

*Synche
Nevanhan
Hend
Ryan
Gilligan
Shaw*

House BILL NO. 725 *Johnston Kenny*

INTRODUCED BY *Broad MULAR Jensen Toenge*
Burnett Moore D'Kief Sutor Durlin
Canbach Harrington
A BILL FOR AN ACT ENTITLED: *AN ACT TO ESTABLISH A*

VETERANS' HOME AT TWIN BRIDGES, APPROPRIATING FUNDS FOR ITS
OPERATION AND FOR THE CONSTRUCTION OF ADDITIONAL FACILITIES;
AMENDING SECTIONS 10-1249, 10-1314, 75-5707, 75-6923,
80-1403, 80-1419, 80-1601, 80-1801 THROUGH 80-1804, 80-2211,
AND 82A-801.1, R.C.M. 1947; AND REPEALING SECTIONS 75-6319
AND 80-2101 THROUGH 80-2107, R.C.M. 1947."

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

Section 1. Section 80-1801, R.C.M. 1947, is amended to read as follows:

"80-1801. Location and function of home -- persons admitted. The ~~institution~~ institutions at Columbia Falls ~~is~~ the "Montana Veterans' Home" and at Twin Bridges are the "Montana Veterans' Homes" and ~~its~~ their primary function ~~provides is to provide~~ is to provide home and subsistence for honorably discharged veterans. The department may also admit spouses or surviving spouses of honorably discharged veterans to the home homes if space allows."

Section 2. Section 80-1802, R.C.M. 1947, is amended to read as follows:

"80-1802. Superintendent to be veteran. The

1 superintendent of each of the Montana veterans' home homes
2 shall be an honorably discharged veteran of the armed forces
3 of the United States."

4 Section 3. Section 80-1803, R.C.M. 1947, is amended to
5 read as follows:

6 "80-1803. Eligibility for residence in home. To be
7 eligible for residence in the a Montana veterans' home under
8 the regulations prescribed by the state department of
9 institutions a person shall:

10 (1) ~~Be~~ be an honorably discharged veteran, or the
11 spouse or surviving spouse of a veteran, who served in the
12 armed forces of the United States;

13 (2) ~~Be~~ be an invalid and have become unable to earn a
14 livelihood as a result of the disability;

15 (3) ~~Have~~ have resided in Montana for a period of two
16 years immediately prior to making application for
17 admittance;

18 (4) ~~Not~~ not have been convicted of a felony or of a
19 crime involving moral turpitude;

20 (5) ~~Not~~ not be an alcoholic or have a record of
21 habitual inebriation."

22 Section 4. Section 80-1804, R.C.M. 1947, is amended to
23 read as follows:

24 "80-1804. Acceptance and deposit of federal moneys.
25 The state department of institutions may accept moneys from

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1 the federal government that become available to the state as
 2 a result of operating the Montana veterans' home homes and
 3 shall deposit such moneys in the state treasury for the
 4 benefit of the home homes. If the resident of the a home is
 5 transferred to another institution, the department of
 6 institutions shall continue to draw from the federal
 7 government any moneys available for the maintenance of such
 8 the former resident."

9 Section 5. Section 10-1249, R.C.M. 1947, is amended to
 10 read as follows:

11 "10-1249. Per diem charge to financially able parents.
 12 A youth court judge placing a delinquent youth or a youth in
 13 need of supervision in a district youth guidance home may,
 14 if the parent or parents of the youth are financially able,
 15 without undue hardship, require the parents or parent to pay
 16 to the district youth guidance home a per diem charge not to
 17 exceed the per diem charge established by the department of
 18 institutions ~~for each youth placed in the Montana children's~~
 19 ~~center."~~

20 Section 6. Section 10-1314, R.C.M. 1947, is amended to
 21 read as follows:

22 "10-1314. Judgment. (1) If a youth is found to be
 23 abused, neglected, or dependent, the court may enter its
 24 judgment making any of the following dispositions to protect
 25 the welfare of the youth:

1 (a) permit the youth to remain with his parents or
 2 guardian subject to those conditions and limitations the
 3 court may prescribe;

4 (b) transfer legal custody to any of the following:
 5 (i) department of social and rehabilitation services;
 6 (ii) a child-placing agency willing and able to assume
 7 responsibility for the education, care and maintenance of
 8 the youth and which is licensed or otherwise authorized by
 9 law to receive and provide care of the youth; or

10 (iii) a relative or other individual who, after study
 11 by a social service agency designated by the court, is found
 12 by the court to be qualified to receive and care for the
 13 youth;

14 (c) order any party to the action to do what is
 15 necessary to give effect to the final disposition, including
 16 undertaking medical and psychological evaluations, treatment
 17 and counseling;

18 (d) order such further care and treatment as the court
 19 may deem in the best interest of the youth.

20 (2) Whenever the court vests legal custody in any
 21 agency, institution or department it shall transmit with the
 22 dispositional judgment copies of any medical report, and
 23 such other clinical, predisposition or other reports and
 24 information as may be pertinent to the care and treatment of
 25 the youth.

1 (3) Any youth found to be abused, neglected or
 2 dependent may be committed to the Montana children's center
 3 and if the center is unable to receive the child or if for
 4 any other reason, it appears to be in the best interest of
 5 the child the court may make such other disposition of the
 6 child as the court deems best for his social and physical
 7 welfare. The form of commitment shall be as follows:

8 ORDER OF COMMITMENT

9 State of Montana, County of, ss:

10 In the District Court for the Judicial District.

11 On the day of, 19..,, minor of this
 12 county, was charged on the petition of, of county
 13 attorney of county, with being an abused or neglected
 14 or dependent child. Upon due proof I find that it is for the
 15 best interests of the child that he be taken from the
 16 custody of his parents, guardian or other person having
 17 custody of him.

