

HB 538 INTRODUCED BY WINSLOW, ET AL.
REORGANIZATION OF DELIVERY OF SERVICES BY STATE
HUMAN SERVICE AGENCIES

1/30	INTRODUCED		
1/30	REFERRED TO STATE ADMINISTRATION		
2/10	HEARING		
2/12	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/14	2ND READING PASSED	88	8
2/14	REREFERRED TO APPROPRIATIONS		
2/20	HEARING		
3/20	COMMITTEE REPORT--BILL PASSED		
3/25	2ND READING PASSED AS AMENDED	94	5
3/27	3RD READING PASSED	85	6
	TRANSMITTED TO SENATE		
3/31	REFERRED TO FINANCE & CLAIMS		
4/06	HEARING		
4/10	ADVERSE COMMITTEE REPORT ADOPTED	47	3
4/11	RETURNED TO HOUSE NOT CONCURRED		

Cole
Vincent
Hand

House BILL NO. *538*

INTRODUCED BY *Walter Cobb Campbell Tom Gilbert*

Samuel Redden Bradley Donaldson Miller NATIVE

A BILL FOR AN ACT ENTITLED: "AN ACT REORGANIZING THE

DELIVERY OF HUMAN SERVICES BY STATE GOVERNMENT; PROVIDING

FOR THE ELIMINATION OF THE DEPARTMENT OF SOCIAL AND

REHABILITATION SERVICES, THE DEPARTMENT OF INSTITUTIONS, AND

THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES;

PROVIDING FOR THE CREATION OF THE DEPARTMENT OF YOUTH,

FAMILY, AND AGING SERVICES AND THE DEPARTMENT OF DISABILITY

SERVICES; RENAMING THE DEPARTMENT OF LABOR AND INDUSTRY;

PROVIDING FOR THE REALLOCATION OF FUNCTIONS AMONG THE NEW

DEPARTMENTS AND THE DEPARTMENTS OF LABOR AND INDUSTRY,

COMMERCE, JUSTICE, AND NATURAL RESOURCES AND CONSERVATION;

PROVIDING SUCH REORGANIZATION TO BE EFFECTIVE JULY 1, 1989;

PROVIDING FOR A TRANSITION PERIOD AND A LEGISLATIVE

OVERSIGHT COMMITTEE; PROVIDING AN APPROPRIATION; AMENDING

SECTION 2-15-104, MCA; AND PROVIDING EFFECTIVE DATES AND A

PARTIAL TERMINATION DATE."

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

Section 1. Section 2-15-104, MCA, is amended to read:

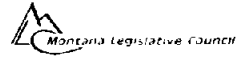
"2-15-104. Structure of executive branch. (1) In

accordance with the constitution, all executive and

administrative offices, boards, commissions, agencies, and

1 instrumentalities of the executive branch of state
2 government and their respective functions are allocated by
3 this chapter among and within the following departments or
4 entities:

- 5 (a) department of administration;
- 6 (b) department of military affairs;
- 7 (c) department of revenue;
- 8 (d) state board of education;
- 9 (e) department of medical, benefits, and labor and
- 10 industry;
- 11 (f) department of commerce;
- 12 (g) department of justice;
- 13 ~~(h) department of health and environmental sciences;~~
- 14 ~~(i) department of social and rehabilitation~~
- 15 ~~services youth, family, and aging services;~~
- 16 ~~(j) department of institutions disability services;~~
- 17 ~~(k) department of highways;~~
- 18 ~~(l) department of public service regulation;~~
- 19 ~~(m) department of agriculture;~~
- 20 ~~(n) department of livestock;~~
- 21 ~~(o) department of state lands;~~
- 22 ~~(p) department of natural resources and~~
- 23 ~~conservation;~~
- 24 ~~(q) department of fish, wildlife, and parks.~~
- 25 (2) For its internal structure, each department shall



1 adhere to the following standard terms:

2 (a) The principal unit of a department is a division.
3 Each division shall be headed by an administrator.

4 (b) The principal unit of a division is a bureau. Each
5 bureau shall be headed by a chief.

6 (c) The principal unit of a bureau is a section. Each
7 section shall be headed by a supervisor."

