CHAPTER NO. 495

HOUSE BILL NO. 597

INTRODUCED BY GERKE, ELLERD, ELLIS, TROPILA

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE HOUSE

Introduced and referred to Committee on Business and Industry.
Committee recommend bill do pass. Report adopted.
Second reading, do pass.
Considered correctly engrossed.
Third reading, passed. Transmitted to second house.

IN THE SENATE

- February 19, 1979 Introduced and referred to Committee on State Administration.
- March 22, 1979 Committee recommend bill be concurred in. Report adopted.
- March 24, 1979 Second reading, concurred in.
- March 27, 1979 Third reading, concurred in.

IN THE HOUSE

March 28, 1979

Returned from second house. Concurred in. Sent to enrolling.

Reported correctly enrolled.

LC 1175/01

Horese BILL NO. 597 1 INTRODUCED BY Klube 2 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE REFERENCES 5 TO THE BOARD OF INSTITUTIONS; AMENDING SECTIONS 53-1-101 AND 6 7 53-1-407, MCA; REPEALING SECTIONS 2-15-2303 AND 53-1-205, MCA: AND PROVIDING AN EFFECTIVE DATE.* 8 9 10 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, will terminate the board of institutions and require a 11 12 performance evaluation of the board by the legislative audit 13 committee; and 14 WHEREAS, as a result of the performance evaluation, the 15 legislative audit committee recommends that the board of institutions be abolished. 16 17 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 19 Section 1. Section 53-1-101, MCA, is amended to read: 20 #53-1-101. Definitions. Unless the context requires 21 otherwise, in this chapter the following definitions apply: (1) "Department" means the department of institutions 22 provided for in Title 2, chapter 15, part 23. 23 {2} "Director" means the director of institutions 24

25 provided for in 2-15-2301.

(3)--#Board=-means-the-board-of-institutions-provided
for-in-2-15-2303#
(4)[3] "Institution" means any of the institutions

Section 2. Section 53-1-407, MCA, is amended to read: 5 #53-1-407. Appeal of determination of ability to Day. ٨ If a resident or financially responsible person disagrees 7 with the determination of the department as to his ability 8 to pay any part of the per diem or ancillary charge, an 9 10 appeal may be filed within 30 days of the date of the department's determination with-the-board-of-institutions 11 according-to-the--procedure--established--by--rules--of--the 12 department -- If--the--resident--or--financially--responsible 13 person-disagrees-with-the-datermination-of-the-appeal-by-the 14 board-of-institutionsy-on-appeal-may-be-filed in any court 15 of record in Montana having jurisdiction of the resident or 16 financially responsible person liable for payment." 17 Section 3. Repealer. Sections 2-15-2303 and 53-1-205. 18 19 MCA, are repealed. Section 4. Effective date. This act is effective July 20 1, 1979, except that for the purpose of winding up the 21 affairs of the board the sections repealed have effect in 22

accordance with 2-8-121.

listed in 53-1-202.**

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23

-End-

-2- HBS97 INTRODUCED BILL

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. 271-79

Form BD-15

a compliance with a written request received February 7, 19 79, there is hereby submitted a Fiscal Note or House Bill 597 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:

An act to eliminate references to the Board of Institutions as a result of termination of the Board by the Sunset Law.

Assumptions:

The Director will appoint an advisory board to take the place of the Board of Institutions.

Fiscal Impact:

There will be no fiscal impact resulting from the passage of this House Bill.

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BUDGET DIRECTOR Office of Budget and Program Planning Date: 4/3/7?

LC 1175/01

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3	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE			
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE REFERENCES			
6	TO THE BOARD OF INSTITUTIONS; AMENDING SECTIONS 53-1-101 AND			
7	53-1-407, MCA; REPEALING SECTIONS 2-15-2303 AND 53-1-205,			
8	HCA; AND PROVIDING AN EFFECTIVE DATE."			
9				
10	WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,			
11	will terminate the board of institutions and require a			
12	performance evaluation of the board by the legislative audit			
13	committee; and			
14	WHEREAS, as a result of the performance evaluation, the			
15	legislative audit committee recommends that the board of			
16	institutions be abolished.			
17				
18	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:			
19	Section 1. Section 53-1-101, MCA, is amended to read:			
20	"53-1-101. Definitions. Unless the context requires			
21	otherwise, in this chapter the following definitions apply:			
22	(1) "Department" means the department of institutions			
23	provided for in Title 2. chapter 15. part 23.			
24	(2) "Director" means the director of institutions			
25	provided for in 2-15-2301.			

