

CHAPTER NO. 523

HOUSE BILL NO. 196

INTRODUCED BY ELLIS, GERKE, GOULD, MANUEL

IN THE HOUSE

January 16, 1979	Introduced and referred to Committee on Human Services.
February 17, 1979	Committee recommend bill do pass as amended. Report adopted.
February 20, 1979	Printed and placed on members' desks.
February 21, 1979	Second reading, do pass. Considered correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 22, 1979	Introduced and referred to Committee on Public Health, Welfare, and Safety.
March 13, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 15, 1979	Second reading, concurred in as amended.
March 17, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 19, 1979	Returned from second house. Concurred in as amended.
March 20, 1979	On motion, consideration passed until the 71st Legislative Day.

March 28, 1979

Second reading, amendments  
adopted.

March 29, 1979

Third reading, amendments  
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *196*  
 2 INTRODUCED BY *Ellis Herke* *Manuel*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A DIVISION  
 5 OF VISUAL SERVICES IN THE DEPARTMENT OF SOCIAL AND  
 6 REHABILITATION SERVICES; PROVIDING FOR A VISUAL SERVICES  
 7 ADVISORY COUNCIL; SPECIFYING THE RESPONSIBILITIES AND POWERS  
 8 OF THE DIVISION OF VISUAL SERVICES AND OF THE VISUAL  
 9 SERVICES ADVISORY COUNCIL; AND AMENDING SECTIONS 53-2-201  
 10 AND 53-7-301 THROUGH 53-7-307, MCA."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 53-2-201, MCA, is amended to read:  
 14 "53-2-201. Powers and duties of department. (1) The  
 15 department shall:

16 (a) administer or supervise all forms of public  
 17 assistance, child protection, and child welfare, including  
 18 the provision of medical care payments in behalf of  
 19 recipients of public assistance;

20 (b) administer or supervise all child welfare  
 21 activities, including importation and exportation of  
 22 children; licensing and supervising of private and local  
 23 child-caring agencies; the care of dependent, neglected, and  
 24 delinquent children in foster family homes, especially  
 25 children placed for adoption or those of illegitimate birth;

1 (c) give consultant service to private institutions  
 2 providing care for the needy, indigent, handicapped, or  
 3 dependent adults;

4 ~~(d) cooperate with other state agencies and develop~~  
 5 ~~provisions for services to the blind including the~~  
 6 ~~prevention of blindness, the location of blind persons,~~  
 7 ~~medical services for eye conditions, and vocational guidance~~  
 8 ~~and training of the blind;~~

9 ~~(e)(d)~~ provide services in respect to organization and  
 10 supervise county departments of public welfare and county  
 11 boards of public welfare in the administration of public  
 12 assistance functions and for efficiency and economy;

13 ~~(f)(g)~~ assist and cooperate with other state and  
 14 federal departments, bureaus, agencies, and institutions,  
 15 when so requested, by performing services in conformity with  
 16 public assistance purposes; and

17 ~~(g)(f)~~ administer and supervise all federal funds  
 18 allocated to this state and all state funds appropriated to  
 19 the department for public assistance activities. The  
 20 department shall do all things necessary, in conformity with  
 21 federal and state law, for the proper fulfillment of public  
 22 assistance purposes.

23 (2) The department may:

24 (a) purchase, exchange, condemn, or receive by gift  
 25 either real or personal property which is necessary to carry

1 out its public assistance functions. Title to property  
 2 obtained under this subsection shall be taken in the name of  
 3 the state of Montana for the use and benefit of the  
 4 department.

5 (b) contract with the federal government to carry out  
 6 its public assistance functions. The department may do all  
 7 things necessary in order to avail itself of federal aid and  
 8 assistance."

9 NEW SECTION. Section 2. Division of visual services.  
 10 There is a division of visual services within the department  
 11 of social and rehabilitation services. The division head is  
 12 an administrator appointed by the director of the department  
 13 of social and rehabilitation services. The division is  
 14 responsible for administration of rehabilitative and other  
 15 services for blind and visually handicapped persons.

16 NEW SECTION. Section 3. Advisory council. (1) There  
 17 is an advisory council for visual services. The advisory  
 18 council is attached to the department of social and  
 19 rehabilitation services for administrative purposes only.  
 20 The council shall consist of no less than seven or more than  
 21 nine members. The advisory council shall advise and assist  
 22 the division of visual services in the provision of adequate  
 23 and appropriate rehabilitative and other services to the  
 24 blind and visually handicapped. Members of the advisory  
 25 council shall include:

1 (a) at least four persons who are blind or who are the  
 2 parent or guardian of a blind minor;

3 (b) at least one person who is a member in a voluntary  
 4 organization of blind persons;

5 (c) at least one person who is involved in the  
 6 provision of rehabilitation services to blind persons;

7 (d) at least one person who is active in the field of  
 8 vocational rehabilitation.

9 (2) Members of the advisory council shall be appointed  
 10 for a period of 2 years. They shall be appointed by the  
 11 governor from names submitted by the administrator of the  
 12 division of visual services and from organizations of blind  
 13 persons.

14 (3) The department of social and rehabilitation  
 15 services, through the division of visual services, shall  
 16 provide staff and financial support as necessary for the  
 17 advisory council to perform its functions.

18 Section 4. Section 53-7-301, MCA, is amended to read:

19 "53-7-301. Definitions. As used in this part, the  
 20 following definitions apply:

21 (1) "Blind individual" means an individual whose  
 22 central visual acuity does not exceed 20/200 in the better  
 23 eye with correcting lenses or whose visual acuity is greater  
 24 than 20/200 but is accompanied by a limitation in the fields  
 25 of vision such that the widest diameter of the visual field

1 subtends an angle no greater than 20 degrees or who has  
2 other eye conditions which render vision equally defective  
3 or who has an eye condition which will cause blindness.

4 (2) "Business license" means any license, permit, or  
5 other written authority required by any governmental unit to  
6 be obtained in order to engage in a business.

7 (3) ~~"Department" means the department of social and~~  
8 ~~rehabilitation services provided for in title 2, chapter 15,~~  
9 ~~part 22. "Division" means the division of visual services~~  
10 ~~provided for in (section 2).~~

11 (4) "Maintenance" means money payments not exceeding  
12 the estimated cost of subsistence during the provision of  
13 vocational rehabilitation and rehabilitation services.

14 (5) "Occupational license" means a license, permit, or  
15 other written authority required by any governmental unit to  
16 be obtained in order to engage in an occupation.

17 (6) "Physical restoration" means any medical,  
18 surgical, or therapeutic treatment necessary to correct or  
19 substantially reduce a blind individual's employment  
20 handicap within a reasonable length of time, including but  
21 not limited to medical, psychiatric, dental, and surgical  
22 treatment, nursing services, hospital care, convalescent  
23 home care, drugs, medical and surgical supplies, and  
24 prosthetic appliances, but excluding curative treatment for  
25 acute or transitory conditions.

1 (7) "Prosthetic appliance" means an artificial device  
2 necessary to support or take the place of a part of the body  
3 or to increase the acuity of a sense organ.

4 (8) "Rehabilitation services" means any services,  
5 provided directly or through public or private  
6 instrumentalities, found by the department division to be  
7 necessary to compensate a blind individual for his  
8 employment handicap or to enable him to achieve the maximum  
9 degree of self-care and to engage in productive tasks.

10 (9) "Rehabilitation training" means all necessary  
11 training provided to a blind individual to compensate for  
12 his employment handicap, including but not limited to  
13 manual, preconditioning prevocational, and supplementary  
14 training and training provided for the purpose of achieving  
15 broader or more remunerative skills and capacities.