8 NEW SECTION. Section 2. Departments of social and
9 rehabilitation services, institutions, and health and
10 environmental sciences abolished. (1) The department of
11 social and rehabilitation services, the department of
12 institutions, the department of health and environmental
13 sciences, and the board of health and environmental sciences
14 are abolished.

15 (2) The functions of the department of social and
16 rehabilitation services, the department of institutions, the
17 department of health and environmental sciences, and the
18 board of health and environmental sciences are transferred
19 as provided in this act.

20 NEW SECTION. Section 3. Department of youth, family,
21 and aging services. There is a department of youth, family,
22 and aging services. The department head is the director of
23 youth, family, and aging services appointed by the governor
24 in accordance with 2-15-111.

25 NEW SECTION. Section 4. Department of disability

1 services. There is a department of disability services. The
2 department head is the director of disability services
3 appointed by the governor in accordance with 2-15-111.

4 NEW SECTION. Section 5. Transfer of functions to
5 department of youth, family, and aging services. The
6 following functions of state government are transferred from
7 the department presently responsible for their
8 administration to the department of youth, family, and aging
9 services created in section 3:

10 (1) battered spouses grant program in Title 40,
11 chapter 2, part 4, from the department of social and
12 rehabilitation services;

13 (2) Uniform Adoption Act in Title 40, chapter 8, part
14 1, from the department of social and rehabilitation
15 services;

16 (3) custodial transfers of youth provided in Title 41
17 previously made to the department of institutions;

18 (4) child abuse, neglect, and dependency in Title 41,
19 chapter 3, from the department of social and rehabilitation
20 services;

21 (5) children's trust fund in 2-15-2211 and Title 41,
22 chapter 3, part 7, from the department of social and
23 rehabilitation services;

24 (6) youth residential services in Title 41, chapter 3,
25 part 11, from the department of social and rehabilitation

1 services;

2 (7) Interstate Compact on the Placement of Children in
3 Title 41, chapter 4, part 1;

4 (8) supervised release program and supervision of
5 probationers and parolees in Title 46, chapter 23, parts 4,
6 10, and 11, from the department of institutions;

7 (9) child welfare services in Title 53, chapter 4,
8 part 1, from the department of social and rehabilitation
9 services;

10 (10) subsidized adoption in Title 53, chapter 4, part
11 3, from the department of social and rehabilitation
12 services;

13 (11) administration of child adoption agencies in Title
14 53, chapter 4, part 4, from the department of social and
15 rehabilitation services;

16 (12) supervision of child day-care centers in Title 53,
17 chapter 4, part 5, from the department of social and
18 rehabilitation services;

19 (13) administration of adult services, including
20 problems of aging, adult protective services, adult foster
21 family care, old-age assistance recovery, Montana Elder
22 Abuse Prevention Act, and the state plan on aging in Title
23 53, chapter 5, from the department of social and
24 rehabilitation services;

25 (14) community services block grant in Title 53,

1 chapter 10, part 5, from the department of social and
2 rehabilitation services;

3 (15) Pine Hills school and Mountain View school in
4 53-1-202 and Title 53, chapter 30, part 2, from the
5 department of institutions.

6 NEW SECTION. Section 6. Transfer of functions to
7 department of disability services. The following functions
8 of state government are transferred from the department
9 presently responsible for their administration to the
10 department of disability services created in section 4:

11 (1) recipient of alcohol taxes in Title 16, chapter 1,
12 part 4, previously paid to the department of institutions;

13 (2) blind vendor administration in Title 18, chapter
14 5, part 4, from the department of social and rehabilitation
15 services;

16 (3) vocational rehabilitation referrals in Title 39,
17 chapter 71, part 10, from the department of social and
18 rehabilitation services;

19 (4) custody of persons relating to criminal
20 responsibility when mental competency is an issue in Title
21 46, chapter 14, from the department of institutions;

22 (5) providing lists of interpreters in 49-4-507 from
23 the department of social and rehabilitation services;

24 (6) Montana state hospital in Title 53, chapter 6,
25 part 3, from the department of institutions;

1 (7) vocational rehabilitation, including general
2 vocational rehabilitation, sheltered workshops, and
3 vocational rehabilitation of the blind, in Title 53, chapter
4 7, from the department of social and rehabilitation
5 services;

