

HOUSE BILL 243

IN THE HOUSE

January 18, 1979	Introduced and referred to Committee on Appropriations.
March 26, 1979	Committee recommend bill, do not pass.  Report adopted. Objection.
March 27, 1979	Printed and placed on members' desks.  Second reading, do pass.  Considered correctly engrossed.  Third reading, passed.

IN THE SENATE

March 27, 1979	Introduced and referred to Committee on Finance and Claims.
April 20, 1979	Died in Committee.

*Passes*  
*Magone*  
 1 *Krupp*  
 2 INTRODUCED BY *Ernest Hansen*  
 3 *Manohar* *Radomir* *Andrzej* *Daryl* *Hamm*  
 4 *Ellison* *Lib* *Lib* *Lib* *Lib*  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A  
 6 VETERANS' HOME AT TWIN BRIDGES, APPROPRIATING FUNDS FOR ITS  
 7 OPERATION AND FOR THE CONSTRUCTION OF ADDITIONAL FACILITIES;  
 8 AMENDING SECTIONS 10-2-401 THROUGH 10-2-404, 20-9-353,  
 9 41-3-406, 53-1-202, 53-1-402, 53-30-204, AND 53-30-214, MCA;  
 10 AND REPEALING SECTIONS 20-5-315, MCA, AND 80-2101 THROUGH  
 11 80-2107, R.C.M. 1947."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13 Section 1. Section 10-2-401, MCA, is amended to read:  
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 25 shall be an honorably discharged veteran of the armed forces

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 23 shall deposit such moneys in the state treasury for the  
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-2- HB 243  
 INTRODUCED BILL

1 the department of Institutions shall continue to draw from  
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5 "20-9-353. Additional levy for general fund --  
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16 (d) proper maintenance and operation of the school  
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25 (4) If the election on any additional levy for the

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 9 taxable value of all taxable property within the district,  
 10 as prescribed in 20-9-141, as are required to raise the  
 11 amount of such additional levy.

12 (5) Authorization to levy an additional tax under the  
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 14 school fiscal year and shall be authorized by a special  
 15 election conducted before August 1 of the school fiscal year  
 16 for which it is effective. Only one such additional levy for  
 17 the maintenance and operation of the school programs of a  
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20 Section 6. Section 41-3-406, MCA, is amended to read:

21 "41-3-406. Judgment. (1) If a youth is found to be  
 22 abused, neglected, or dependant, the court may enter its  
 23 judgment making any of the following dispositions to protect  
 24 the welfare of the youth:

25 (a) permit the youth to remain with his parents or

1 guardian subject to those conditions and limitations the  
 2 court may prescribe;

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

4 (i) department of social and rehabilitation services;

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

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

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

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

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

25 (3) Any youth found to be abused, neglected, or

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

ORDER OF COMMITMENT

State of Montana, County of ..... ss:

In the district court for the .... Judicial District.

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

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

Name	Address	Occupation
.....	.....	.....
.....	.....	.....

The child's guardian is .....

The child is in the custody of .....

It is ordered that .... be committed to .... until discharged as provided by law.

1 Witness my hand this .... day of ....., A.D. 19...  
 2 .....  
 3 Judge

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

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

Section 7. Section 53-1-202, MCA, is amended to read: "53-1-202. Institutions in department. (1) The following institutions are in the department:

- (a) Galen state hospital;
- (b) Montana veterans' home at Columbia Falls;
- (c) Montana veterans' home at Twin Bridges;
- (d) State prison;
- (e) Mountain View school;
- (f) Pine Hills school;
- (g) Boulder River school and hospital;
- (h) Warm Springs state hospital;
- (i) Montana center for the aged;
- (j) Swan River youth forest camp;

1 (k) Eastmont training center;  
 2 (l) Any other institution which provides care and  
 3 services for juvenile delinquents, including but not limited  
 4 to youth forest camps and juvenile reception and evaluation  
 5 centers.

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

9 Section 8. Section 53-1-402, MCA, is amended to read:  
 10 "53-1-402. Residents subject to per diem and ancillary  
 11 charges. The department shall collect and process per diem  
 12 and ancillary payments for the care of residents in the  
 13 following institutions:

- 14 (1) Warm Springs state hospital;  
 15 (2) Boulder River school and hospital;  
 16 (3) Galen state hospital;  
 17 (4) Montana veterans' home at Columbia Falls;  
 18 (5) Montana veterans' home at Twin Bridges;  
 19 ~~(5)(6)~~ Montana center for the aged; and  
 20 ~~(6)(7)~~ Eastmont training center."