16 (10) "Vocational rehabilitation" and "vocational  
17 rehabilitation services" mean any services, provided  
18 directly or through public or private instrumentalities,  
19 found by the department division to be necessary to  
20 compensate a blind individual for his employment handicap  
21 and to enable him to engage in a remunerative occupation,  
22 including but not limited to medical and vocational  
23 diagnosis, vocational guidance, counseling and placement,  
24 rehabilitation training, physical restoration,  
25 transportation, occupational and business licenses, tools,

1 equipment, initial stocks and supplies, including livestock,  
 2 capital advances, maintenance, and training books and  
 3 materials."

4 Section 5. Section 53-7-302, MCA, is amended to read:

5 "53-7-302. Administration. The ~~department~~ division  
 6 shall provide the services authorized by this part to blind  
 7 individuals determined by it to be eligible therefor ~~for~~  
 8 services. In carrying out the purposes of this part, the  
 9 ~~department~~ division may, among other things:

10 (1) cooperate ~~with the department of social and~~  
 11 rehabilitation services and with other departments,  
 12 agencies, and institutions, both public and private, in  
 13 providing the services authorized by this part to blind  
 14 individuals; in studying the problems involved therein; and  
 15 in establishing, developing, and providing, in conformity  
 16 with the purposes of this part, such programs, facilities,  
 17 and services as may be necessary or desirable;

18 (2) enter into reciprocal agreements with other states  
 19 to provide the services authorized by this part to residents  
 20 of the states concerned;

21 (3) conduct research and compile statistics relating  
 22 to the provision of services to or the need of services of  
 23 blind individuals;

24 (4) provide supplementary services to any applicant or  
 25 recipient who is in need of treatment either to prevent

1 blindness or to restore his eyesight, whether or not he is  
 2 blind, if he is otherwise qualified for services or training  
 3 under this part and if the supplementary services are  
 4 recommended because of the findings of an ophthalmologist or  
 5 optometric examination. The supplementary services may  
 6 include necessary travel and other expenses to receive  
 7 treatment from a hospital or clinic designated by the  
 8 ~~department~~ division.

9 (5) take other action necessary or appropriate to  
 10 carry out this part."

11 Section 6. Section 53-7-303, MCA, is amended to read:

12 "53-7-303. Cooperation with federal government. The  
 13 ~~department~~ division may cooperate, pursuant to agreements  
 14 with the federal government, in carrying out the purposes of  
 15 any federal statutes pertaining to the purposes of this part  
 16 and comply with such conditions as may be necessary to  
 17 secure the full benefits of such federal statutes."

18 NEW SECTION. Section 7. Division share of vocational  
 19 rehabilitation funds. The share of federal funds received by  
 20 the state for vocational rehabilitation and allocated to the  
 21 division of visual services shall in no case be less than  
 22 15% of all such funds received. This section does not limit  
 23 the ability of the division to seek and receive federal  
 24 funds for the administration of services to blind  
 25 individuals.

1 Section 8. Section 53-7-304, MCA, is amended to read:

2 "53-7-304. Receipt and disbursement of federal funds.

3 The state treasurer is hereby designated as the custodian of  
4 all funds received from the federal government for the  
5 purpose of carrying out any federal statutes pertaining to  
6 the purposes of this part. The state treasurer shall make  
7 disbursements from such funds and from all state funds  
8 available for such purposes upon certification of the  
9 department division in accordance with the regulations so  
10 provided."

11 Section 9. Section 53-7-305, MCA, is amended to read:

12 "53-7-305. Acceptance of gifts. The department  
13 division shall accept and use gifts made unconditionally by  
14 will or otherwise for the purposes of this part. Gifts made  
15 under such conditions as in the judgment of the department  
16 division are proper and consistent with the provisions of  
17 this part may be so accepted and shall be held, invested,  
18 reinvested, and used in accordance with the conditions of  
19 the gift."

20 Section 10. Section 53-7-306, MCA, is amended to read:

21 "53-7-306. Vocational rehabilitation services. (1)  
22 Vocational rehabilitation services shall be provided to any  
23 blind individual who:

24 (a) at the time of filing his application therefor,  
25 resides in the state for other than a temporary purpose and

1 whose vocational rehabilitation the department division,  
2 after full investigation, determines can be satisfactorily  
3 achieved; or

4 (b) is eligible therefor under the terms of an  
5 agreement with another state or with the federal government.

6 (2) Except as otherwise provided by law or as  
7 specified in any agreement with the federal government with  
8 respect to classes of individuals certified to the  
9 department division thereunder, the following vocational  
10 rehabilitation services shall be provided at public cost  
11 only to blind individuals found to require financial  
12 assistance with respect thereto for:

- 13 (a) physical restoration;
- 14 (b) transportation not provided to determine the  
15 eligibility of the individual for vocational rehabilitation  
16 services and the nature and extent of the services  
17 necessary;
- 18 (c) occupational and business licenses;
- 19 (d) tools, equipment, initial stock and supplies  
20 (including livestock), and capital advances;
- 21 (e) training books and materials;
- 22 (f) maintenance."

23 Section 11. Section 53-7-307, MCA, is amended to read:

24 "53-7-307. Rehabilitation services. Rehabilitation  
25 services shall be provided to any blind individual who:

1 (1) at the time of filing his application therefor,  
2 resides in the state for other than a temporary purpose;

3 (2) the department division, after full investigation,  
4 determines can be assisted through the provision of such  
5 services to achieve a more useful and purposeful life; or

6 (3) is eligible therefor under the terms of an  
7 agreement with another state or with the federal  
8 government."

9 NEW SECTION. Section 12. State plan for visual  
10 services. The division of visual services shall develop and  
11 annually update a state plan for the provision of services  
12 to blind individuals. The division shall consult with the  
13 visual services advisory council in the development and  
14 updating of the plan and shall provide opportunity for  
15 public participation.

16 NEW SECTION. Section 13. Hearings. An individual  
17 applying for or receiving services under this part who is  
18 aggrieved by any action or inaction of the division is  
19 entitled, in accordance with regulations, to a fair hearing  
20 by the board of social and rehabilitation appeals.

21 NEW SECTION. Section 14. Rulemaking. The division may  
22 adopt, amend, and repeal substantive and procedural rules  
23 necessary to implement this part. Rulemaking procedures  
24 shall comply with the requirements of the Montana  
25 Administrative Procedure Act.

1 Section 15. Codification. It is intended that sections  
2 2, 3, 7, 12, 13, and 14 be codified as an integral part of  
3 Title 53, chapter 7, part 3, and the provisions of Title 53,  
4 chapter 7, part 3, apply to sections 2, 3, 7, 12, 13, and  
5 14.

-End-



## STATE OF MONTANA

Request No. 255-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 6, 1979, there is hereby submitted a Fiscal Note for House Bill 196 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.

## DESCRIPTION OF PROPOSED LEGISLATION:

This bill would establish a Division of Visual Services in the Department of Social and Rehabilitation Services, provide for a Visual Services Advisory Council, and specify the responsibility and powers of the Division and the council.

## ASSUMPTIONS:

1. Since Visual Services is currently a Division, the providing of Division status by specific statute will not change current revenue or expenditures.
2. Expenses for the Advisory Council will increase from current council expenditures due to expansion of the council from eight members to nine, and increasing council meetings from semi-annually to quarterly.

## FISCAL IMPACT:

Based on the assumption above, it is estimated that HB 196 will increase expenditures as follows:

	FY 80	FY 81
Personal services	\$ 0	\$ 0
Operating costs	2,000	2,000
Capital outlay	0	0
Total	<u>\$2,000</u>	<u>\$2,000</u>

The additional cost must be funded from the State General Fund.

*Cecily Daering for*

BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 2-13-79

Approved by Comm. On Human Services

HOUSE BILL NO. 196

INTRODUCED BY ELLIS, GERKE, GOULD, MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A DIVISION OF VISUAL SERVICES IN THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; AND PROVIDING FOR A VISUAL SERVICES ADVISORY COUNCIL; SPECIFYING THE RESPONSIBILITIES AND POWERS OF THE DIVISION OF VISUAL SERVICES AND OF THE VISUAL SERVICES ADVISORY COUNCIL; AND AMENDING SECTIONS 53-2-201 AND 53-7-301 THROUGH 53-7-307, MCA."