6 (8) vocational rehabilitation under The Crime Victims
7 Compensation Act of Montana in Title 53, chapter 9, part 1,
8 from the department of social and rehabilitation services;

9 (9) services and community homes for the physically
10 disabled in Title 53, chapter 19, part 1, from the
11 department of social and rehabilitation services;

12 (10) treatment for the developmentally disabled in
13 Title 53, chapter 20, part 1, from the department of social
14 and rehabilitation services and the department of
15 institutions;

16 (11) community homes for the developmentally disabled
17 in Title 53, chapter 20, part 2, from the department of
18 social and rehabilitation services;

19 (12) protective services for the developmentally
20 disabled in Title 53, chapter 20, part 3, from the
21 department of social and rehabilitation services;

22 (13) Eastmont human services center in Title 53,
23 chapter 20, part 5, from the department of institutions and
24 the department of social and rehabilitation services;

25 (14) treatment of the seriously mentally ill in Title

1 53, chapter 21, part 1, from the department of institutions;

2 (15) community mental health centers in Title 53,
3 chapter 21, part 2, from the department of institutions;

4 (16) mental health construction plan in 53-21-204 from
5 the board of health and environmental sciences;

6 (17) Montana center for the aged in 53-1-202 and Title
7 53, chapter 21, part 4, from the department of institutions;

8 (18) Interstate Compact on Mental Health in Title 53,
9 chapter 22, from the department of institutions;

10 (19) treatment of alcoholism and drug dependence in
11 Title 53, chapter 24, from the department of institutions.

12 NEW SECTION. Section 7. Transfer of functions to
13 department of medical, benefits, and labor and industry. The
14 following functions of state government are transferred from
15 the department presently responsible for their
16 administration to the department of medical, benefits, and
17 labor and industry created in 2-15-1701:

18 (1) beneficiary of child support payments in Title 40,
19 chapter 5, parts 2 and 3, previously credited to the
20 department of social and rehabilitation services;

21 (2) operations relating to county welfare, general
22 assistance, and general medical assistance in Title 53,
23 chapters 2 and 3, from the department of social and
24 rehabilitation services;

25 (3) aid to dependent children in Title 53, chapter 4,

1 part 2, from the department of social and rehabilitation
2 services;

3 (4) medical assistance (medicaid) in Title 53, chapter
4 6, part 1, from the department of social and rehabilitation
5 services;

6 (5) renal disease treatment program in Title 53,
7 chapter 6, part 2, from the department of health and
8 environmental sciences;

9 (6) community-based long-term care medicaid services
10 in Title 53, chapter 6, part 4, from the department of
11 social and rehabilitation services;

12 (7) home weatherization and low-income home energy
13 assistance programs in Title 90, chapter 4, part 2, from the
14 department of social and rehabilitation services.

15 NEW SECTION. Section 8. Transfer of functions to
16 department of commerce. The following functions of state
17 government are transferred from the department presently
18 responsible for their administration to the department of
19 commerce created in 2-15-1801:

20 (1) regulations relating to school building plans in
21 20-6-624 from the department of health and environmental
22 sciences;

23 (2) functions performed by the board of health and
24 environmental sciences, by the department of health and
25 environmental sciences, or both the board and department in

1 Title 50;

2 (3) one-step licensing in Title 50, chapter 8, part 1,
3 as lead agency in cooperation with named agencies.

4 NEW SECTION. Section 9. Transfer of functions to
5 department of natural resources and conservation. The
6 following functions of state government are transferred from
7 the department presently responsible for their
8 administration to the department of natural resources and
9 conservation created in 2-15-3301:

10 (1) nuclear control and regulation in Title 75,
11 chapter 3, from the department of health and environmental
12 sciences;

13 (2) water quality in Title 75, chapter 5, from the
14 board and department of health and environmental sciences;

15 (3) protection of public water supplies, distribution,
16 and treatment in Title 75, chapter 6, from the board and
17 department of health and environmental sciences;

18 (4) waste and litter control, including plans, funds,
19 and administration; licensing of refuse disposal and
20 transportation (The Montana Solid Waste Management Act);
21 hazardous waste management; motor vehicle recycling and
22 disposal; disposal and control of environmental
23 contaminants; and remedial action upon release of hazardous
24 substances in Title 75, chapter 10, from the board or
25 department of health and environmental sciences, or both;

1 (5) sanitation in subdivisions in Title 76, chapter 4,
2 part 1, from the board and department of health and
3 environmental sciences;

4 (6) responsibility, with the department of
5 agriculture, for certain pesticide hazardous waste control
6 in 80-8-110 from the department of health and environmental
7 sciences.

