

HOUSE BILL NO. 909

**INTRODUCED BY MARKS, MENAHAN, DONALDSON, WALDRON,
FABREGA, BERTELSEN, ROUSH, SHONTZ, SPAETH, HANSON,
BENGTON, HEMSTAD, SCHULTZ, LANE, HOLLIDAY, OCHSNER,
BERGENE, THOFT, ERNST, EUDAILY, WALLIN, MANUEL**

IN THE HOUSE

March 14, 1983	Introduced and referred to Committee on Human Services.
March 22, 1983	Rereferred to Committee on Appropriations.
March 28, 1983	Committee recommend bill do pass. Report adopted.
	On motion rules suspended and bill placed on second reading this day.
	Second reading, do pass.
	Third reading, passed. Transmitted to Senate.

IN THE SENATE

April 5, 1983	Introduced and referred to Committee on Finance and Claims.
April 19, 1983	Committee recommend bill be concurrent in as amended. Report adopted.
April 20, 1983	Second reading, concurrent in.
April 21, 1983	Third reading, concurrent in. Ayes, 48; Noes, 1.

IN THE HOUSE

April 21, 1983

Returned to House with amendments.

On motion rules suspended to allow House to act upon Senate amendments.

On motion, Senate amendments placed on second reading this day.

Second reading, amendments concurred in.

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 ~~Senate~~ ^{House} ~~Bill~~ ^{Bill} NO. 909

2 INTRODUCED BY Mark Menala Donald Walther

3 Donna Lane Donna Lane Donna Lane

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SELECT COMMITTEE

5 OF THE LEGISLATURE TO PREPARE RECOMMENDATIONS FOR

6 PROVIDING SERVICES TO DEVELOPMENTALLY DISABLED PERSONS;

7 PROVIDING FOR STAFFING AND THE USE OF CONSULTANTS BY THE

8 COMMITTEE; APPROPRIATING FUNDS FOR THE COMMITTEE; AND

9 PROVIDING AN EFFECTIVE DATE."

10

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

12 Section 1. Select committee on developmental

13 disabilities services — establishment — organization. (1)

14 There is established an 8-member select committee on

15 developmental disabilities services.

16 (2) The members of the select committee must be

17 appointed in the following manner:

18 (a) The speaker of the house, after consultation with

19 the house majority and minority leaders, shall appoint four

20 members of the house to serve on the select committee. No

21 more than two house members on the select committee may be

22 from the same political party.

23 (b) The president of the senate, after consultation

24 with the senate majority and minority leaders, shall appoint

25 four members of the senate to serve on the select committee.

1 No more than two senate members on the select committee may
2 be from the same political party.

3 (3) A vacancy must be filled by appointment in the
4 same manner as the original appointment.

5 (4) The select committee shall elect a chairman and
6 vice-chairman.

7 (5) Select committee members are entitled to
8 compensation and expenses as provided in 5-2-302.

9 Section 2. Committee duties. The select committee on
10 developmental disabilities services shall:

11 (1) conduct a complete analysis of institutional
12 services for developmentally disabled persons and
13 alternatives to those services, including without limitation
14 analysis of the following issues:

15 (a) types and quality of alternative services for
16 those persons currently enrolled in programs at Boulder
17 River School and Hospital;

18 (b) the comparative staffing patterns and supporting
19 service structure and costs associated with community-based
20 services and institutional services;

21 (c) the role of institutions and institutional
22 alternatives in the continuum of state-supported services to
23 persons with developmental disabilities;

24 (d) the proper and ultimate location of state
25 administrative responsibility for all programs for persons

1 with developmental disabilities; and
2 (e) the impact of closure of Boulder River School and
3 Hospital on the community;
4 (2) develop an analysis of the issues surrounding the
5 concepts of serving developmentally disabled persons in "the
6 most appropriate placement" as opposed to "the least
7 restrictive placement";
8 (3) develop a history and a projection of funding for
9 services for developmentally disabled persons, including
10 federal, state, local, and private sources;
11 (4) develop a proposed long-range plan for the state's
12 role in serving developmentally disabled persons, including
13 a clear mission statement for each functional organization
14 proposed to implement the plan;
15 (5) analyze the costs and potential benefits of
16 retrofitting or consolidating the physical plant at Boulder
17 River School and Hospital in order to make the institution
18 more cost effective and to improve services to persons
19 enrolled in programs there;
20 (6) study the feasibility of providing a training
21 program at Boulder River School and Hospital for persons who
22 will be employed in community-based programs;
23 (7) analyze means for reducing the sense of
24 polarization within the system serving developmentally
25 disabled persons in order to focus on the most appropriate