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

Section 53-2-201, MCA, is amended to read:

53-2-201. Powers and duties of department. (1) The department shall:

(a) administer or supervise all forms of public assistance, child protection, and child welfare, including the provision of medical care payments in behalf of recipients of public assistance;

(b) administer or supervise all child welfare activities, including importation and exportation of children; licensing and supervising of private and local child-caring agencies; the care of dependent, neglected, and delinquent children in foster family homes, especially children placed for adoption or those of illegitimate birth;

(c) give consultant service to private institutions providing care for the needy, indigent, handicapped, or dependent adults;

(d) cooperate with other state agencies and develop provisions for services to the blind, including the prevention of blindness, the location of blind persons, medical services for eye conditions, and vocational guidance and training of the blind;

(e) provide services in respect to organization and supervise county departments of public welfare and county boards of public welfare in the administration of public assistance functions and for efficiency and economy;

(f) assist and cooperate with other state and federal departments, bureaus, agencies, and institutions when so requested by performing services in conformity with public assistance purposes; and

(g) administer and supervise all federal funds allocated to this state and all state funds appropriated to the department for public assistance activities. The department shall do all things necessary in conformity with federal and state law for the proper fulfillment of public assistance purposes.

(2) The department may:

(a) purchase, exchange, condemn, or receive by gift either real or personal property which is necessary to carry

1 out-its--public--assistance--functions--title--to--property  
 2 obtained-under-this-subsection-shall-be-taken-in-the-name-of  
 3 the--state--of--Montana--for--the--use--and--benefit--of--the  
 4 departments

5 (b)--contract-with-the-federal-government-to-carry-out  
 6 its--public--assistance-functions--The-department-may-do-all  
 7 things-necessary-in-order-to-avail-itself-of-federal-aid-and  
 8 assistance"

9 NEW SECTION. Section 1. Division of visual services.  
 10 There is a division of visual services within the department  
 11 of social and rehabilitation services IN ACCORDANCE WITH  
 12 MERIT SYSTEM AND CLASSIFICATION REQUIREMENTS. The division  
 13 head is an administrator appointed by the director of the  
 14 department of social and rehabilitation services. The  
 15 division is responsible for administration of rehabilitative  
 16 and other services for blind and visually handicapped  
 17 persons.

18 NEW SECTION. Section 2. Advisory council. (1) There  
 19 is an advisory council for visual services. The advisory  
 20 council is attached to the department of social and  
 21 rehabilitation services for administrative purposes only.  
 22 The council shall consist of no less than seven or more than  
 23 nine members. The advisory council shall advise and assist  
 24 the division of visual services in the provision of adequate  
 25 and appropriate rehabilitative and other services to the

1 blind and visually handicapped. Members of the advisory  
 2 council shall include BE APPOINTED BY THE GOVERNOR FROM  
 3 NAMES SUBMITTED BY THE ADMINISTRATOR OF THE DIVISION OF  
 4 VISUAL SERVICES. THE MAJORITY OF THE MEMBERS MUST BE BLIND  
 5 OR VISUALLY HANDICAPPED. THE ADVISORY COUNCIL MAY BE  
 6 STRUCTURED TO MEET THE REQUIREMENTS OF ANY FEDERAL LAW OR  
 7 REGULATION CONCERNING COMMUNITY AND PROFESSIONAL INPUT INTO  
 8 THE DEVELOPMENT OF PROGRAMS FOR THE BLIND AND VISUALLY  
 9 IMPAIRED.

10 (a)--at-least-four-persons-who-are-blind-or-who-are-the  
 11 parent-or-guardian-of-a-blind-minor

12 (b)--at-least-one-person-who-is-a-member-in-a-voluntary  
 13 organization-of-blind-persons

14 (c)--at-least-one-person-who-is-involved-in-the  
 15 provision-of-rehabilitation-services-to-blind-persons

16 (d)--at-least-one-person-who-is-active-in-the-field-of  
 17 vocational-rehabilitation

18 (2) Members of the advisory council shall be appointed  
 19 for a period of 2 years. They shall be appointed by the  
 20 governor from names submitted by the administrator of the  
 21 division of visual services and from organizations of blind  
 22 persons

23 (3) The department of social and rehabilitation  
 24 services, through the division of visual services, shall  
 25 provide staff and financial support as necessary for the

1 advisory council to perform its functions.

2 Section 4v--Section--53-7-301v--MCA--is--amended--to--read+  
3 #53-7-301v--Definitions--As--used--in--this--partv--the  
4 following--definitions--apply+

5 {1}--"Blind--individual"--means--an--individual--whose  
6 central--visual--acuity--does--not--exceed--20/200--in--the--better  
7 eye--with--correcting--lenses--or--whose--visual--acuity--is--greater  
8 than--20/200--but--is--accompanied--by--a--limitation--in--the--fields  
9 of--vision--such--that--the--widest--diameter--of--the--visual--field  
10 subtends--an--angle--no--greater--than--20--degrees--or--who--has  
11 other--eye--conditions--which--render--vision--equally--defective  
12 or--who--has--an--eye--condition--which--will--cause--blindness+

13 {2}--"Business--license"--means--any--licensev--permitv--or  
14 other--written--authority--required--by--any--governmental--unit--to  
15 be--obtained--in--order--to--engage--in--a--business+

16 {3}--"Department"--means--the--department--of--social--and  
17 rehabilitation--services--provided--for--in--Title--2v--Chapter--15v  
18 part--22v--"Division"--means--the--division--of--visual--services  
19 provided--for--in--[Section--23]

20 {4}--"Maintenance"--means--money--payments--not--exceeding  
21 the--estimated--cost--of--subsistence--during--the--provision--of  
22 vocational--rehabilitation--and--rehabilitation--services+

23 {5}--"Occupational--license"--means--a--licensev--permitv--or  
24 other--written--authority--required--by--any--governmental--unit--to  
25 be--obtained--in--order--to--engage--in--an--occupation+

1 {6}--"Physical--restoration"--means--any--medicalv  
2 surgicalv--or--therapeutic--treatment--necessary--to--correct--or  
3 substantially--reduce--a--blind--individual's--employment  
4 handicap--within--a--reasonable--length--of--timev--including--but  
5 not--limited--to--medicalv--psychiatricv--dentistry--and--surgical  
6 treatmentv--nursing--servicesv--hospital--carev--convalescent  
7 home--carev--drugsv--medical--and--surgical--suppliesv--and  
8 prosthetic--appliancesv--but--excluding--curative--treatment--for  
9 acute--or--transitory--conditions+

10 {7}--"Prosthetic--appliance"--means--an--artificial--device  
11 necessary--to--support--or--take--the--place--of--a--part--of--the--body  
12 or--to--increase--the--acuity--of--a--sense--organ+

13 {8}--"Rehabilitation--services"--means--any--servicesv  
14 provided--directly--or--through--public--or--private  
15 instrumentalitiesv--founded--by--the--department--division--to--be  
16 necessary--to--compensate--a--blind--individual--for--his  
17 employment--handicap--or--to--enable--him--to--achieve--the--maximum  
18 degree--of--self--care--and--to--engage--in--productive--tasks+

19 {9}--"Rehabilitation--training"--means--all--necessary  
20 training--provided--to--a--blind--individual--to--compensate--for  
21 his--employment--handicapv--including--but--not--limited--to  
22 manualv--preconditioningv--prevocationalv--and--supplementary  
23 training--and--training--provided--for--the--purpose--of--achieving  
24 broader--or--more--remunerative--skills--and--capabilities+

25 {10}--"Vocational--rehabilitation"--and--"vocational

1 rehabilitation services" mean any services provided  
 2 directly or through public or private instrumentalities  
 3 found by the department ~~division~~ to be necessary to  
 4 compensate a blind individual for his employment handicap  
 5 and to enable him to engage in a remunerative occupation  
 6 including but not limited to medical and vocational  
 7 diagnosis, vocational guidance, counseling and placement,  
 8 rehabilitation, training, physical restoration,  
 9 transportation, occupational and business licenses, tools,  
 10 equipment, initial stocks and supplies, including livestock,  
 11 capital, advances, maintenance, and training books and  
 12 materials."