8 NEW SECTION. Section 10. Transfer of functions to
9 department of justice. The following functions of state
10 government are transferred from the department presently
11 responsible for their administration to the department of
12 justice created in 2-15-2001:

13 (1) criminal offender corrections and sentence matters
14 in Title 46, chapter 18, from the department of
15 institutions;

16 (2) Western Interstate Corrections Compact in Title
17 46, chapter 19, part 3, from the department of institutions;

18 (3) pardons and clemency, including parole, in
19 2-15-2302 and Title 46, chapter 23, parts 1 through 3, from
20 the department of institutions;

21 (4) commission for human rights in 2-15-1706 and
22 functions of the commission in Title 49, chapters 2 and 3,
23 from the department of labor and industry;

24 (5) Swan River youth forest camp in 53-1-202 from the
25 department of institutions;

1 (6) Montana state prison in 53-1-202 and Title 53,
2 chapter 30, part 1, from the department of institutions.

3 NEW SECTION. Section 11. Transfer of Montana
4 veterans' home to department of military affairs. The
5 operation of the Montana veterans' home in Title 10, chapter
6 2, part 4, is transferred from the department of
7 institutions to the department of military affairs.

8 NEW SECTION. Section 12. Legislative human services
9 reorganization oversight committee -- directions to code
10 commissioner. (1) There is a human services reorganization
11 oversight committee composed of four members of the house of
12 representatives and four members of the senate.

13 (a) The committee members are to be appointed by the
14 leadership of each party in each chamber in equal numbers
15 from each party.

16 (b) The committee shall meet each calendar quarter.
17 During the meetings, the committee must be briefed by
18 agencies affected by this act regarding their transition
19 plans and transition recommendations prepared in accordance
20 with section 13. The committee may request that these
21 briefings be based upon logical transition stages in such
22 planning.

23 (2) The committee and affected agencies may suggest
24 legislation to the 51st legislature modifying the provisions
25 of this act or otherwise relating to the human services

1 reorganization.

2 (3) In consultation with the committee, the code
3 commissioner shall draft a bill to provide for the amendment
4 of sections of the MCA to reflect departmental name changes,
5 changes in programs and institutions, repeal of sections,
6 and other matters necessary to conform the laws of this
7 state to the reorganization as it takes place on July 1,
8 1989.

9 NEW SECTION. Section 13. Transition recommendations
10 to fifty-first legislature. (1) Each agency involved in
11 function transfers is to examine the functions and make
12 recommendations to the reorganization oversight committee
13 and 51st legislature for changes in transferred and existing
14 agency functions that would enhance the delivery of a
15 service or operation of an agency. Such recommendations must
16 address at a minimum:

17 (a) the cost-effectiveness of service delivery by the
18 department;

19 (b) how to unite, from the recipients rather than the
20 department's viewpoint, fragmented human service delivery;

21 (c) a statement of each department's role in the
22 delivery of human services, set forth in such a manner that
23 the legislature has some means of determining the
24 department's effectiveness and any need for future
25 legislative corrective action. The statement must include:

1 (i) a clear expression of the department's goals,
2 objectives, and purposes and how they differ from those of
3 other departments;

4 (ii) departmental priorities in performing its
5 functions and departmental priorities within functions; and

6 (iii) the department's relationship with other agencies
7 of state and local government and the coordination of
8 service delivery with these agencies and within the
9 department;

10 (d) evaluation of the effectiveness of the
11 department's organizational structure in providing services;

12 (e) conflicts between agencies providing the same or
13 similar services;

14 (f) administrative procedures regarding personnel,
15 supplies, and equipment that necessitate changes in law due
16 to reorganization; and

17 (g) provisions that may conflict with or present
18 problems dealing with federal agencies or receipt of federal
19 money.