18 The names, addresses and occupations of the parents
19 are:

20 Name Address Occupation
 21
 22

23 The child's guardian is

24 The child is in the custody of

25 It is ordered that be committed to until

1 discharged as provided by law.

2 Witness my hand this day of A.D. 19...

3 (Judge)

4 (4) Transfer of legal custody of a child shall include
 5 guardianship of any assets or estate of the child, unless
 6 otherwise specified by the court.

7 (5) Except in cases in which the court permanently
 8 terminates all parental rights or rights of the guardian of
 9 the youth, the court shall retain jurisdiction over the case
 10 and may subsequently modify any disposition ordered pursuant
 11 to this section."

12 Section 7. Section 75-5707, R.C.M. 1947, is amended to
13 read as follows:

14 "75-5707. Powers and duties. The superintendent of
 15 public instruction shall have the general supervision of the
 16 public schools and districts of the state, and he shall have
 17 the power and shall perform the following duties or acts in
 18 implementing and enforcing the provisions of this Title:

19 (1) resolve any controversy resulting from the
 20 proration of joint costs by a joint board of trustees under
 21 the provisions of section 75-5929;

22 (2) issue, renew or deny teacher certification and
 23 emergency authorizations of employment and give notice of
 24 teacher certification suspension or revocation proceedings
 25 to be conducted by the board of education in accordance with

1 the provisions of the teacher certification chapter of this
2 Title;

3 (3) negotiate reciprocal tuition agreements with other
4 states in accordance with the provisions of section 75-6318;

5 ~~(4) pay the tuition for the residents of the Montana~~
6 ~~children's center at Twin Bridges high school in accordance~~
7 ~~with the provisions of section 75-6319;~~

8 (5)(4) serve on the teachers' retirement board in
9 accordance with the provisions of section 75-6203;

10 (6)(5) prescribe absentee voting forms and rules in
11 accordance with the provisions of section 75-6416;

12 (7)(6) approve or disapprove the orders of a high
13 school boundary commission in accordance with the provisions
14 of section 75-6528;

15 (8)(7) approve or disapprove the opening or reopening
16 of a school in accordance with the provisions of sections
17 75-6602, 75-6603, 75-6604, or 75-6605;

18 (9)(8) approve or disapprove school isolation within
19 the limitations prescribed by section 75-6608;

20 (10)(9) generally supervise the school budgeting
21 procedures prescribed by law in accordance with the
22 provisions of section 75-6702, and prescribe the school
23 budget format in accordance with the provisions of section
24 75-6704 and 75-7209;

25 (11)(10) establish a system of communication for

1 calculating joint district revenues in accordance with the
2 provisions of section 75-6721;

3 (12)(11) approve or disapprove the adoption of a
4 district's emergency budget resolution under the conditions
5 prescribed in section 75-6725, and publish rules and
6 regulations for an application for additional state aid for
7 an emergency budget in accordance with the approval and
8 disbursement provisions of section 75-6729;

9 (13)(12) generally supervise the school financial
10 administration provisions as prescribed by section 75-6802;

11 (14)(13) appoint the responsible county officials for
12 the performance of the budgeting duties and the financial
13 administration duties for a joint district in accordance
14 with the provisions of sections 75-6720 and 75-6803;

15 (15)(14) prescribe and furnish the annual report forms
16 to enable the districts to report to the county
17 superintendent in accordance with the provisions of
18 subsection (5) of section 75-6806, and the annual report
19 forms to enable the county superintendents to report to the
20 superintendent of public instruction in accordance with the
21 provisions of section 75-5809;

22 (16)(15) approve, disapprove or adjust an increase of
23 the average number belonging (ANB) in accordance with the
24 provisions of sections 75-6903 and 75-6904;

25 (17)(16) distribute state equalization aid in support

1 of the foundation program in accordance with the provisions
2 of sections 75-6908, 75-6918, and 75-6919;

3 ~~(18)~~(17) estimate the state-wide equalization level for
4 the foundation program in accordance with the provisions of
5 section 75-6920;

6 ~~(19)~~(18) distribute state impact aid in accordance with
7 the provisions of section 75-6925;

8 ~~(20)~~(19) provide for the uniform and equal provision of
9 transportation by performing the duties prescribed by the
10 provisions of section 75-7005;

11 ~~(21)~~(20) approve or disapprove an adult education
12 program for which a district proposes to levy a tax in
13 accordance with the provisions of section 75-7207;

14 ~~(22)~~(21) request, accept, deposit and expend federal
15 moneys in accordance with the provisions of section 75-7303;

16 ~~(23)~~(22) authorize the use of federal moneys for the
17 support of an interlocal co-operative agreement in
18 accordance with the provisions of sections 75-7306 and
19 75-7307;

20 ~~(24)~~(23) prescribe the form and contents of and approve
21 or disapprove interstate contracts in accordance with the
22 provisions of section 75-7308;

23 ~~(25)~~(24) approve or disapprove the conduct of school on
24 a Saturday or on pupil-instruction-related days in
25 accordance with the provisions of sections 75-7404 and

1 75-7405;

2 ~~(26)~~(25) recommend standards of accreditation for all
3 schools to the board of education, and evaluate compliance
4 with such standards and recommend accreditation status of
5 every school to the board of education in accordance with
6 the provisions of sections 75-7501 and 75-7502;

7 ~~(27)~~(26) collect and maintain a file of curriculum
8 guides and assist schools with instructional programs in
9 accordance with the provisions of sections 75-7505 and
10 75-7506;

11 ~~(28)~~(27) recommend the scope of conservation education
12 in the schools to the board of education in accordance with
13 the provisions of section 75-7509;

14 ~~(29)~~(28) establish and maintain a library of visual,
15 aural, and other educational media in accordance with the
16 provisions of section 75-7511;

17 ~~(30)~~(29) license textbook dealers, maintain a textbook
18 library, initiate prosecution of textbook dealers violating
19 the law, and supply a textbook listing in accordance with
20 the provisions of the textbooks chapter of this Title;