13 Section 5 of Section 53-7-302, MCA, is amended to read:  
 14 "53-7-302. Administration. The department ~~division~~  
 15 shall provide the services authorized by this part to blind  
 16 individuals determined by it to be eligible therefor for  
 17 services in carrying out the purposes of this part; the  
 18 department ~~division~~ may, among other things:

19 (1) cooperate with the department of social and  
 20 rehabilitation services and with other departments  
 21 agencies and institutions, both public and private, in  
 22 providing the services authorized by this part to blind  
 23 individuals in studying the problems involved therein and  
 24 in establishing, developing, and providing, in conformity  
 25 with the purposes of this part, such programs, facilities,

1 and services as may be necessary or desirable;

2 (2) enter into reciprocal agreements with other states  
 3 to provide the services authorized by this part to residents  
 4 of the states concerned;

5 (3) conduct research and compile statistics relating  
 6 to the provision of services to or the need of services of  
 7 blind individuals;

8 (4) provide supplementary services to any applicant or  
 9 recipient who is in need of treatment either to prevent  
 10 blindness or to restore his eyesight, whether or not he is  
 11 blind, if he is otherwise qualified for services or training  
 12 under this part and if the supplementary services are  
 13 recommended because of the findings of an ophthalmologist or  
 14 optometric examination. The supplementary services may  
 15 include necessary travel and other expenses to receive  
 16 treatment from a hospital or clinic designated by the  
 17 department ~~division~~;

18 (5) take other action necessary or appropriate to  
 19 carry out this part."

20 Section 6 of Section 53-7-303, MCA, is amended to read:  
 21 "53-7-303. Cooperation with federal government. The  
 22 department ~~division~~ may cooperate pursuant to agreements  
 23 with the federal government in carrying out the purposes of  
 24 any federal statutes pertaining to the purposes of this part  
 25 and comply with such conditions as may be necessary to

1 secure the full benefits of such federal statutes."

2 NEW SECTION. Section 3. Division share of vocational  
3 rehabilitation funds. The share of federal funds received by  
4 the state for vocational rehabilitation and allocated to the  
5 DEPARTMENT FOR THE division of visual services shall in no  
6 case be less than BE ESTABLISHED ON A LINE ITEM BASIS, IN  
7 THE BUDGET OF THE DEPARTMENT, BY THE LEGISLATURE, THIS SHARE  
8 MAY NOT BE REDUCED BY BUDGET AMENDMENT BETWEEN LEGISLATIVE  
9 SESSIONS. 15% of all such funds received. This section does  
10 not limit the ability of the division to seek and receive  
11 federal funds for the administration of services to blind  
12 individuals.

13 Section 8. Section 53-7-394, MCA, is amended to read:  
14 "53-7-394. Receipt and disbursement of federal funds.  
15 The state treasurer is hereby designated as the custodian of  
16 all funds received from the federal government for the  
17 purpose of carrying out any federal statutes pertaining to  
18 the purposes of this part. The state treasurer shall make  
19 disbursements from such funds and from all state funds  
20 available for such purposes upon certification of the  
21 department division in accordance with the regulations so  
22 provided."

23 Section 9. Section 53-7-385, MCA, is amended to read:  
24 "53-7-385. Acceptance of gifts. The department  
25 division shall accept and use gifts made unconditionally by

1 will or otherwise for the purposes of this part. Gifts made  
2 under such conditions as in the judgment of the department  
3 division are proper and consistent with the provisions of  
4 this part may be so accepted and shall be held, invested,  
5 reinvested, and used in accordance with the conditions of  
6 the gifts."

7 Section 10. Section 53-7-386, MCA, is amended to read:  
8 "53-7-386. Vocational rehabilitation services. (1)  
9 Vocational rehabilitation services shall be provided to any  
10 blind individual who:  
11 (a) at the time of filing his application therefor  
12 resides in the state for other than a temporary purpose and  
13 whose vocational rehabilitation the department division  
14 after full investigation determines can be satisfactorily  
15 achieved; or

16 (b) is eligible therefor under the terms of an  
17 agreement with another state or with the federal government;

18 (2) Except as otherwise provided by law or as  
19 specified in any agreement with the federal government with  
20 respect to classes of individuals certified to the  
21 department division thereunder, the following vocational  
22 rehabilitation services shall be provided at public cost  
23 only to blind individuals found to require financial  
24 assistance with respect thereto: for

25 (a) physical restoration;

1 (b) transportation not provided to determine the  
 2 eligibility of the individual for vocational rehabilitation  
 3 services and the nature and extent of the services  
 4 necessary;

5 (c) occupational and business licenses;

6 (d) tools, equipment, initial stock and supplies  
 7 including livestock and capital advances;

8 (e) training books and materials;

9 (f) maintenance."

10 Section 11, Section 53-7-307, MCA, is amended to read:

11 "53-7-307. Rehabilitation services. Rehabilitation  
 12 services shall be provided to any blind individual who

13 (1) at the time of filing his application therefore  
 14 resides in the state for other than a temporary purpose;

15 (2) the department, division, after full investigation,  
 16 determines can be assisted through the provision of such  
 17 services to achieve a more useful and purposeful life; or

18 (3) is eligible therefore under the terms of an  
 19 agreement with another state or with the federal  
 20 government."

21 NEW SECTION. Section 4. State plan for visual  
 22 services. The division of visual services DEPARTMENT shall  
 23 develop and annually update a state plan for the provision  
 24 of services to blind individuals. The division DEPARTMENT  
 25 shall consult with the visual services advisory council in

1 the development and updating of the plan and shall provide  
 2 opportunity for public participation.

3 NEW SECTION. Section 13. Hearings. An individual  
 4 applying for or receiving services under this part who is  
 5 aggrieved by any action or inaction of the division is  
 6 entitled in accordance with regulations to a fair hearing  
 7 by the board of social and rehabilitation appeals.

8 NEW SECTION. Section 14. Rulemaking. The division  
 9 may adopt, amend, and repeat substantive and procedural  
 10 rules necessary to implement this part. Rulemaking  
 11 procedures shall comply with the requirements of the Montana  
 12 Administrative Procedure Act.

13 Section 5. Codification. It is intended that sections  
 14 2v-3v-7v-12v-13v and 14 be codified as an integral part of  
 15 Title 53, Chapter 7, part 3, and the provisions of Title 53,  
 16 chapter 7, part 3, apply to sections 2v-3v-7v-12v-13v and  
 17 14. 1 AND 2 BE CODIFIED AS AN INTEGRAL PART OF TITLE 2,  
 18 CHAPTER 15, PART 22, AND THE PROVISIONS OF TITLE 2, CHAPTER  
 19 15, PART 22, SHALL APPLY TO SECTIONS 1 AND 2. IT IS INTENDED  
 20 THAT SECTIONS 3 AND 4 BE CODIFIED AS AN INTEGRAL PART OF  
 21 TITLE 53, CHAPTER 7, PART 3, AND THE PROVISIONS OF TITLE 53,  
 22 CHAPTER 7, PART 3, APPLY TO SECTIONS 3 AND 4.

-End-

## HOUSE BILL NO. 196

INTRODUCED BY ELLIS, GERKE, GOULD, MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A DIVISION OF VISUAL SERVICES IN THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; AND PROVIDING FOR A VISUAL SERVICES ADVISORY COUNCIL; SPECIFYING THE RESPONSIBILITIES AND POWERS OF THE DIVISION OF VISUAL SERVICES AND OF THE VISUAL SERVICES ADVISORY COUNCIL; AND AMENDING SECTIONS 53-2-201 AND 53-7-301 THROUGH 53-7-307, MCA."