20 (2) The budget process for the biennium beginning July
21 1, 1989, must be based upon the departmental reorganization
22 established by this act.

23 NEW SECTION. Section 14. Appropriation. There is
24 appropriated to the legislative oversight committee
25 established in section 12 \$10,000 from the general fund for

1 the purpose of administering this act.

2 NEW SECTION. Section 15. Effective dates --
3 termination. (1) (a) Sections 1 through 11 are effective
4 July 1, 1989.

5 (b) Sections 12 through 15 are effective on passage
6 and approval.

7 (2) Sections 12 and 13 terminate July 1, 1989.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 HOUSE BILL NO. 538
2 INTRODUCED BY WINSLOW, COBB, CAMPBELL, HARPER, GILBERT,
3 COHEN, VINCENT, HANNAH, SIMON, REHBERG, BRADLEY,
4 DONALDSON, MILLER, NATHE, THOFT, PHILLIPS, MERCER,
5 CORNE', MENAHAN, MARKS
6
7 A BILL FOR AN ACT ENTITLED: "AN ACT REORGANIZING THE
8 DELIVERY OF HUMAN SERVICES BY STATE GOVERNMENT; PROVIDING
9 FOR THE ELIMINATION OF THE DEPARTMENT OF SOCIAL AND
10 REHABILITATION SERVICES, THE DEPARTMENT OF INSTITUTIONS, AND
11 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES;
12 PROVIDING FOR THE CREATION OF THE DEPARTMENT OF ~~YOUTH~~
13 ~~FAMILY--AND--AGING~~ SERVICES, THE DEPARTMENT OF HEALTH AND
14 MEDICAL SERVICES, AND THE DEPARTMENT OF ~~DISABILITY--SERVICES~~
15 HUMAN DEVELOPMENT; ~~RENAMING--THE--DEPARTMENT--OF--LABOR--AND~~
16 ~~INDUSTRY;~~ PROVIDING FOR THE REALLOCATION OF FUNCTIONS AMONG
17 THE NEW DEPARTMENTS AND THE DEPARTMENTS OF LABOR AND
18 INDUSTRY, COMMERCE, JUSTICE, AND NATURAL RESOURCES AND
19 CONSERVATION; PROVIDING SUCH REORGANIZATION TO BE EFFECTIVE
20 JULY 1, 1989; PROVIDING FOR A TRANSITION PERIOD AND A
21 LEGISLATIVE OVERSIGHT COMMITTEE; PROVIDING AN APPROPRIATION;
22 AMENDING SECTION 2-15-104, MCA; AND PROVIDING EFFECTIVE
23 DATES AND A PARTIAL TERMINATION DATE."
24
25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 Section 1. Section 2-15-104, MCA, is amended to read:
2 "2-15-104. Structure of executive branch. (1) In
3 accordance with the constitution, all executive and
4 administrative offices, boards, commissions, agencies, and
5 instrumentalities of the executive branch of state
6 government and their respective functions are allocated by
7 this chapter among and within the following departments or
8 entities:
9 (a) department of administration;
10 (b) department of military affairs;
11 (c) department of revenue;
12 (d) state board of education;
13 (e) department of medical--benefits--and labor and
14 industry;
15 (f) department of commerce;
16 (g) department of justice;
17 ~~(h)--department-of-health-and--environmental--sciences;~~
18 ~~(i)(h)~~ department of social--and--rehabilitation
19 services youth; family--and--aging services;
20 ~~(j)(i)~~ department of institutions disability--services
21 HUMAN DEVELOPMENT;
22 ~~(k)(j)~~ department of highways;
23 ~~(l)(k)~~ department of public service regulation;
24 ~~(m)(l)~~ department of agriculture;
25 ~~(n)(m)~~ department of livestock;

1 (o)(n) department of state lands;
2 (p)(o) department of natural resources and
3 conservation;

4 (q)(p) department of fish, wildlife, and parks;

5 (Q) DEPARTMENT OF HEALTH AND MEDICAL SERVICES.

6 (2) For its internal structure, each department shall
7 adhere to the following standard terms:

8 (a) The principal unit of a department is a division.
9 Each division shall be headed by an administrator.