1 services for the persons served;
2 (8) in accomplishing the duties outlined in
3 subsections (1) through (7), solicit the comments, advice,
4 and testimony of professionals, consumers, legislators, and
5 state agency officials; and
6 (9) complete its final recommendations not later than
7 September 15, 1984, and publish its findings and
8 recommendations not later than December 1, 1984.
9 Section 3. Executive cooperation — subpoena power.
10 (1) The executive branch agencies shall cooperate with the
11 select committee on developmental disabilities services as
12 it conducts its investigation.
13 (2) The legislative council may exercise its authority
14 under 5-11-107 as needed to assist the committee in its
15 study.
16 Section 4. Use of consultants. The legislative
17 council, upon request of the select committee on
18 developmental disabilities services, shall retain
19 consultants as required. Costs for consultants must be paid
20 from funds appropriated for use by the select committee.
21 Section 5. Staff services. The legislative staff
22 agencies may provide staff assistance to the select
23 committee on developmental disabilities services as
24 requested by the committee. The legislative council shall
25 provide staffing assistance as specified in 5-11-105 and

1 5-11-112.

2 Section 6. Appropriation. There is appropriated for
3 the biennium ending June 30, 1985, \$15,000 from the general
4 fund to the legislative council for purposes of the select
5 committee on developmental disabilities services in carrying
6 out its functions under this act.

7 Section 7. Effective date. This act is effective July
8 1, 1983.

-End-

1 *Foreign Birthright House* BILL NO. *909*

2 INTRODUCED BY *Mark Menahan* *Donald Walther*

3 *Donation* *Hamstead* *LANE* *Donation* *Shoff*

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SELECT *Emel*

5 COMMITTEE OF THE LEGISLATURE TO PREPARE RECOMMENDATIONS FOR *Eidaly*

6 PROVIDING SERVICES TO DEVELOPMENTALLY DISABLED PERSONS; *Wicks*

7 PROVIDING FOR STAFFING AND THE USE OF CONSULTANTS BY THE *Marcel*

8 COMMITTEE; APPROPRIATING FUNDS FOR THE COMMITTEE; AND

9 PROVIDING AN EFFECTIVE DATE."

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22 from the same political party.

23 (b) The president of the senate, after consultation

24 with the senate majority and minority leaders, shall appoint

25 four members of the senate to serve on the select committee.

1 No more than two senate members on the select committee may
2 be from the same political party.

3 (3) A vacancy must be filled by appointment in the
4 same manner as the original appointment.

5 (4) The select committee shall elect a chairman and
6 vice-chairman.

7 (5) Select committee members are entitled to
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16 those persons currently enrolled in programs at Boulder
17 River School and Hospital;

18 (b) the comparative staffing patterns and supporting
19 service structure and costs associated with community-based
20 services and institutional services;

21 (c) the role of institutions and institutional
22 alternatives in the continuum of state-supported services to
23 persons with developmental disabilities;

24 (d) the proper and ultimate location of state
25 administrative responsibility for all programs for persons

1 with developmental disabilities; and

2 (e) the impact of closure of Boulder River School and
3 Hospital on the community;

4 (2) develop an analysis of the issues surrounding the
5 concepts of serving developmentally disabled persons in "the
6 most appropriate placement" as opposed to "the least
7 restrictive placement";

8 (3) develop a history and a projection of funding for
9 services for developmentally disabled persons, including
10 federal, state, local, and private sources;

11 (4) develop a proposed long-range plan for the state's
12 role in serving developmentally disabled persons, including
13 a clear mission statement for each functional organization
14 proposed to implement the plan;

15 (5) analyze the costs and potential benefits of
16 retrofitting or consolidating the physical plant at Boulder
17 River School and Hospital in order to make the institution
18 more cost effective and to improve services to persons
19 enrolled in programs there;

20 (6) study the feasibility of providing a training
21 program at Boulder River School and Hospital for persons who
22 will be employed in community-based programs;

23 (7) analyze means for reducing the sense of
24 polarization within the system serving developmentally
25 disabled persons in order to focus on the most appropriate

1 services for the persons served;

2 (8) in accomplishing the duties outlined in
3 subsections (1) through (7), solicit the comments, advice,
4 and testimony of professionals, consumers, legislators, and
5 state agency officials; and

6 (9) complete its final recommendations not later than
7 September 15, 1984, and publish its findings and
8 recommendations not later than December 1, 1984.

9 Section 3. Executive cooperation -- subpoena power.

10 (1) The executive branch agencies shall cooperate with the
11 select committee on developmental disabilities services as
12 it conducts its investigation.

13 (2) The legislative council may exercise its authority
14 under 5-11-107 as needed to assist the committee in its
15 study.