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

~~Section 53-2-201, MCA, is amended to read:~~

~~53-2-201. Powers and duties of department. (1) The department shall:~~

~~(a) administer or supervise all forms of public assistance, child protection, and child welfare, including the provision of medical care payments in behalf of recipients of public assistance;~~

~~(b) administer or supervise all child welfare activities, including importation and exportation of children, licensing and supervising of private and local child-caring agencies, the care of dependent, neglected, and delinquent children in foster family homes, especially children placed for adoption or those of illegitimate birth;~~

~~(c) give consultant service to private institutions providing care for the needy, indigent, handicapped, or dependent adults;~~

~~(d) cooperate with other state agencies and develop provisions for services to the blind, including the prevention of blindness, the location of blind persons, medical services for eye conditions, and vocational guidance and training of the blind;~~

~~(e) (i) provide services in respect to organization and supervise county departments of public welfare and county boards of public welfare in the administration of public assistance functions and for efficiency and economy;~~

~~(f) (i) assist and cooperate with other state and federal departments, bureaus, agencies, and institutions, when so requested, by performing services in conformity with public assistance purposes; and~~

~~(g) (i) administer and supervise all federal funds allocated to this state and all state funds appropriated to the department for public assistance activities. The department shall do all things necessary in conformity with federal and state law for the proper fulfillment of public assistance purposes.~~

~~(2) The department may:~~

~~(a) purchase, exchange, condemn, or receive by gift either real or personal property which is necessary to carry~~



1 out-its-public-assistance-functions--title-to-property  
 2 obtained-under-this-subsection-shall-be-taken-in-the-name-of  
 3 the-state-of-Montana--for--the--use--and--benefit--of--the  
 4 departments

5 (b)--contract-with-the-federal-government-to-carry-out  
 6 its-public-assistance-functions-The-department-may-do-all  
 7 things-necessary-in-order-to-avail-itself-of-federal-aid-and  
 8 assistance"

9 NEW SECTION. Section 1. Division of visual services.  
 10 There is a division of visual services within the department  
 11 of social and rehabilitation services IN ACCORDANCE WITH  
 12 MERIT SYSTEM AND CLASSIFICATION REQUIREMENTS. The division  
 13 head is an administrator appointed by the director of the  
 14 department of social and rehabilitation services. The  
 15 division is responsible for administration of rehabilitative  
 16 and other services for blind and visually handicapped  
 17 persons.

18 NEW SECTION. Section 2. Advisory council. (1) There  
 19 is an advisory council for visual services. The advisory  
 20 council is attached to the department of social and  
 21 rehabilitation services for administrative purposes only.  
 22 The council shall consist of no less than seven or more than  
 23 nine members. The advisory council shall advise and assist  
 24 the division of visual services in the provision of adequate  
 25 and appropriate rehabilitative and other services to the

1 blind and visually handicapped. Members of the advisory  
 2 council shall include BE APPOINTED BY THE GOVERNOR FROM  
 3 NAMES SUBMITTED BY THE ADMINISTRATOR OF THE DIVISION OF  
 4 VISUAL SERVICES. THE MAJORITY OF THE MEMBERS MUST BE BLIND  
 5 OR VISUALLY HANDICAPPED. THE ADVISORY COUNCIL MAY BE  
 6 STRUCTURED TO MEET THE REQUIREMENTS OF ANY FEDERAL LAW OR  
 7 REGULATION CONCERNING COMMUNITY AND PROFESSIONAL INPUT INTO  
 8 THE DEVELOPMENT OF PROGRAMS FOR THE BLIND AND VISUALLY  
 9 IMPAIRED.

10 (a)--at-least-four-persons-who-are-blind-or-who-are-the  
 11 parent-or-guardian-of-a-blind-minor†

12 (b)--at-least-one-person-who-is-a-member-in-a-voluntary  
 13 organization-of-blind-persons†

14 (c)--at-least-one-person-who-is-involved-in-the  
 15 provision-of-rehabilitation-services-to-blind-persons†

16 (d)--at-least-one-person-who-is-active-in-the-field-of  
 17 vocational-rehabilitation†

18 (2) Members of the advisory council shall be appointed  
 19 for a period of 2 years. They shall be appointed by the  
 20 governor from names submitted by the administrator of the  
 21 division of visual services and from organizations of blind  
 22 persons†

23 (3) The department of social and rehabilitation  
 24 services, through the division of visual services, shall  
 25 provide staff and financial support as necessary for the

1 advisory council to perform its functions.  
 2 Section 4 of Section 53-7-301, MCA, is amended to read:  
 3 "53-7-301. Definitions. As used in this part, the  
 4 following definitions apply:  
 5 (1) "Blind individual" means an individual whose  
 6 central visual acuity does not exceed 20/200 in the better  
 7 eye with correcting lenses or whose visual acuity is greater  
 8 than 20/200 but is accompanied by a limitation in the fields  
 9 of vision such that the widest diameter of the visual field  
 10 subtends an angle no greater than 20 degrees or who has  
 11 other eye conditions which render vision equally defective  
 12 or who has an eye condition which will cause blindness.  
 13 (2) "Business license" means any license, permit, or  
 14 other written authority required by any governmental unit to  
 15 be obtained in order to engage in a business.  
 16 (3) "Department" means the department of social and  
 17 rehabilitation services provided for in Title 2, Chapter 15,  
 18 part 22. "Division" means the division of visual services  
 19 provided for in Section 2.  
 20 (4) "Maintenance" means money payments not exceeding  
 21 the estimated cost of subsistence during the provision of  
 22 vocational rehabilitation and rehabilitation services.  
 23 (5) "Occupational license" means a license, permit, or  
 24 other written authority required by any governmental unit to  
 25 be obtained in order to engage in an occupation.

1 (6) "Physical restoration" means any medical,  
 2 surgical, or therapeutic treatment necessary to correct or  
 3 substantially reduce a blind individual's employment  
 4 handicap within a reasonable length of time, including but  
 5 not limited to medical, psychiatric, dental, and surgical  
 6 treatment, nursing services, hospital care, convalescent  
 7 home care, drugs, medical and surgical supplies, and  
 8 prosthetic appliances, but excluding curative treatment for  
 9 acute or transitory conditions.  
 10 (7) "Prosthetic appliance" means an artificial device  
 11 necessary to support or take the place of a part of the body  
 12 or to increase the acuity of a sense organ.  
 13 (8) "Rehabilitation services" means any services  
 14 provided directly or through public or private  
 15 instrumentalities found by the department division to be  
 16 necessary to compensate a blind individual for his  
 17 employment handicap or to enable him to achieve the maximum  
 18 degree of self-care and to engage in productive tasks.  
 19 (9) "Rehabilitation training" means all necessary  
 20 training provided to a blind individual to compensate for  
 21 his employment handicap, including but not limited to  
 22 manual, pre-conditioning, pre-vocational, and supplementary  
 23 training and training provided for the purpose of achieving  
 24 broader or more remunerative skills and capacities.  
 25 (10) "Vocational rehabilitation" and "vocational

1 rehabilitation services\*--mean--any--services--provided  
 2 directly--or--through--public--or--private--instrumentalities  
 3 found--by--the--department--division--to--be--necessary--to  
 4 compensate--a--blind--individual--for--his--employment--handicap  
 5 and--to--enable--him--to--engage--in--a--remunerative--occupation  
 6 including--but--not--limited--to--medical--and--vocational  
 7 diagnosis--vocational--guidance--counseling--and--placement  
 8 rehabilitation--training--physical--restoration  
 9 transportation--occupational--and--business--licenses--tools  
 10 equipment--initial--stocks--and--supplies--including--livestock  
 11 capital--advances--maintenance--and--training--books--and  
 12 materials\*