21 ~~(31)~~(30) administer and perform the duties as the
22 executive officer of the board of education for vocational
23 education in accordance with the provisions of section
24 75-7703;

25 ~~(32)~~(31) consider applications for the designation of a

1 post-secondary vocational-technical center in accordance
2 with the provisions of section 75-7707;

3 ~~(33)~~~~(32)~~ establish a fund for the handling of
4 post-secondary vocational-technical center fees in
5 accordance with the provisions of section 75-7714;

6 ~~(34)~~~~(31)~~ supervise and co-ordinate the conduct of
7 special education in the state in accordance with the
8 provisions of section 75-7803;

9 ~~(35)~~~~(34)~~ administer the traffic education program in
10 accordance with the provisions of section 75-7904;

11 ~~(36)~~~~(35)~~ administer the school food services program
12 in accordance with the provisions of sections 75-8002,
13 75-8003, and 75-8004;

14 ~~(37)~~~~(36)~~ determine the result of an organization
15 election for a community college district and the related
16 election of trustees in accordance with the provisions of
17 section 75-8112;

18 ~~(38)~~~~(37)~~ review school building plans and
19 specifications in accordance with the provisions of section
20 75-8206;

21 ~~(39)~~~~(38)~~ publish and distribute fire danger books in
22 accordance with the provisions of section 75-8309;

23 ~~(40)~~~~(39)~~ prescribe the method of identification and
24 signals to be used by school safety patrols in accordance
25 with the provisions of section 75-8310; and

1 ~~(41)~~~~(40)~~ perform any other duty prescribed from time to
2 time by this Title, any other act of the legislature, or the
3 policies of the board of education."

4 Section 8. Section 75-6923, R.C.M. 1947, is amended to
5 read as follows:

6 "75-6923. Additional levy for general fund and
7 election for authorization to impose. The trustees of any
8 district may propose to adopt a general fund budget in
9 excess of the general fund budget amount for such district
10 as established by the schedule in section 75-6905 for any of
11 the following purposes:

12 (1) building, altering, repairing or enlarging any
13 school house of the district;

14 (2) furnishing additional school facilities for the
15 district;

16 (3) acquisition of land for the district;

17 (4) proper maintenance and operation of the school
18 programs of the district.

19 However, when the trustees adopt a total general fund
20 budget which exceeds ~~one-hundred-ten-percent~~~~(110%)~~ of the
21 general fund budget for the preceding year, they shall file
22 a notice of this increase with the superintendent of public
23 instruction, setting forth the specific reasons for
24 increasing the budget.

25 When the trustees of any district determine that an

1 additional amount of financing is required for the general
 2 fund budget that is in excess of the statutory schedule
 3 amount, the trustees shall submit the proposition of an
 4 additional levy to raise such excess amount of general fund
 5 financing to the electors who are qualified, under section
 6 75-6410, to vote upon such proposition ~~except that the Twin~~
 7 ~~Bridges high school district may increase its general fund~~
 8 ~~budget as established by section 75-6985, R.C.M. 1947, by~~
 9 ~~the amount of tuition paid to the district the previous year~~
 10 ~~under section 75-6919, R.C.M. 1947.~~ Such special election
 11 shall be called and conducted in the manner prescribed by
 12 this title for school elections. The ballot for such
 13 election shall state the amount of money to be raised by
 14 additional property taxation, the approximate number of
 15 mills required to raise such money, and the purpose for
 16 which such money will be expended, and it shall be in the
 17 following format:

18 PROPOSITION

19 Shall a levy be made in addition to the levies
 20 authorized by law in such number of mills as may be
 21 necessary to raise the sum of (state the amount to be raised
 22 by additional tax levy), and being approximately (give
 23 number) mills, for the purpose of (insert the purpose for
 24 which the additional tax levy is made)?

25 *FOR the additional levy.

1 AGAINST the additional levy."

2 If the election on any additional levy for the general
 3 fund is approved by a majority vote of those electors voting
 4 at such election, the proposition shall carry and the
 5 trustees may use any portion or all of the authorized amount
 6 in adopting the preliminary general fund budget. The
 7 trustees shall certify the additional levy amount authorized
 8 by such a special election on the budget form that is
 9 submitted to the county superintendent and the county
 10 commissioners shall levy such number of mills on the taxable
 11 value of all taxable property within the district as
 12 prescribed in section 75-6926, as are required to raise the
 13 amount of such additional levy.

14 Authorization to levy an additional tax under the
 15 provisions of this section shall be effective for only one
 16 (1) school fiscal year and shall be authorized by a special
 17 election conducted before the first day of August of the
 18 school fiscal year for which it is effective. Only one such
 19 additional levy for the maintenance and operation of the
 20 school programs of a high school district may be imposed by
 21 a high school district in a given school fiscal year."

22 Section 9. Section 80-1403, R.C.M. 1947, is amended to
 23 read as follows:

24 *80-1403. Institutions in department. (1) The
 25 following institutions are in the department:

- 1 (a) Galen state hospital
- 2 (b) Montana veterans' home at Columbia Falls
- 3 (c) State prison
- 4 (d) Montana ~~children's-center~~ veterans' home at Twin

5 Bridges

- 6 (e) Mountain View school
- 7 (f) Pine Hills school
- 8 (g) Boulder river school and hospital
- 9 (h) Warm Springs state hospital
- 10 (i) Montana center for the aged
- 11 (j) Swan river youth forest camp
- 12 (k) Eastmont training center

13 (l) Any other institution which provides care and
14 services for juvenile delinquents including but not limited
15 to youth forest camps and juvenile reception and evaluation
16 centers.