16 Section 4. Use of consultants. The legislative
17 council, upon request of the select committee on
18 developmental disabilities services, shall retain
19 consultants as required. Costs for consultants must be paid
20 from funds appropriated for use by the select committee.

21 Section 5. Staff services. The legislative staff
22 agencies may provide staff assistance to the select
23 committee on developmental disabilities services as
24 requested by the committee. The legislative council shall
25 provide staffing assistance as specified in 5-11-105 and

1 5-11-112.

2 Section 6. Appropriation. There is appropriated for
3 the biennium ending June 30, 1985, \$15,000 from the general
4 fund to the legislative council for purposes of the select
5 committee on developmental disabilities services in carrying
6 out its functions under this act.

7 Section 7. Effective date. This act is effective July
8 1, 1983.

-End-

April 19, 1983

SENATE STANDING COMMITTEE REPORT
(Finance & Claims)

That House Bill No. 909 be amended as follows:

1. Title, lines 4 and 5.

Following: "AN ACT"

Strike: "CREATING A SELECT COMMITTEE OF THE LEGISLATURE TO"

Insert: "REQUIRING THE GOVERNOR OR HIS DESIGNEE TO STUDY AND"

2. Title, lines 7 and 8.

Strike: "PROVIDING" on line 7 through the second "COMMITTEE;" on line 8

3. Pages 1 and 2.

Following: "1." on line 12 of page 1

Strike: the remainder of line 12 on page 1 through line 8 on page 2

Insert: "Study on developmental disabilities services. The governor or his designee shall conduct a study of and propose a long range plan for the delivery of services to persons with developmental disabilities. The governor or his designee shall solicit comments from the general public and especially from residents of communities where developmental disability services are provided by the state."

4. Page 2, lines 9 and 10.

Following: "Section 2."

Strike: "Committee duties. The select committee on developmental disabilities services"

Insert: "Study areas. The governor or his designee"

5. Page 3, lines 4 through 7.

Strike: lines 4 through 7 in their entirety

Renumber: subsequent subsections

6. Page 4, line 3.

Strike: "(7)"

Insert: "(6)"

7. Page 4, line 4.

Following: "legislators,"

Insert: "the general public, architects and design experts,"

8. Page 4, line 6.

Strike: "its final"

Insert: "preliminary"

9. Page 4, line 7.

Strike: "its findings and"

Insert: "final"

10. Pages 4 and 5.

Strike: sections 3 through 6 in their entirety

Renumber: subsequent section

HOUSE BILL NO. 909

INTRODUCED BY MARKS, MENAHAN, DONALDSON, WALDRON,
FABREGA, BERTELSEN, ROUSH, SHONTZ, SPAETH, HANSON,
BENGTSON, HEMSTAD, SCHULTZ, LANE, HOLLIDAY, OCHSNER,
BERGENE, THOFT, ERNST, EUDAILY, WALLIN, MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING--A--SELECT
COMMITTEE--OF--THE--LEGISLATURE--TO REQUIRING THE GOVERNOR OR
HIS DESIGNEE TO STUDY AND PREPARE RECOMMENDATIONS FOR
PROVIDING SERVICES TO DEVELOPMENTALLY DISABLED PERSONS;
PROVIDING FOR STAFFING AND THE USE OF CONSULTANTS BY THE
COMMITTEE; APPROPRIATING FUNDS FOR THE COMMITTEE; AND
PROVIDING AN EFFECTIVE DATE."

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

Section 1. ~~Select--committee--on--developmental~~
~~disabilities-services--establishment--organizations--(1)~~
~~there--is--established--on--8-member--select--committee--on~~
~~developmental-disabilities-services~~

~~(2)--The--members--of--the--select--committee--must--be~~
~~appointed--in--the--following--manner:~~

~~(a)--The--speaker--of--the--house--after--consultation--with~~
~~the--house--majority--and--minority--leaders--shall--appoint--four~~
~~members--of--the--house--to--serve--on--the--select--committees--No~~
~~more--than--two--house--members--on--the--select--committee--may--be~~

~~from--the--same--political--party.~~

~~(b)--The--president--of--the--senate--after--consultation~~
~~with--the--senate--majority--and--minority--leaders--shall--appoint~~
~~four--members--of--the--senate--to--serve--on--the--select--committees~~
~~No--more--than--two--senate--members--on--the--select--committee--may~~
~~be--from--the--same--political--party.~~

~~(3)--A--vacancy--must--be--filled--by--appointment--in--the~~
~~same--manner--as--the--original--appointments.~~

~~(4)--The--select--committee--shall--elect--a--chairman--and~~
~~vice-chairman.~~