13 Section 5--Section 53-7-302--MCA--is amended to read  
 14 \*53-7-302--Administration--The--department--division  
 15 shall provide the services authorized by this part to blind  
 16 individuals--determined--by--it--to--be--eligible--therefor--for  
 17 services--in--carrying--out--the--purposes--of--this--part--the  
 18 department--division--may--among--other--things--

19 (1)--cooperate--with--the--department--of--social--and  
 20 rehabilitation--services--and--with--other--departments  
 21 agencies--and--institutions--both--public--and--private--in  
 22 providing--the--services--authorized--by--this--part--to--blind  
 23 individuals--in--studying--the--problems--involved--therein--and  
 24 in--establishing--developing--and--providing--in--conformity  
 25 with--the--purposes--of--this--part--such--programs--facilities

1 and services as may be necessary or desirable

2 (2)--enter--into--reciprocal--agreements--with--other--states  
 3 to--provide--the--services--authorized--by--this--part--to--residents  
 4 of--the--states--concerned

5 (3)--conduct--research--and--compile--statistics--relating  
 6 to--the--provision--of--services--to--or--the--need--of--services--of  
 7 blind--individuals

8 (4)--provide--supplementary--services--to--any--applicant--or  
 9 recipient--who--is--in--need--of--treatment--either--to--prevent  
 10 blindness--or--to--restore--his--eyesight--whether--or--not--he--is  
 11 blind--if--he--is--otherwise--qualified--for--services--or--training  
 12 under--this--part--and--if--the--supplementary--services--are  
 13 recommended--because--of--the--findings--of--an--ophthalmologist--or  
 14 optometric--examinations--The--supplementary--services--may  
 15 include--necessary--travel--and--other--expenses--to--receive  
 16 treatment--from--a--hospital--or--clinic--designated--by--the  
 17 department--division

18 (5)--take--other--action--necessary--or--appropriate--to  
 19 carry--out--this--part\*

20 Section 6--Section 53-7-303--MCA--is amended to read  
 21 \*53-7-303--Cooperation--with--federal--government--The  
 22 department--division--may--cooperate--pursuant--to--agreements  
 23 with--the--federal--government--in--carrying--out--the--purposes--of  
 24 any--federal--statutes--pertaining--to--the--purposes--of--this--part  
 25 and--comply--with--such--conditions--as--may--be--necessary--to

1 secure the full benefits of such federal statutes."

2 NEW SECTION. Section 3. Division share of vocational  
3 rehabilitation funds. The share of federal funds received by  
4 the state for vocational rehabilitation and allocated to the  
5 DEPARTMENT FOR THE division of visual services shall in no  
6 case be less than BE ESTABLISHED ON A LINE ITEM BASIS, IN  
7 THE BUDGET OF THE DEPARTMENT, BY THE LEGISLATURE, THIS SHARE  
8 MAY NOT BE REDUCED BY BUDGET AMENDMENT BETWEEN LEGISLATIVE  
9 SESSIONS. 15% of all such funds received. This section does  
10 not limit the ability of the division to seek and receive  
11 federal funds for the administration of services to blind  
12 individuals.

13 Section 8. Section 53-7-304, MCA, is amended to read:  
14 "53-7-304. Receipt and disbursement of federal funds.  
15 The state treasurer is hereby designated as the custodian of  
16 all funds received from the federal government for the  
17 purpose of carrying out any federal statutes pertaining to  
18 the purposes of this part. The state treasurer shall make  
19 disbursements from such funds and from all state funds  
20 available for such purposes upon certification of the  
21 department division in accordance with the regulations so  
22 provided."

23 Section 9. Section 53-7-305, MCA, is amended to read:  
24 "53-7-305. Acceptance of gifts. The department  
25 division shall accept and use gifts made unconditionally by

1 with or otherwise for the purposes of this part. Gifts made  
2 under such conditions as in the judgment of the department  
3 division are proper and consistent with the provisions of  
4 this part may be so accepted and shall be held, invested,  
5 reinvested, and used in accordance with the conditions of  
6 the gifts."

7 Section 10. Section 53-7-306, MCA, is amended to read:  
8 "53-7-306. Vocational rehabilitation services. (1)  
9 Vocational rehabilitation services shall be provided to any  
10 blind individual who:

11 (a) at the time of filing his application therefor  
12 resides in the state for other than a temporary purpose and  
13 whose vocational rehabilitation the department division  
14 after full investigation determines can be satisfactorily  
15 achieved; or

16 (b) is eligible therefor under the terms of an  
17 agreement with another state or with the federal government;

18 (2) Except as otherwise provided by law or as  
19 specified in any agreement with the federal government with  
20 respect to classes of individuals certified to the  
21 department division thereunder, the following vocational  
22 rehabilitation services shall be provided at public cost  
23 only to blind individuals found to require financial  
24 assistance with respect thereto for:

25 (a) physical restoration;

1 (b)--transportation--not--provided--to--determine--the  
2 eligibility-of-the-individual-for-vocational--rehabilitation  
3 services--and--the-nature-and-extent-of-the-services  
4 necessary;

5 (c)--occupational-and-business-licenses;

6 (d)--tools--equipment--initial-stock--and--supplies  
7 (including-livestock)--and-capital-advances;

8 (e)--training-books-and-materials;

9 (f)--maintenance;"

10 Section-11--Section-53-7-307--MCA--is-amended-to-read:

11 "53-7-307--Rehabilitation--services--Rehabilitation  
12 services-shall-be-provided-to-any-blind-individual-who

13 (1)--at-the-time-of-filing-his-application--therefor  
14 resides-in-the-state-for-other-than-a-temporary-purpose;

15 (2)--the-department--division--after-full-investigation  
16 determines--can-be-assisted--through-the-provision-of-such  
17 services-to-achieve-a-more-useful-and-purposeful-life--or

18 (3)--is-eligible--therefor--under--the--terms--of--an  
19 agreement--with--another--state--or--with--the--federal  
20 governments;"

21 NEW SECTION. Section 4. State plan for visual  
22 services. The division-of-visual-services DEPARTMENT shall  
23 develop and annually update a state plan for the provision  
24 of services to blind individuals. The division DEPARTMENT  
25 shall consult with the visual services advisory council in

1 the development and updating of the plan and shall provide  
2 opportunity for public participation.

3 NEW SECTION. Section-13--Hearings--An--individual  
4 applying--for--or--receiving-services-under-this-part-who-is  
5 aggrieved-by-any-action--or--inaction--of--the--division--is  
6 entitled--in-accordance-with-regulations--to-a-fair-hearing  
7 by-the-board-of-social-and-rehabilitation-appeals

8 NEW SECTION. Section-14--Rulemaking--The--division  
9 may--adopt--amend--and--repeat--substantive-and-procedural  
10 rules--necessary--to--implement--this--part--Rulemaking  
11 procedures-shall-comply-with-the-requirements-of-the-Montana  
12 Administrative-Procedure-Act

13 Section 5. Codification. It is intended that sections  
14 2v-3v-7v-12v-13v-and-14-be-codified-as-an-integral-part-of  
15 Title-53v-chapter-7v-part-3v-and-the-provisions-of-Title-53v  
16 chapter--7v--part--3v-apply-to-sections-2v-3v-7v-12v-13v-and  
17 14v 1 AND 2 BE CODIFIED AS AN INTEGRAL PART OF TITLE 2,  
18 CHAPTER 15, PART 22, AND THE PROVISIONS OF TITLE 2, CHAPTER  
19 15, PART 22, SHALL APPLY TO SECTIONS 1 AND 2. IT IS INTENDED  
20 THAT SECTIONS 3 AND 4 BE CODIFIED AS AN INTEGRAL PART OF  
21 TITLE 53, CHAPTER 7, PART 3, AND THE PROVISIONS OF TITLE 53,  
22 CHAPTER 7, PART 3, APPLY TO SECTIONS 3 AND 4.

