--this--act--shall--be~~
 10 ~~deposited--to--the--state's-general-fund-in-proportion-to-the~~
 11 ~~state's--contribution.~~ Comprehensive services, programs,
 12 clinics or other facilities established or provided by the
 13 department under this chapter shall conform, as nearly as
 14 possible, to the plans of the advisory council created under
 15 71-2406, and the regional councils provided for in 71-2407."

16 Section 5. There is a new R.C.M. section numbered
 17 71-2406 that reads as follows:

18 71-2406. Advisory council. (1) The governor shall
 19 appoint a developmental disabilities advisory council in
 20 accordance with section 82A-110.

21 (2) The council is composed of twenty-one (21) members
 22 appointed or reappointed annually by the governor, and
 23 consists of the following:

24 (a) the directors of the departments of social and
 25 rehabilitation services, health and environmental sciences,

1 and institutions, or their designees;

2 (b) the superintendent of public instruction or a
3 designee;

4 (c) one (1) recognized private professional in each
5 discipline of medicine, law, psychology and social work;

6 (d) two members of the state senate;

7 (e) two members of the state house of representatives;

8 (f) four (4) consumers or representatives of consumers
9 or consumer organizations in the discipline of developmental
10 disabilities; and

11 (g) one (1) member of each of the five (5) regional
12 councils provided for in 71-2407, who shall also be
13 consumers or representatives of consumers or consumer
14 organizations in the discipline of developmental
15 disabilities.

16 (3) The advisory council shall:

17 (a) advise the department, other state agencies,
18 councils, local governments, and private organizations on
19 programs for services to the developmentally disabled;

20 (b) develop a plan for a statewide system of community
21 based services for the developmentally disabled; and

22 (c) serve in any capacity required by federal law for
23 the administration of federal programs for services to the
24 developmentally disabled.

25 (4) The advisory council is allocated to the

1 department.

2 Section 6. There is a new R.C.M. section numbered
3 71-2407 that reads as follows:

4 71-2407. Regional councils. (1) The department shall
5 approve a citizens' organization as a regional council for
6 each of the following five (5) regions:

7 (a) Region one, consisting of Phillips, Valley,
8 Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland,
9 Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon,
10 Powder River, and Carter Counties;

11 (b) Region two, consisting of Glacier, Toole, Liberty,
12 Hill, Blaine, Pondera, Teton, Chouteau, and Cascade
13 Counties;

14 (c) Region three, consisting of Judith Basin, Fergus,
15 Petroleum, Wheatland, Golden Valley, Musselshell, Sweet
16 Grass, Stillwater, Yellowstone, Big Horn, and Carbon
17 Counties;

18 (d) Region four, consisting of Powell, Lewis and
19 Clark, Granite, Deer Lodge, Silver Bow, Jefferson,
20 Broadwater, Meagher, Beaverhead, Madison, Gallatin, and Park
21 Counties; and

22 (e) Region five, consisting of Lincoln, Flathead,
23 Sanders, Lake, Mineral, Missoula, and Ravalli Counties.

24 (2) Under guidelines adopted by the department, a
25 citizens' organization approved by the department shall be

1 broadly representative of the region and at least one third
2 (1/3) of its members shall be consumers or representatives
3 of consumers or consumer organizations in the discipline of
4 developmental disabilities.

5 (3) A citizens' organization shall be approved under
6 procedures and rules adopted by the department.

7 (4) A regional council member, who is not a full-time
8 employee of the state or of a county, is entitled to be
9 reimbursed in an amount to be determined by the department,
10 not to exceed twenty-five dollars (\$25), for each day
11 actually and necessarily engaged in the performance of board
12 duties, and for travel as provided in section 59-801.

13 (5) A regional council shall:

14 (a) make an annual review and evaluation of needs and
15 services within the region;

16 (b) advise the department, other state agencies,
17 councils, local governments, and private organizations on
18 programs for services to the developmentally disabled within
19 the region; and

20 (c) develop a plan for a system of community based
21 services for the developmentally disabled within the region.

22 Section 7. Section 80-2619, R.C.M. 1947, is
23 renumbered 71-2408, and is amended to read as follows:

24 "~~80-2619~~ 71-2408. Counties and municipalities
25 permitted to contribute to ~~facilities---outside---their~~

1 ~~jurisdiction system.~~ (1) The boards of county commissioners
2 of the several counties and the governing bodies of
3 municipalities of this state, may, in their discretion,
4 contribute ~~sums--of--money--annually~~ to any developmental
5 disabilities facility approved by the ~~state--of--Montana~~
6 ~~department, or-to-each-of-such-facilities,~~ without regard to
7 whether they are within or outside of their respective
8 jurisdictions. The boards of county commissioners of the
9 ~~participating~~ counties may levy a tax up to, but not to
10 exceed, one (1) mill on each dollar of taxable property
11 within the county, which ~~tax-levy-hereby-authorized~~ shall be
12 in addition to all other county tax levies, all proceeds of
13 ~~which the~~ tax, if levied, shall be used for the sole purpose
14 of support of ~~such~~ developmental disabilities ~~facilities~~
15 ~~services.~~

16 (2) For the purpose of carrying out the provisions of
17 this section, ~~such~~ boards of county commissioners and ~~such~~
18 governing bodies of municipalities may appropriate out of
19 the general fund of their respective counties or
20 municipalities."

21 Section 8. There is a new R.C.M. section numbered
22 71-2414 that reads as follows:

23 71-2414. Departments to cooperate. (1) The
24 department of institutions, the department of social and
25 rehabilitation services, department of health and

1 environmental sciences and offices of superintendent of
 2 public instruction, shall cooperate on all aspects of each
 3 agency's respective programs for the developmentally
 4 disabled.

5 (2) Funds appropriated to the department of
 6 institutions and Boulder river school and hospital for
 7 programs for the developmentally disabled may be
 8 transferred, by budget amendment as provided in
 9 appropriation acts and with the approval of the governor, to
 10 the department of social and rehabilitation services for
 11 comprehensive developmental disability systems, if there is
 12 a significant reduction in residents at the Boulder river
 13 school and hospital which results in less expenditures at
 14 that institution than allowed by legislative appropriation.

15 (3) Funds appropriated to the department of social and
 16 rehabilitation services for comprehensive developmental
 17 disability systems may be transferred, by budget amendment
 18 as provided in appropriation acts and with the approval of
 19 the governor, to Boulder river school and hospital if the
 20 number of residents at that institution is not significantly
 21 reduced by the provision of services by the department under
 22 this chapter.

23 Section 9. Section 71-2414 is repealed on June 30,
 24 1977.

25 Section 10. Section 80-2611, R.C.M. 1947, is

1 renumbered 71-2401, R.C.M. 1947; section 80-2621, R.C.M.
 2 1947, is renumbered 71-2409, R.C.M. 1947; section 80-2622,
 3 R.C.M. 1947, is renumbered 71-2410, R.C.M. 1947; section
 4 80-2623, R.C.M. 1947, is renumbered 71-2411, R.C.M. 1947;
 5 section 80-2624, R.C.M. 1947, is renumbered 71-2412, R.C.M.
 6 1947; and section 80-2625, R.C.M. 1947, is renumbered
 7 71-2413, R.C.M. 1947.

8 Section 11. Sections 80-2605 through 80-2610, 80-2616
 9 through 80-2618, and 80-2620, R.C.M. 1947, are repealed.

10 Section 12. This act is effective upon passage and
 11 approval.

-End-