17 (2) A state institution may not be moved,
18 discontinued, or abandoned without prior consent of the
19 ~~legislative assembly legislature.~~"

20 Section 10. Section 80-1419, R.C.M. 1947, is amended
21 to read as follows:

22 "80-1419. Department of institutions may contract with
23 governing body of Indian reservation for services. The
24 department of institutions may contract with the governing
25 body of an Indian reservation within the state for

1 residential and educational services†
2 †† at Mountain View school, Pine Hills school,
3 aftercare division, or other juvenile facility maintained by
4 the department, for children who have been adjudicated
5 delinquent by the tribal court†, subject to the provisions
6 of Title 80, chapter 14 and chapter 22†-or

7 ~~†2) at the Montana children's-center-for-children-who~~
8 ~~have-been-found-by-the-tribal-court-to-be-dependent-and~~
9 ~~neglected, subject to the provisions of Title 80, chapter~~
10 ~~21."~~

11 Section 11. Section 80-1601, R.C.M. 1947, is amended
12 to read as follows:

13 "80-1601. Institutions subject to per diem charge. The
14 state department of institutions shall collect and process
15 per diem payments for the care of residents in the following
16 institutions and for the care of those persons in foster
17 homes or group homes under provisions of the department:

18 (1) Montana ~~children's-center~~ veterans' home at Twin
19 Bridges

- 20 (2) Warm Springs state hospital
- 21 (3) Boulder river school and hospital
- 22 (4) Galen state hospital
- 23 (5) Montana veterans' home at Columbia Falls
- 24 (6) Montana center for the aged
- 25 (7) Eastmont training center."

1 Section 12. Section 80-2211, R.C.M. 1947, is amended
2 to read as follows:

3 "80-2211. Child leaving juvenile facility without
4 permission -- apprehension and return. A child who has left
5 a juvenile facility of the department without permission may
6 be apprehended and returned by any citizen. The term
7 "juvenile facility of the department" means any facility
8 under the supervision and control of the Montana state
9 department of institutions, whose primary function is the
10 care, training, custody and control of children and
11 specifically includes the Pine Hills School for boys, the
12 Mountain View School for girls, ~~the Montana Children's~~
13 ~~Center~~, Boulder River School and Hospital, the Swan River
14 Youth Forest Camp and Eastmont Training Center."

15 Section 13. Section 82A-801.1, R.C.M. 1947, is amended
16 to read as follows:

17 "82A-801.1. Functions of department. The department
18 and its units are responsible for the administration of laws
19 relating to institutions, including, but not limited to,
20 laws pertaining to:

- 21 (1) District youth guidance homes (Title 10, chapter
22 11);
- 23 (2) Warm Springs state hospital (Title 38, chapter 1);
- 24 (3) Examination and commitment of persons mentally
25 deranged (Title 38, chapter 2);

- 1 (4) Patient transfers (Title 38, chapter 3);
- 2 (5) Examination of patients and voluntary admissions
3 (Title 38, chapter 4);
- 4 (6) Convalescent leave of patients (Title 38, chapter
5 5);
- 6 (7) Voluntary sterilizations (Title 69, chapter 64);
- 7 (8) Juvenile facilities (Title 80, chapter 14);
- 8 (9) Institutional industries (Title 80, chapter 15);
- 9 (10) Payments for care of patients (Title 80, chapter
10 16);
- 11 (11) Galen state hospital (Title 80, chapter 17);
- 12 (12) Montana veterans' home homes (Title 80, chapter
13 18);
- 14 (13) State prison (Title 80, chapter 19);
- 15 ~~(14) Montana children's center (Title 80, chapter 21);~~
- 16 ~~(15)~~ (14) Mountain View school and Pine Hills school
17 (Title 80, chapter 22);
- 18 ~~(16)~~ (15) Boulder river school and hospital (Title 80,
19 chapter 23);
- 20 ~~(17)~~ (16) Mental hygiene services and mental health
21 centers (Title 80, chapter 24);
- 22 ~~(18)~~ (17) Montana center for the aged (Title 80, chapter
23 25);
- 24 ~~(19)~~ (18) Mental retardation programs (Title 80, chapter
25 26);

1 ~~(20)~~(19) Probation, parole, and clemency (Title 94,
2 chapter 98);

3 ~~(21)~~(20) Alcohol and drug dependence (Title 80, chapter
4 27)."

5 Section 14. There is a new R.C.M. section that reads
6 as follows:

7 Operating appropriations. (1) There is appropriated
8 from the general fund to the department of institutions for
9 the biennium ending June 30, 1979, the sum of \$175,600.

10 (2) This appropriation shall be used to fund the
11 operating costs of the Twin Bridges veterans' home.

12 (3) Any moneys unexpended at the end of the biennium
13 shall revert to the general fund.

14 Section 15. There is a new R.C.M. section that reads
15 as follows:

16 Appropriation for construction. (1) There is
17 appropriated from the long-range building program to the
18 department of administration for the biennium ending June
19 30, 1979, the sum of \$1,096,440.

20 (2) This appropriation is to be used for the design
21 and construction of a 60-bed veterans' facility attached to
22 the Twin Bridges veterans' home.

23 Section 16. Repealer. Sections 75-6319 and 80-2101
24 through 80-2107, R.C.M. 1947, are repealed.

-End-

STATE OF MONTANA

Revised

REQUEST NO. 431-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 19 77, there is hereby submitted a Fiscal Note for House Bill 725 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

**THIS FISCAL NOTE REVISES THE ORIGINAL FISCAL NOTE ON HOUSE BILL 725.
DESCRIPTION OF PROPOSED LEGISLATION:**

An act to establish a Veteran's Home at Twin Bridges; appropriating funds for its operation and for the construction of additional facilities.

ASSUMPTIONS:

1. The Twin Bridges facility will be used immediately for domiciliary care for 36 veterans.
2. The 60-bed addition will not be ready for occupancy during the 1979 biennium.
3. Equipment at Twin Bridges that has been loaned or planned for use by the Center for the Aged and the Prison will be returned or retained. This equipment will have to be purchased by these two facilities.
4. \$175,600 will be used to fund part of the operational costs of the Veteran's Home.