-End-

HOUSE BILL NO. 196

INTRODUCED BY ELLIS, GERKE, GOULD, MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A DIVISION OF VISUAL SERVICES IN THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; AND PROVIDING FOR A VISUAL SERVICES ADVISORY COUNCIL; SPECIFYING THE RESPONSIBILITIES AND POWERS OF THE DIVISION OF VISUAL SERVICES AND OF THE VISUAL SERVICES ADVISORY COUNCIL; AND AMENDING SECTIONS 53-2-201 AND 53-7-301 THROUGH 53-7-307, MCA."

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

Section 53-2-201, MCA, is amended to read:

"53-2-201. Powers and duties of department. (1) The department shall:

(a) administer or supervise all forms of public assistance, child protection, and child welfare, including the provision of medical care payments in behalf of recipients of public assistance;

(b) administer or supervise all child welfare activities, including importation and exportation of children; licensing and supervising of private and local child-caring agencies; the care of dependent, neglected, and delinquent children in foster family homes, especially children placed for adoption or those of illegitimate birth;

(c) give consultant service to private institutions providing care for the needy, indigent, handicapped, or dependent adults;

(d) cooperate with other state agencies and develop provisions for services to the blind, including the prevention of blindness, the location of blind persons, medical services for eye conditions, and vocational guidance and training of the blind;

(e) provide services in respect to organization and supervise county departments of public welfare and county boards of public welfare in the administration of public assistance functions and for efficiency and economy;

(f) assist and cooperate with other state and federal departments, bureaus, agencies, and institutions, when so requested, by performing services in conformity with public assistance purposes; and

(g) administer and supervise all federal funds allocated to this state and all state funds appropriated to the department for public assistance activities. The department shall do all things necessary in conformity with federal and state law for the proper fulfillment of public assistance purposes.

(2) The department may:

(a) purchase, exchange, condemn, or receive by gift either real or personal property which is necessary to carry

1 out--its--public--assistance--functions--fitte--to--property  
 2 obtained--under--this--subsection--shall--be--taken--in--the--name--of  
 3 the--state--of--"Ontario--for--the--use--and--benefit--of--the  
 4 department.

5 (b)--contract--with--the--federal--government--to--carry--out  
 6 its--public--assistance--functions. The--department--may--do--all  
 7 things--necessary--in--order--to--avail--itself--of--federal--aid--and  
 8 assistance."

9 **NEW SECTION.** Section 1. Division of visual services.  
 10 There is a division of visual services within the department  
 11 of social and rehabilitation services ~~IN ACCORDANCE WITH~~  
 12 ~~MERIT SYSTEM AND CLASSIFICATION REQUIREMENTS.~~ The division  
 13 head is an administrator appointed by the director of the  
 14 department of social and rehabilitation services ~~IN~~  
 15 ~~ACCORDANCE WITH MERIT SYSTEM AND CLASSIFICATION~~  
 16 ~~REQUIREMENTS.~~ The division is responsible for administration  
 17 of rehabilitative and other services for blind and visually  
 18 handicapped persons.

19 ~~NEW SECTION.~~ Section 2. Advisory councils. (1) There  
 20 is an advisory council for visual services. The advisory  
 21 council is attached to the department of social and  
 22 rehabilitation services for administrative purposes only.  
 23 The council shall consist of no less than seven or more than  
 24 nine members. The advisory council shall advise and assist  
 25 the division of visual services in the provision of adequate

1 and appropriate rehabilitative and other services to the  
 2 blind and visually handicapped. Members of the advisory  
 3 council shall include ~~BE APPOINTED BY THE GOVERNOR FROM~~  
 4 ~~NAMES SUBMITTED BY THE ADMINISTRATION OF THE DIVISION OF~~  
 5 ~~VISUAL SERVICES. THE MAJORITY OF THE MEMBERS MUST BE BLIND~~  
 6 ~~OR VISUALLY HANDICAPPED. THE ADVISORY COUNCIL MAY BE~~  
 7 ~~SUBMITTED TO MEET THE REQUIREMENTS OF ANY FEDERAL LAW OR~~  
 8 ~~REGULATION CONCERNING COMMUNITY AND PROFESSIONAL INPUT INTO~~  
 9 ~~THE DEVELOPMENT OF PROGRAMS FOR THE BLIND AND VISUALLY~~  
 10 ~~IMPAIRED.~~

11 (a) at least four persons who are blind or who are the  
 12 parent or guardian of a blind minor;

13 (b) at least one person who is a member in a voluntary  
 14 organization of blind persons;

15 (c) at least one person who is involved in the  
 16 provision of rehabilitation services to blind persons;

17 (d) at least one person who is active in the field of  
 18 vocational rehabilitation.

19 (2) Members of the advisory council shall be appointed  
 20 for a period of 2 years. They shall be appointed by the  
 21 governor from names submitted by the administrator of the  
 22 division of visual services and from organizations of blind  
 23 persons.

24 (3) The department of social and rehabilitation  
 25 services through the division of visual services shall

1 provide staff and financial support as necessary for the  
2 advisory council to perform its functions.

3 Section 4 of Section 53-7-301 is amended to read  
4 "53-7-301-Definitions--As used in this part, the  
5 following definitions apply:

6 (1) "Blind individual" means an individual whose  
7 central visual acuity does not exceed 20/200 in the better  
8 eye with correcting lenses or whose visual acuity is greater  
9 than 20/200 but is accompanied by a limitation in the fields  
10 of vision such that the widest diameter of the visual field  
11 subtends an angle no greater than 20 degrees or who has  
12 other eye conditions which render vision equally defective  
13 or who has an eye condition which will cause blindness.

14 (2) "Business license" means any license, permit, or  
15 other written authority required by any governmental unit to  
16 be obtained in order to engage in a business.

17 (3) "Department" means the department of social and  
18 rehabilitation services provided for in title 29, chapter 35,  
19 part 22. "Division" means the division of visual services  
20 provided for in section 23.

21 (4) "Maintenance" means money payments not exceeding  
22 the estimated cost of subsistence during the provision of  
23 vocational rehabilitation and rehabilitation services.

24 (5) "Occupational license" means a license, permit, or  
25 other written authority required by any governmental unit to

1 be obtained in order to engage in an occupation.  
2 (6) "Physical restoration" means any medical,  
3 surgical, or therapeutic treatment necessary to correct or  
4 substantially reduce a blind individual's employment  
5 handicap within a reasonable length of time, including but  
6 not limited to medical, psychiatric, dental, and surgical  
7 treatment, nursing services, hospital care, convalescent  
8 home care, drugs, medical and surgical supplies, and  
9 prosthetic appliances, but excluding curative treatment for  
10 acute or transitory conditions.

11 (7) "Prosthetic appliance" means an artificial device  
12 necessary to support or take the place of a part of the body  
13 or to increase the acuity of a sense organ.

14 (8) "Rehabilitation services" means any services  
15 provided directly or through public or private  
16 instrumentalities, found by the department division to be  
17 necessary to compensate a blind individual for his  
18 employment handicap or to enable him to achieve the maximum  
19 degree of self-care and to engage in productive tasks.

20 (9) "Rehabilitation training" means all necessary  
21 training provided to a blind individual to compensate for  
22 his employment handicap, including but not limited to  
23 manual, pre-conditioning, pre-vocational, and supplementary  
24 training and training provided for the purpose of achieving  
25 broader or more remunerative skills and capacities.



1 (10) "Vocational rehabilitation" and "vocational  
 2 rehabilitation services" mean any services provided  
 3 directly or through public or private instrumentalities  
 4 found by the department division to be necessary to  
 5 compensate a blind individual for his employment handicap  
 6 and to enable him to engage in remunerative occupations  
 7 including but not limited to medical and vocational  
 8 diagnosis, vocational guidance, counseling and placement,  
 9 rehabilitation, training, physical restoration,  
 10 transportation, occupational and business licenses, tools,  
 11 equipment, initial stocks and supplies, including livestock,  
 12 capital advances, maintenance, and training books and  
 13 materials."