~~(5)--Select--committee--members--are--entitled--to~~
~~compensation--and--expenses--as--provided--in--5-2-302. STUDY ON~~
~~DEVELOPMENTAL DISABILITIES SERVICES. THE GOVERNOR OR HIS~~
~~DESIGNEE SHALL CONDUCT A STUDY OF AND PROPOSE A LONG-RANGE~~
~~PLAN FOR THE DELIVERY OF SERVICES TO PERSONS WITH~~
~~DEVELOPMENTAL DISABILITIES. THE GOVERNOR OR HIS DESIGNEE~~
~~SHALL SOLICIT COMMENTS FROM THE GENERAL PUBLIC AND~~
~~ESPECIALLY FROM RESIDENTS OF COMMUNITIES WHERE DEVELOPMENTAL~~
~~DISABILITY SERVICES ARE PROVIDED BY THE STATE.~~

Section 2. Committee duties--The select committee on
developmental--disabilities--services STUDY AREAS. THE
GOVERNOR OR HIS DESIGNEE shall:

(1) conduct a complete analysis of institutional
services for developmentally disabled persons and
alternatives to those services, including without limitation

1 analysis of the following issues:

2 (a) types and quality of alternative services for

3 those persons currently enrolled in programs at Boulder

4 River School and Hospital;

5 (b) the comparative staffing patterns and supporting

6 service structure and costs associated with community-based

7 services and institutional services;

8 (c) the role of institutions and institutional

9 alternatives in the continuum of state-supported services to

10 persons with developmental disabilities;

11 (d) the proper and ultimate location of state

12 administrative responsibility for all programs for persons

13 with developmental disabilities; and

14 (e) the impact of closure of Boulder River School and

15 Hospital on the community;

16 ~~(2) develop an analysis of the issues surrounding the~~

17 ~~concepts of serving developmentally disabled persons in "the~~

18 ~~most appropriate placement" as opposed to "the least~~

19 ~~restrictive placement";~~

20 (3)(2) develop a history and a projection of funding

21 for services for developmentally disabled persons, including

22 federal, state, local, and private sources;

23 (4)(3) develop a proposed long-range plan for the

24 state's role in serving developmentally disabled persons,

25 including a clear mission statement for each functional

1 organization proposed to implement the plan;

2 (5)(4) analyze the costs and potential benefits of

3 retrofitting or consolidating the physical plant at Boulder

4 River School and Hospital in order to make the institution

5 more cost effective and to improve services to persons

6 enrolled in programs there;

7 (6)(5) study the feasibility of providing a training

8 program at Boulder River School and Hospital for persons who

9 will be employed in community-based programs;

10 (7)(6) analyze means for reducing the sense of

11 polarization within the system serving developmentally

12 disabled persons in order to focus on the most appropriate

13 services for the persons served;

14 (8)(7) in accomplishing the duties outlined in

15 subsections (1) through (7) (6), solicit the comments,

16 advice, and testimony of professionals, consumers,

17 legislators, THE GENERAL PUBLIC, ARCHITECTS AND DESIGN

18 EXPERTS, and state agency officials; and

19 (9)(8) complete ~~its final~~ PRELIMINARY recommendations

20 not later than September 15, 1984, and publish ~~its findings~~

21 and FINAL recommendations not later than December 1, 1984.

22 ~~Section 3--Executive cooperation--subpoena power--~~

23 ~~(1) The executive branch agencies shall cooperate with the~~

24 ~~select committee on developmental disabilities services as~~

25 ~~it conducts its investigations~~

1 ~~{2}-The-legislative-council-may-exercise-its-authority~~
2 ~~under-5-11-107-as-needed-to-assist-the-committee-in-its~~
3 ~~study.~~

4 ~~Section-4v-Use-of-consultants-The-legislative~~
5 ~~council-upon-request-of-the-select-committee-on~~
6 ~~developmental-disabilities-services-shall-retain~~
7 ~~consultants-as-required-Costs-for-consultants-must-be-paid~~
8 ~~from-funds-appropriated-for-use-by-the-select-committee.~~

9 ~~Section-5v-Staff-services-The-legislative-staff~~
10 ~~agencies-may-provide-staff-assistance-to-the-select~~
11 ~~committee-on-developmental-disabilities-services-as~~
12 ~~requested-by-the-committee-The-legislative-council-shall~~
13 ~~provide-staffing-assistance-as-specified-in-5-11-105-and~~
14 ~~5-11-112.~~

15 ~~Section-6v-Appropriations-There-is-appropriated-for~~
16 ~~the-biennium-ending-June-30-1985-\$15,000-from-the-general~~
17 ~~fund-to-the-legislative-council-for-purposes-of-the-select~~
18 ~~committee-on-developmental-disabilities-services-in-carrying~~
19 ~~out-its-functions-under-this-act.~~

20 Section 3. Effective date. This act is effective July
21 1, 1983.

-End-