FISCAL IMPACT:

Additional cost of proposed legislation in 1979 Biennium

Personal services	\$543,690
Operating costs	<u>132,612</u>
	676,302

Less: \$175,600 already appropriated in bill	<u>175,600</u>
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Total operating costs	500,702
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Less: Equipment replacement at Center for the Aged and Prison	36,762
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Construction	<u>1,096,440</u>
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Total additional costs of proposed legislation	<u>\$1,633,904</u>
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LONG-RANGE EFFECTS:

The operational costs in the future with domiciliary and nursing care would be comparable to the Veteran's Home in Columbia Falls.

Richard T. Strang for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-17-77

SECOND READING

MISSING

HOUSE BILL NO. 725

INTRODUCED BY BRAND, HULAR, KEYSER, FABREGA, RYAN,
JOHNSTON, COONEY, LYNCH, MENAHAN, KENNY, GILLIGAN,
PALMER, BURNETT, MOORE, O'KEEFE, SEVERSON, QUILICI,
KANDUCH, HARRINGTON, COURTNEY, EUDAITY, DUSSAULT, HAND

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A
VETERANS' HOME AT TWIN BRIDGES, APPROPRIATING FUNDS FOR ITS
OPERATION AND FOR THE CONSTRUCTION OF ADDITIONAL FACILITIES;
AMENDING SECTIONS 10-1249, 10-1314, 75-5707, 75-6923,
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AND 80-2101 THROUGH 80-2107, R.C.M. 1947; AND PROVIDING AN
EFFECTIVE DATE."

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

Section 1. Section 80-1801, R.C.M. 1947, is amended to
read as follows:

"80-1801. Location and function of home -- persons
admitted. The ~~institution institutions~~ at Columbia Falls ~~is~~
~~the--"Montana--Veterans"--Home"~~ and at Twin Bridges are the
"Montana Veterans' Homes" and ~~as its~~ their primary
function ~~is to provide~~ is to provide home and subsistence for
honorably discharged veterans. The department may also
admit spouses or surviving spouses of honorably discharged

veterans to the ~~home~~ homes if space allows."

Section 2. Section 80-1802, R.C.M. 1947, is amended to
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"80-1802. Superintendent to be veteran. The
superintendent of each of the Montana veterans' home homes
shall be an honorably discharged veteran of the armed forces
of the United States."

Section 3. Section 80-1803, R.C.M. 1947, is amended to
read as follows:

"80-1803. Eligibility for residence in home. To be
eligible for residence in ~~the a~~ Montana veterans' home under
the regulations prescribed by the state department of
institutions a person shall:

(1) ~~Be be~~ an honorably discharged veteran, or the
spouse or surviving spouse of a veteran, who served in the
armed forces of the United States;

(2) ~~Be be~~ an invalid and have become unable to earn a
livelihood as a result of the disability;

(3) ~~Have have~~ resided in Montana for a period of two
years immediately prior to making application for
admittance;

(4) ~~Not not~~ have been convicted of a felony or of a
crime involving moral turpitude;

(5) ~~Not not~~ be an alcoholic or have a record of
habitual inebriation."

THIRD READING

1 Section 4. Section 80-1804, R.C.M. 1947, is amended to
2 read as follows:

3 "80-1804. Acceptance and deposit of federal moneys.
4 The state department of institutions may accept moneys from
5 the federal government that become available to the state as
6 a result of operating the Montana veterans' home homes and
7 shall deposit such moneys in the state treasury for the
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15 "10-1249. Per diem charge to financially able parents.
16 A youth court judge placing a delinquent youth or a youth in
17 need of supervision in a district youth guidance home may,
18 if the parent or parents of the youth are financially able,
19 without undue hardship, require the parents or parent to pay
20 to the district youth guidance home a per diem charge not to
21 exceed the per diem charge established by the department of
22 institutions ~~for each youth placed in the Montana children's~~
23 ~~center.~~"

24 Section 6. Section 10-1314, R.C.M. 1947, is amended to
25 read as follows:

1 "10-1314. Judgment. (1) If a youth is found to be
2 abused, neglected, or dependent, the court may enter its
3 judgment making any of the following dispositions to protect
4 the welfare of the youth:

5 (a) permit the youth to remain with his parents or
6 guardian subject to those conditions and limitations the
7 court may prescribe;

8 (b) transfer legal custody to any of the following:

9 (i) department of social and rehabilitation services;

10 (ii) a child-placing agency willing and able to assume
11 responsibility for the education, care and maintenance of
12 the youth and which is licensed or otherwise authorized by
13 law to receive and provide care of the youth; or

14 (iii) a relative or other individual who, after study
15 by a social service agency designated by the court, is found
16 by the court to be qualified to receive and care for the
17 youth;

18 (c) order any party to the action to do what is
19 necessary to give effect to the final disposition, including
20 undertaking medical and psychological evaluations, treatment
21 and counseling;

22 (d) order such further care and treatment as the court
23 may deem in the best interest of the youth.

24 (2) Whenever the court vests legal custody in any
25 agency, institution or department it shall transmit with the

1 dispositional judgment copies of any medical report, and
2 such other clinical, predisposition or other reports and
3 information as may be pertinent to the care and treatment of
4 the youth.

5 (3) Any youth found to be abused, neglected or
6 dependent may be committed to the Montana children's center
7 and if the center is unable to receive the child, or if for
8 any other reason, it appears to be in the best interest of
9 the child, the court may make such other disposition of the
10 child as the court deems best for his social and physical
11 welfare. The form of commitment shall be as follows:

12 ORDER OF COMMITMENT

13 State of Montana, County of, ss:

14 In the District Court for the Judicial District.

15 On the day of, 19... .., minor of this
16 county, was charged on the petition of, of county
17 attorney of county, with being an abused or neglected
18 or dependent child. Upon due proof I find that it is for the
19 best interests of the child that he be taken from the
20 custody of his parents, guardian or other person having
21 custody of him.