14 Section 5, Section 53-7-382, MCA, is amended to read:  
 15 "53-7-382. Administration. The department division  
 16 shall provide the services authorized by this part to blind  
 17 individuals determined by it to be eligible therefor for  
 18 services in carrying out the purposes of this part; the  
 19 department division may, among other things:

20 (1) cooperate with the department of social and  
 21 rehabilitation services and with other departments  
 22 agencies and institutions, both public and private, in  
 23 providing the services authorized by this part to blind  
 24 individuals in studying the problems involved therein and  
 25 in establishing, developing and providing in conformity

1 with the purposes of this part, such programs, facilities,  
 2 and services as may be necessary or desirable;

3 (2) enter into reciprocal agreements with other states  
 4 to provide the services authorized by this part to residents  
 5 of the states concerned;

6 (3) conduct research and compile statistics relating  
 7 to the provision of services to or the need of services of  
 8 blind individuals;

9 (4) provide supplementary services to any applicant or  
 10 recipient who is in need of treatment, either to prevent  
 11 blindness or to restore his eyesight, whether or not he is  
 12 blind, if he is otherwise qualified for services or training  
 13 under this part and if the supplementary services are  
 14 recommended because of the findings of an ophthalmologist or  
 15 optometric examination. The supplementary services may  
 16 include necessary travel and other expenses to receive  
 17 treatment from a hospital or clinic designated by the  
 18 department division;

19 (5) take other action necessary or appropriate to  
 20 carry out this part."

21 Section 6, Section 53-7-383, MCA, is amended to read:  
 22 "53-7-383. Cooperation with federal government. The  
 23 department division may cooperate pursuant to agreements  
 24 with the federal government in carrying out the purposes of  
 25 any federal statutes pertaining to the purposes of this part

1 and comply with such conditions as may be necessary to  
2 secure the full benefits of such federal statutes."

3 NEW SECTION. Section 2. Division share of vocational  
4 rehabilitation funds. The share of federal funds received by  
5 the state for vocational rehabilitation and allocated to the  
6 DEPARTMENT FOR THE division of visual services shall in no  
7 case be less than BE ESTABLISHED ON A LINE ITEM BASIS, IN  
8 THE BUDGET OF THE DEPARTMENT, BY THE LEGISLATURE. THIS SHARE  
9 MAY NOT BE REDUCED BY BUDGET AMENDMENT BETWEEN LEGISLATIVE  
10 SESSIONS. 15% of all such funds received. This section does  
11 not limit the ability of the division to seek and receive  
12 federal funds for the administration of services to blind  
13 individuals.

14 Section 8 of Section 53-7-304, MCA, is amended to read:  
15 "53-7-304. Receipt and disbursement of federal funds.  
16 The state treasurer is hereby designated as the custodian of  
17 all funds received from the federal government for the  
18 purpose of carrying out any federal statutes pertaining to  
19 the purposes of this part. The state treasurer shall make  
20 disbursements from such funds and from all state funds  
21 available for such purposes upon certification of the  
22 department division in accordance with the regulations so  
23 provided."

24 Section 9 of Section 53-7-305, MCA, is amended to read:  
25 "53-7-305. Acceptance of gifts. The department

1 division shall accept and use gifts made unconditionally by  
2 will or otherwise for the purposes of this part. Gifts made  
3 under such conditions as in the judgment of the department  
4 division are proper and consistent with the provisions of  
5 this part may be so accepted and shall be held, invested,  
6 reinvested, and used in accordance with the conditions of  
7 the gift."

8 Section 10 of Section 53-7-306, MCA, is amended to read:

9 "53-7-306. Vocational rehabilitation services. (1)  
10 Vocational rehabilitation services shall be provided to any  
11 blind individual who

12 (a) at the time of filing his application therefor  
13 resides in the state for other than a temporary purpose and  
14 whose vocational rehabilitation the department division  
15 after full investigation determines can be satisfactorily  
16 achieved; or

17 (b) is eligible therefor under the terms of an  
18 agreement with another state or with the federal government;

19 (2) Except as otherwise provided by law or as  
20 specified in any agreement with the federal government with  
21 respect to classes of individuals certified to the  
22 department division thereunder, the following vocational  
23 rehabilitation services shall be provided at public cost  
24 only to blind individuals found to require financial  
25 assistance with respect thereto: (a)

1 (a)--physical--restoration;

2 (b)--transportation--not--provided--to--determine--the

3 eligibility--of--the--individual--for--vocational--rehabilitation

4 services--and--the--nature--and--extent--of--the--services

5 necessary;

6 (c)--occupational--and--business--licenses;

7 (d)--tools--equipment--initial--stock--and--supplies

8 (including--livestock)--and--capital--advances;

9 (e)--training--books--and--materials;

10 (f)--maintenance."

11 Section 11. Section 53-7-307, MCA, is amended to read

12 "53-7-307. Rehabilitation services. Rehabilitation

13 services shall be provided to any blind individual who

14 (1) at the time of filing his application therefor

15 resides in the state for other than a temporary purpose;

16 (2) the department division after full investigation

17 determines can be assisted through the provision of such

18 services to achieve a more useful and purposeful life; or

19 (3) is eligible therefor under the terms of an

20 agreement with another state or with the federal

21 government."

22 NEW SECTION. Section 3. State plan for visual

23 services. The division of visual services DEPARTMENT shall

24 develop and annually update AS NECESSARY a state plan for

25 the provision of services to blind individuals. The division

1 DEPARTMENT shall consult with the visual services advisory

2 council in the development and updating of the plan and

3 shall provide opportunity for public participation.

4 NEW SECTION. Section 13. Hearings. An individual

5 applying for or receiving services under this part who is

6 aggrieved by any action or inaction of the division is

7 entitled in accordance with regulations to a fair hearing

8 by the board of social and rehabilitation appeals.

9 NEW SECTION. Section 14. Rulemaking. The division

10 may adopt amend and repeat substantive and procedural

11 rules necessary to implement this part. Rulemaking

12 procedures shall comply with the requirements of the Montana

13 Administrative Procedure Act.

14 Section 4. Codification. It is intended that sections

15 2v-3v-7v-12v-13v and 14 be codified as an integral part of

16 title 53, chapter 7, part 3, and the provisions of title 53,

17 chapter 7, part 3, apply to sections 2v-3v-7v-12v-13v and

18 14. 1 AND 2 BE CODIFIED AS AN INTEGRAL PART OF TITLE 2,

19 CHAPTER 15, PART 22, AND THE PROVISIONS OF TITLE 2,

20 CHAPTER 15, PART 22, SHALL APPLY TO SECTIONS 1 AND 2. IT IS INTENDED

21 THAT SECTIONS 3 AND 4 BE CODIFIED AS AN INTEGRAL PART OF

22 TITLE 53, CHAPTER 7, PART 3, AND THE PROVISIONS OF TITLE 53,

23 CHAPTER 7, PART 3, APPLY TO SECTIONS 3 AND 4.

-End-

March 13, 1979

SENATE STANDING COMMITTEE REPORT  
(Public Health, Welfare & Safety)

That House Bill No. 196 be amended as follows:

1. Page 3, line 11.

Strike: "IN ACCORDANCE WITH"

2. Page 3, line 12.

Strike: "MERIT SYSTEM AND CLASSIFICATION REQUIREMENTS"

3. Page 3, line 14.

Following: "services"

Insert: "in accordance with merit system and classification requirements"

4. Page 11, line 23.

Following: "and"

Strike: "annually"

Following: "update"

Insert: ", as necessary,"

March 15, 1979

SENATE COMMITTEE OF THE WHOLE REPORT

That House Bill No. 196, third reading bill, be amended as follows:

1. Page 3, line 18.

Following: line 17

Strike: Section 2 in its entirety