+3}--*Boord*--means--the-board-of-institutions-provided 1 2 for-in-2-15-2303+ (4)(3) "Institution" means any of the institutions 3 listed in 53-1-202." 4 5 Section 2. Section 53-1-407. MCA. is amended to read: #53-1-407. Appeal of determination of ability to pay. 6 7 If a resident or financially responsible person disagrees with the determination of the department as to his ability 8 to pay any part of the per diem or ancillary charge, an 9 appeal may be filed within 30 days of the date of the 10 department's determination with---the-boord-of-institutions 11 according-to-the--procedure--established--by--rules--of--the 12 13 14 person-disogrees-with-the-determination-of-the-appeal-by-the board-of-institutions-on-oppeal-may-be-filed in any court 15 of record in Montana having jurisdiction of the resident or 16 financially responsible person liable for payment.* 17 Section 3. Repeater. Sections 2-15-2303 and 53-1-205. 18 MCA, are repealed. 19 Section 4. Effective date. This act is effective July 20 1, 1979, except that for the purpose of winding up the 21 22 affairs of the board the sections repealed have effect in 23 accordance with 2-8-121.

-End-

HB 577 -2-THIRD READING

HB 0597/02

1	HOUSE BILL ND. 597	1	{3}*Board#meansthe-board-of-institutions-provided
2	INTRODUCED BY GERKE, ELLERD, ELLIS, TROPILA	2	for-in-2-15-2383*
3	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE	3	<pre>f4f(3) "Institution" means any of the institutions</pre>
4		4	listed in 53-1-202."
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE REFERENCES	5	Section 2. Section 53-1-407, MCA, is amended to read:
6	TO THE BOARD OF INSTITUTIONS; AMENDING SECTIONS 53-1-101 AND	6	#53-1-407. Appeal of determination of ability to pay.
7	53-1-407, MCA; REPEALING SECTIONS 2-15-2303 AND 53-1-205,	7	If a resident or financially responsible person disagrees
8	MCA; AND PROVIDING AN EFFECTIVE DATE."	6	with the determination of the department as to his ability
9		9	to pay any part of the per diem or ancillary charge, an
10	WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,	10	appeal may be filed within 30 days of the date of the
11	will terminate the board of institutions and require a	11	department's determination withthe-board-of-institutions
12	performance evaluation of the board by the legislative audit	12	according-to-theprocedureestablishedbyrulesofthe
13	committee; and	13	departmentsIftheresidentorfinanciallyresponsible
14	WHEREAS, as a result of the performance evaluation, the	14	person-disagrees-with-the-determination-of-the-appeal-by-the
15	legislative audit committee recommends that the board of	15	board-of-institutionsv-an-appeal-may-ba-filed in any court
16	institutions be abolished.	16	of record in Montana having jurisdiction of the resident or
17		17	financially responsible person liable for payment."
18	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	18	Section 3. Repeater. Sections 2-15-2303 and 53-1-205.
19	Section 1. Section 53-1-101, MCA, is amended to read:	19	MCA, are repealed.
20	"53-1-101. Definitions. Unless the context requires	20	Section 4. Effective date. This act is effective July
21	otherwise, in this chapter the following definitions apply:	21	1, 1979, except that for the purpose of winding up the
22	(1) "Department" means the department of institutions	22	affairs of the board the sections repealed have effect in
23	provided for in Title 2, chapter 15, part 23.	23	accordance with 2-8-121.
24	(2) "Director" means the director of institutions		-End-
25	provided for in 2-15-2301.		

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-End-
~2~ HB 597
REFERENCE BILL
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