22 The names, addresses and occupations of the parents
23 are:

24 Name Address Occupation
25

1
2 The child's guardian is
3 The child is in the custody of
4 It is ordered that be committed to until
5 discharged as provided by law.

6 Witness my hand this day of A.D. 19...

7 (Judge)

8 (4) Transfer of legal custody of a child shall include
9 guardianship of any assets or estate of the child, unless
10 otherwise specified by the court.

11 (5) Except in cases in which the court permanently
12 terminates all parental rights or rights of the guardian of
13 the youth, the court shall retain jurisdiction over the case
14 and may subsequently modify any disposition ordered pursuant
15 to this section."

16 Section 7. Section 75-5707, R.C.M. 1947, is amended to
17 read as follows:

18 "75-5707. Powers and duties. The superintendent of
19 public instruction shall have the general supervision of the
20 public schools and districts of the state, and he shall have
21 the power and shall perform the following duties or acts in
22 implementing and enforcing the provisions of this Title:

23 (1) resolve any controversy resulting from the
24 proration of joint costs by a joint board of trustees under
25 the provisions of section 75-5929;

1 (2) issue, renew or deny teacher certification and
2 emergency authorizations of employment and give notice of
3 teacher certification suspension or revocation proceedings
4 to be conducted by the board of education in accordance with
5 the provisions of the teacher certification chapter of this
6 Title;

7 (3) negotiate reciprocal tuition agreements with other
8 states in accordance with the provisions of section 75-6318;

9 ~~(4) pay the tuition for the residents of the Montana~~
10 ~~children's center at Twin Bridges high school in accordance~~
11 ~~with the provisions of section 75-6319;~~

12 (5)(4) serve on the teachers' retirement board in
13 accordance with the provisions of section 75-6203;

14 (6)(5) prescribe absentee voting forms and rules in
15 accordance with the provisions of section 75-6416;

16 (7)(6) approve or disapprove the orders of a high
17 school boundary commission in accordance with the provisions
18 of section 75-6528;

19 (8)(7) approve or disapprove the opening or reopening
20 of a school in accordance with the provisions of sections
21 75-6602, 75-6603, 75-6604, or 75-6605;

22 (9)(8) approve or disapprove school isolation within
23 the limitations prescribed by section 75-6608;

24 (10)(9) generally supervise the school's budgeting
25 procedures prescribed by law in accordance with the

1 provisions of section 75-6702, and prescribe the school
2 budget format in accordance with the provisions of section
3 75-6704 and 75-7209;

4 (11)(10) establish a system of communication for
5 calculating joint district revenues in accordance with the
6 provisions of section 75-6721;

7 (12)(11) approve or disapprove the adoption of a
8 district's emergency budget resolution under the conditions
9 prescribed in section 75-6725, and publish rules and
10 regulations for an application for additional state aid for
11 an emergency budget in accordance with the approval and
12 disbursement provisions of section 75-6729;

13 (13)(12) generally supervise the school financial
14 administration provisions as prescribed by section 75-6802;

15 (14)(13) appoint the responsible county officials for
16 the performance of the budgeting duties and the financial
17 administration duties for a joint district in accordance
18 with the provisions of sections 75-6720 and 75-6803;

19 (15)(14) prescribe and furnish the annual report forms
20 to enable the districts to report to the county
21 superintendent in accordance with the provisions of
22 subsection (5) of section 75-6806, and the annual report
23 forms to enable the county superintendents to report to the
24 superintendent of public instruction in accordance with the
25 provisions of section 75-5809;

1 ~~(16)~~~~(15)~~ approve, disapprove or adjust an increase of
2 the average number belonging (ANB) in accordance with the
3 provisions of sections 75-6903 and 75-6904;

4 ~~(17)~~~~(16)~~ distribute state equalization aid in support
5 of the foundation program in accordance with the provisions
6 of sections 75-6908, 75-6918, and 75-6919;

7 ~~(18)~~~~(17)~~ estimate the state-wide equalization level for
8 the foundation program in accordance with the provisions of
9 section 75-6920;

10 ~~(19)~~~~(18)~~ distribute state impact aid in accordance with
11 the provisions of section 75-6925;

12 ~~(20)~~~~(19)~~ provide for the uniform and equal provision of
13 transportation by performing the duties prescribed by the
14 provisions of section 75-7005;

15 ~~(21)~~~~(20)~~ approve or disapprove an adult education
16 program for which a district proposes to levy a tax in
17 accordance with the provisions of section 75-7207;

18 ~~(22)~~~~(21)~~ request, accept, deposit and expend federal
19 moneys in accordance with the provisions of section 75-7303;

20 ~~(23)~~~~(22)~~ authorize the use of federal moneys for the
21 support of an interlocal co-operative agreement in
22 accordance with the provisions of sections 75-7306 and
23 75-7307;

24 ~~(24)~~~~(23)~~ prescribe the form and contents of and approve
25 or disapprove interstate contracts in accordance with the

1 provisions of section 75-7308;

2 ~~(25)~~~~(24)~~ approve or disapprove the conduct of school on
3 a Saturday or on pupil-instruction-related days in
4 accordance with the provisions of sections 75-7404 and
5 75-7405;

6 ~~(26)~~~~(25)~~ recommend standards of accreditation for all
7 schools to the board of education, and evaluate compliance
8 with such standards and recommend accreditation status of
9 every school to the board of education in accordance with
10 the provisions of sections 75-7501 and 75-7502;

11 ~~(27)~~~~(26)~~ collect and maintain a file of curriculum
12 guides and assist schools with instructional programs in
13 accordance with the provisions of sections 75-7505 and
14 75-7506;