21 Section 9. Section 53-30-204, MCA, is amended to read:  
 22 "53-30-204. Contracts for services with governing body  
 23 of Indian reservation. The department of institutions may  
 24 contract with the governing body of an Indian reservation  
 25 within the state for residential and educational services\*

1 ~~(1)~~ at Mountain View school, Pine Hills school,  
 2 aftercare division, or other juvenile facility maintained by  
 3 the department for children who have been adjudicated  
 4 delinquent by the tribal court, subject to the provisions of  
 5 this part and parts 1 and 2 of chapter 11 or  
 6 ~~(2) at the Montana children's center for children who~~  
 7 ~~have been found by the tribal court to be dependent and~~  
 8 ~~neglected, subject to the provisions of~~ ~~[title 80, chapter~~  
 9 ~~21]."~~

10 Section 10. Section 53-30-214, MCA, is amended to  
 11 read:

12 "53-30-214. Apprehension and return of child leaving  
 13 juvenile facility without permission. A child who has left a  
 14 juvenile facility of the department of institutions without  
 15 permission may be apprehended and returned by any citizen.  
 16 The term "juvenile facility of the department" means any  
 17 facility under the supervision and control of the department  
 18 of institutions whose primary function is the care,  
 19 training, custody, and control of children and specifically  
 20 includes the Pine Hills school for boys, the Mountain View  
 21 school for girls, ~~the Montana children's center~~, Boulder  
 22 River school and hospital, the Swan River youth forest camp,  
 23 and Eastmont training center."

24 NEW SECTION. Section 11. Operating appropriations.  
 25 (1) There is appropriated from the general fund to the

1 department of institutions for the biennium ending June 30,  
2 1981, the sum of \$175,600.

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

5 (3) Any money unexpended at the end of the biennium  
6 shall revert to the general fund.

7 NEW SECTION. Section 12. Appropriation for  
8 construction. (1) There is appropriated from the long-range  
9 building program to the department of administration for the  
10 biennium ending June 30, 1981, the sum of \$675,000.

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

14 Section 13. Repealer. Sections 20-5-315, MCA, and  
15 80-2101 through 80-2107, R.C.M. 1947, are repealed.

-End-

## STATE OF MONTANA

Request No. 254-79

## 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 243 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:

House Bill 243 is an act to establish a Veteran's Home at Twin Bridges (formerly the Montana Children's Center) and appropriating funds for construction and operation at the Veteran's facility.

## ASSUMPTIONS:

1. The proposed program would seek grants and reimbursement from the Veteran's Administration under the State Home Program.
2. No operation at the Home would be initiated until construction was completed.
3. New construction would take at least 12 months from bid award to completion.
4. The facility would be maintained in its current state (mothballed) until new construction was completed.

## FISCAL IMPACT:

This bill appropriates monies for the construction and operation of a new Veteran's Home.

## TECHNICAL NOTE:

This bill does not recognize the time lag needed to apply for federal funds for the construction and the actual construction. The fiscal impact of this bill and a potential amendment if the time lag were recognized would be as follows:

- a) Operational funds to maintain Twin Bridges (from the State General Fund):

	<u>FY 80</u>	<u>FY 81</u>
Personal Services	\$ 84,500	\$ 86,000
Operations	<u>31,308</u>	<u>33,186</u>
Total	<u>\$115,808</u>	<u>\$119,186</u>

- b) Appropriated from the Long Range Building Program for planning and preparation of VA application. \$ 50,000

*Richard L. Drury for*  
 BUDGET DIRECTOR  
 Office of Budget and Program Planning  
 Date: 2/15/79



Comm. on Appropriations  
Objection Raised to  
Adverse Committee Report

HOUSE BILL NO. 243

INTRODUCED BY *Ernest Hansen*

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A

VETERANS' HOME AT TWIN BRIDGES, APPROPRIATING FUNDS FOR ITS

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AMENDING SECTIONS 10-2-401 THROUGH 10-2-404, 20-9-353,

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provides is to provide home and subsistence for honorably discharged veterans. The department of institutions may also

admit spouses or surviving spouses of honorably discharged veterans to the home ~~homes~~ if space allows."

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shall deposit such moneys in the state treasury for the benefit of the home ~~homes~~. If the resident of the a home is

transferred to another institution, as defined in 53-1-101,

There are no changes in *HB 243* and will not be rerun. Please refer to white copy for complete text.