15 ~~(28)~~~~(27)~~ recommend the scope of conservation education
16 in the schools to the board of education in accordance with
17 the provisions of section 75-7509;

18 ~~(29)~~~~(28)~~ establish and maintain a library of visual,
19 aural, and other educational media in accordance with the
20 provisions of section 75-7511;

21 ~~(30)~~~~(29)~~ license textbook dealers, maintain a textbook
22 library, initiate prosecution of textbook dealers violating
23 the law, and supply a textbook listing in accordance with
24 the provisions of the textbooks chapter of this Title;

25 ~~(31)~~~~(30)~~ administer and perform the duties as the

1 executive officer of the board of education for vocational
2 education in accordance with the provisions of section
3 75-7703;

4 ~~(32)~~(31) consider applications for the designation of a
5 post-secondary vocational-technical center in accordance
6 with the provisions of section 75-7707;

7 ~~(33)~~(32) establish a fund for the handling of
8 post-secondary vocational-technical center fees in
9 accordance with the provisions of section 75-7714;

10 ~~(34)~~(33) supervise and co-ordinate the conduct of
11 special education in the state in accordance with the
12 provisions of section 75-7803;

13 ~~(35)~~(34) administer the traffic education program in
14 accordance with the provisions of section 75-7904;

15 ~~(36)~~(35) administer the school food services program
16 in accordance with the provisions of sections 75-8002,
17 75-8003, and 75-8004;

18 ~~(37)~~(36) determine the result of an organization
19 election for a community college district and the related
20 election of trustees in accordance with the provisions of
21 section 75-8112;

22 ~~(38)~~(37) review school building plans and
23 specifications in accordance with the provisions of section
24 75-8206;

25 ~~(39)~~(38) publish and distribute fire danger books in

1 accordance with the provisions of section 75-8309;

2 ~~(40)~~(39) prescribe the method of identification and
3 signals to be used by school safety patrols in accordance
4 with the provisions of section 75-8310; and

5 ~~(41)~~(40) perform any other duty prescribed from time to
6 time by this Title, any other act of the legislature, or the
7 policies of the board of education.*

8 Section 8. Section 75-6923, R.C.M. 1947, is amended to
9 read as follows:

10 "75-6923. Additional levy for general fund and
11 election for authorization to impose. The trustees of any
12 district may propose to adopt a general fund budget in
13 excess of the general fund budget amount for such district
14 as established by the schedule in section 75-6905 for any of
15 the following purposes:

16 (1) building, altering, repairing or enlarging any
17 school house of the district;

18 (2) furnishing additional school facilities for the
19 district;

20 (3) acquisition of land for the district;

21 (4) proper maintenance and operation of the school
22 programs of the district.

23 However, when the trustees adopt a total general fund
24 budget which exceeds ~~one-hundred-ten-percent-(110%)~~ of the
25 general fund budget for the preceding year, they shall file

1 a notice of this increase with the superintendent of public
 2 instruction, setting forth the specific reasons for
 3 increasing the budget.

4 When the trustees of any district determine that an
 5 additional amount of financing is required for the general
 6 fund budget that is in excess of the statutory schedule
 7 amount, the trustees shall submit the proposition of an
 8 additional levy to raise such excess amount of general fund
 9 financing to the electors who are qualified, under section
 10 75-6410, to vote upon such proposition ~~except that the Twin~~
 11 ~~Bridges high school district may increase its general fund~~
 12 ~~budget as established by section 75-6905, R.E.M. 1947, by~~
 13 ~~the amount of tuition paid to the district the previous year~~
 14 ~~under section 75-6319, R.E.M. 1947.~~ Such special election
 15 shall be called and conducted in the manner prescribed by
 16 this title for school elections. The ballot for such
 17 election shall state the amount of money to be raised by
 18 additional property taxation, the approximate number of
 19 mills required to raise such money, and the purpose for
 20 which such money will be expended, and it shall be in the
 21 following format:

22 PROPOSITION

23 Shall a levy be made in addition to the levies
 24 authorized by law in such number of mills as may be
 25 necessary to raise the sum of (state the amount to be raised

1 by additional tax levy), and being approximately (give
 2 number) mills, for the purpose of (insert the purpose for
 3 which the additional tax levy is made)?

4 "FOR the additional levy.
 5 AGAINST the additional levy."

6 If the election on any additional levy for the general
 7 fund is approved by a majority vote of those electors voting
 8 at such election, the proposition shall carry and the
 9 trustees may use any portion or all of the authorized amount
 10 in adopting the preliminary general fund budget. The
 11 trustees shall certify the additional levy amount authorized
 12 by such a special election on the budget form that is
 13 submitted to the county superintendent and the county
 14 commissioners shall levy such number of mills on the taxable
 15 value of all taxable property within the district as
 16 prescribed in section 75-6926, as are required to raise the
 17 amount of such additional levy.

18 Authorization to levy an additional tax under the
 19 provisions of this section shall be effective for only one
 20 (1) school fiscal year and shall be authorized by a special
 21 election conducted before the first day of August of the
 22 school fiscal year for which it is effective. Only one such
 23 additional levy for the maintenance and operation of the
 24 school programs of a high school district may be imposed by
 25 a high school district in a given school fiscal year."

1 Section 9. Section 80-1403, R.C.M. 1947, is amended to
2 read as follows:

3 "80-1403. Institutions in department. (1) The
4 following institutions are in the department:

- 5 (a) Galen state hospital
- 6 (b) Montana veterans' home at Columbia Falls
- 7 (c) State prison
- 8 (d) Montana ~~children's center~~ veterans' home at Twin
9 Bridges
- 10 (e) Mountain View school
- 11 (f) Pine Hills school
- 12 (g) Boulder river school and hospital
- 13 (h) Warm Springs state hospital
- 14 (i) Montana center for the aged
- 15 (j) Swan river youth forest camp
- 16 (k) Eastmont training center
- 17 (l) Any other institution which provides care and
18 services for juvenile delinquents including but not limited
19 to youth forest camps and juvenile reception and evaluation
20 centers.

21 (2) A state institution may not be moved,
22 discontinued, or abandoned without prior consent of the
23 ~~legislative assembly~~ legislature."

24 Section 10. Section 80-1419, R.C.M. 1947, is amended
25 to read as follows:

1 "80-1419. Department of institutions may contract with
2 governing body of Indian reservation for services. The
3 department of institutions may contract with the governing
4 body of an Indian reservation within the state for
5 residential and educational services*

6 ~~(1)~~ at Mountain View school, Pine Hills school,
7 aftercare division, or other juvenile facility maintained by
8 the department, for children who have been adjudicated
9 delinquent by the tribal court~~;~~ subject to the provisions
10 of Title 80, chapter 14 and chapter 22 ~~or~~

11 ~~(2) at the Montana children's center for children who~~
12 ~~have been found by the tribal court to be dependent and~~
13 ~~neglected, subject to the provisions of Title 80, chapter~~
14 ~~21."~~

15 Section 11. Section 80-1601, R.C.M. 1947, is amended
16 to read as follows:

17 "80-1601. Institutions subject to per diem charge. The
18 state department of institutions shall collect and process
19 per diem payments for the care of residents in the following
20 institutions and for the care of those persons in foster
21 homes or group homes under provisions of the department:

- 22 (1) Montana ~~children's center~~ veterans' home at Twin
23 Bridges
- 24 (2) Warm Springs state hospital
- 25 (3) Boulder river school and hospital

1 (4) Galen state hospital
 2 (5) Montana veterans' home at Columbia Falls
 3 (6) Montana center for the aged
 4 (7) Eastmont training center."
 5 Section 12. Section 80-2211, R.C.M. 1947, is amended
 6 to read as follows:
 7 "80-2211. Child leaving juvenile facility without
 8 permission -- apprehension and return. A child who has left
 9 a juvenile facility of the department without permission may
 10 be apprehended and returned by any citizen. The term
 11 "juvenile facility of the department" means any facility
 12 under the supervision and control of the Montana state
 13 department of institutions, whose primary function is the
 14 care, training, custody and control of children and
 15 specifically includes the Pine Hills School for boys, the
 16 Mountain View School for girls, the--Montana--Children's
 17 Center, Boulder River School and Hospital, the Swan River
 18 Youth Forest Camp and Eastmont Training Center."
 19 Section 13. Section 82A-801.1, R.C.M. 1947, is amended
 20 to read as follows:
 21 "82A-801.1. Functions of department. The department
 22 and its units are responsible for the administration of laws
 23 relating to institutions, including, but not limited to,
 24 laws pertaining to:
 25 (1) District youth guidance homes (Title 10, chapter

1 11);
 2 (2) Warm Springs state hospital (Title 38, chapter 1);
 3 (3) Examination and commitment of persons mentally
 4 deranged (Title 38, chapter 2);
 5 (4) Patient transfers (Title 38, chapter 3);
 6 (5) Examination of patients and voluntary admissions
 7 (Title 38, chapter 4);
 8 (6) Convalescent leave of patients (Title 38, chapter
 9 5);
 10 (7) Voluntary sterilizations (Title 69, chapter 64);
 11 (8) Juvenile facilities (Title 80, chapter 14);
 12 (9) Institutional industries (Title 80, chapter 15);
 13 (10) Payments for care of patients (Title 80, chapter
 14 16);
 15 (11) Galen state hospital (Title 80, chapter 17);
 16 (12) Montana veterans' home homes (Title 80, chapter
 17 18);
 18 (13) State prison (Title 80, chapter 19);
 19 ~~(14) Montana children's center (Title 80, chapter 21);~~
 20 ~~(15) Mountain View school and Pine Hills school~~
 21 (Title 80, chapter 22);
 22 ~~(16) Boulder river school and hospital (Title 80,~~
 23 chapter 23);
 24 ~~(17) Mental hygiene services and mental health~~
 25 centers (Title 80, chapter 24);

1 ~~(16)~~(17) Montana center for the aged (Title 80, chapter
 2 25);
 3 ~~(18)~~(19) Mental retardation programs (Title 80, chapter
 4 26);
 5 ~~(20)~~(19) Probation, parole, and clemency (Title 94,
 6 chapter 98);
 7 ~~(21)~~(20) Alcohol and drug dependence (Title 80, chapter
 8 27)."

9 Section 14. There is a new R.C.M. section that reads
 10 as follows:

11 Operating appropriations. (1) There is appropriated
 12 from the general fund to the department of institutions for
 13 the biennium ending June 30, 1979, the sum of \$175,600.

14 (2) This appropriation shall be used to fund the
 15 operating costs of the Twin Bridges veterans' home.

16 (3) Any moneys unexpended at the end of the biennium
 17 shall revert to the general fund.

18 Section 15. There is a new R.C.M. section that reads
 19 as follows:

20 Appropriation for construction. (1) There is
 21 appropriated from the long-range building program to the
 22 department of administration for the biennium ending June
 23 30, 1979, the sum of ~~\$1,096,440~~ \$350,000.

24 (2) This appropriation is to be used for the design
 25 and construction of a 60-bed veterans' facility attached to

1 the Twin Bridges veterans' home.
 2 ~~SECTION 16. EFFECTIVE DATE. THIS ACT BECOMES~~
 3 ~~EFFECTIVE UPON THE ENACTMENT AND APPROVAL OF HR 3695 BY THE~~
 4 ~~95TH CONGRESS.~~
 5 Section 17. Repealer. Sections 75-6319 and 80-2101
 6 through 80-2107, R.C.M. 1947, are repealed.

-End-