*Osborne*  
*Magone*  
*Kipp*  
*Belton*  
*McBride*  
*Manahan*  
*Parsons*  
*Ellison*  
*1/17/40*  
*Smith*  
*Worthington*  
*Burnett*  
*Dassinger*

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1 *Osborne*  
 2 *Magone*  
 3 *Manohar*  
 4 *Edison*  
 5 *Wing*  
 6 *Wing*  
 7 *Wing*  
 8 *Wing*  
 9 *Wing*  
 10 *Wing*

HOUSE BILL NO. 243 *David*  
 INTRODUCED BY *Edward Keyser David Cleaveland*  
 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A *Liberty*  
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1 guardian subject to those conditions and limitations the  
 2 court may prescribe;

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

4 (i) department of social and rehabilitation services;

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

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

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

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

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

25 (3) Any youth found to be abused, neglected, or

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

ORDER OF COMMITMENT

State of Montana, County of ...., ss:

In the district court for the .... Judicial District,

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

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

Name	Address	Occupation
.....	.....	.....
.....	.....	.....

The child's guardian is .....

The child is in the custody of .....

It is ordered that .... be committed to .... until  
discharged as provided by law.

1 Witness my hand this .... day of ....., A.D. 19...

2 .....

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 53-1-202, MCA, is amended to read:  
 13 "53-1-202. Institutions in department. (1) The  
 14 following institutions are in the department:

- 15 (a) Galen state hospital;
- 16 (b) Montana veterans' home at Columbia Falls;
- 17 (c) Montana veterans' home at Twin Bridges;
- 18 (d) State prison;
- 19 (e) Montana children's center;
- 20 (f) Mountain View school;
- 21 (g) Pine Hills school;
- 22 (h) Boulder River school and hospital;
- 23 (i) Warm Springs state hospital;
- 24 (j) Montana center for the aged;
- 25 (k) Swan River youth forest camp;

1 (k) Eastmont training center;

2 (1) Any other institution which provides care and  
3 services for juvenile delinquents, including but not limited  
4 to youth forest camps and juvenile reception and evaluation  
5 centers.

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

9 Section 8. Section 53-1-402, MCA, is amended to read:

10 "53-1-402. Residents subject to per diem and ancillary  
11 charges. The department shall collect and process per diem  
12 and ancillary payments for the care of residents in the  
13 following institutions:

14 (1) Warm Springs state hospital;

15 (2) Boulder River school and hospital;

16 (3) Galen state hospital;

17 (4) Montana veterans' home at Columbia Falls;

18 (5) Montana veterans' home at Twin Bridges;

19 ~~(5)(6)~~ Montana center for the aged; and

20 ~~(6)(7)~~ Eastmont training center."

21 Section 9. Section 53-30-204, MCA, is amended to read:

22 "53-30-204. Contracts for services with governing body  
23 of Indian reservation. The department of institutions may  
24 contract with the governing body of an Indian reservation  
25 within the state for residential and educational services\*

1 ~~(1)~~ at Mountain View school, Pine Hills school,  
2 aftercare division, or other juvenile facility maintained by  
3 the department for children who have been adjudicated  
4 delinquent by the tribal court, subject to the provisions of  
5 this part and parts 1 and 2 of chapter 14 or

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

10 Section 10. Section 53-30-214, MCA, is amended to  
11 read:

12 "53-30-214. Apprehension and return of child leaving  
13 juvenile facility without permission. A child who has left a  
14 juvenile facility of the department of institutions without  
15 permission may be apprehended and returned by any citizen.  
16 The term "juvenile facility of the department" means any  
17 facility under the supervision and control of the department  
18 of institutions whose primary function is the care,  
19 training, custody, and control of children and specifically  
20 includes the Pine Hills school for boys, the Mountain View  
21 school for girls, ~~the Montana children's center,~~ Boulder  
22 River school and hospital, the Swan River youth forest camp,  
23 and Eastmont training center."

24 NEW SECTION. Section 11. Operating appropriations.

25 (1) There is appropriated from the general fund to the

1 department of institutions for the biennium ending June 30,  
2 1981, the sum of \$175,600.

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

5 (3) Any money unexpended at the end of the biennium  
6 shall revert to the general fund.

7 NEW SECTION. Section 12. Appropriation for  
8 construction. (1) There is appropriated from the long-range  
9 building program to the department of administration for the  
10 biennium ending June 30, 1981, the sum of \$675,000.

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

14 Section 13. Repealer. Sections 20-5-315, MCA, and  
15 80-2101 through 80-2107, R.C.M. 1947, are repealed.

-End-