10 (b) The principal unit of a division is a bureau. Each
11 bureau shall be headed by a chief.

12 (c) The principal unit of a bureau is a section. Each
13 section shall be headed by a supervisor."

14 NEW SECTION. Section 2. Departments of social and
15 rehabilitation services, institutions, and health and
16 environmental sciences abolished. (1) The department of
17 social and rehabilitation services, the department of
18 institutions, AND the department of health and environmental
19 sciences, ~~and the board of health and environmental sciences~~
20 are abolished.

21 (2) The functions of the department of social and
22 rehabilitation services, the department of institutions, the
23 department of health and environmental sciences, and the
24 board of health and environmental sciences are transferred
25 as provided in this act.

1 NEW SECTION. Section 3. Department of youth, family,
2 and--aging services. There is a department of youth, family,
3 and-aging services. The department head is the director of
4 youth, family,--and-aging services appointed by the governor
5 in accordance with 2-15-111.

6 NEW SECTION. Section 4. Department of disability
7 services HUMAN DEVELOPMENT. There is a department of
8 disability-services HUMAN DEVELOPMENT. The department head
9 is the director of disability-services HUMAN DEVELOPMENT
10 appointed by the governor in accordance with 2-15-111.

11 NEW SECTION. SECTION 5. DEPARTMENT OF HEALTH AND
12 MEDICAL SERVICES. THERE IS A DEPARTMENT OF HEALTH AND
13 MEDICAL SERVICES. THE DEPARTMENT HEAD IS THE DIRECTOR OF
14 HEALTH AND MEDICAL SERVICES APPOINTED BY THE GOVERNOR IN
15 ACCORDANCE WITH 2-15-111.

16 NEW SECTION. Section 6. Transfer of functions to
17 department of youth, family,--and--aging services. The
18 following functions of state government are transferred from
19 the department presently responsible for their
20 administration to the department of youth, family,--and-aging
21 services created in section 3:

22 (1) battered spouses grant program in Title 40,
23 chapter 2, part 4, from the department of social and
24 rehabilitation services;

25 (2) Uniform Adoption Act in Title 40, chapter 8, part

1 1, from the department of social and rehabilitation
2 services;

3 (3) custodial transfers of youth provided in Title 41
4 previously made to the department of institutions;

5 (4) child abuse, neglect, and dependency in Title 41,
6 chapter 3, from the department of social and rehabilitation
7 services;

8 (5) children's trust fund in 2-15-2211 and Title 41,
9 chapter 3, part 7, from the department of social and
10 rehabilitation services;

11 (6) youth residential services in Title 41, chapter 3,
12 part 11, from the department of social and rehabilitation
13 services;

14 (7) Interstate Compact on the Placement of Children in
15 Title 41, chapter 4, part 1;

16 ~~(8) supervised release program and supervision of~~
17 ~~probationers and parolees in Title 46, chapter 23, parts 4,~~
18 ~~10, and 11, from the department of institutions;~~

19 (9)(8) child welfare services in Title 53, chapter 4,
20 part 1, from the department of social and rehabilitation
21 services;

22 (10)(9) subsidized adoption in Title 53, chapter 4,
23 part 3, from the department of social and rehabilitation
24 services;

25 (11)(10) administration of child adoption agencies in

1 Title 53, chapter 4, part 4, from the department of social
2 and rehabilitation services;

3 (12)(11) supervision of child day-care centers in Title
4 53, chapter 4, part 5, from the department of social and
5 rehabilitation services;

6 (13)(12) administration of adult services, including
7 problems of aging, adult protective services, adult foster
8 family care, old-age assistance recovery, Montana Elder
9 Abuse Prevention Act, and the state plan on aging in Title
10 53, chapter 5, from the department of social and
11 rehabilitation services;

12 ~~(14) community services block grant in Title 53,~~
13 ~~chapter 10, part 5, from the department of social and~~
14 ~~rehabilitation services;~~

15 (15)(13) Pine Hills school and Mountain View school in
16 53-1-202 and Title 53, chapter 30, part 2, from the
17 department of institutions.

18 NEW SECTION. Section 7. Transfer of functions to
19 department of ~~disability services~~ HUMAN DEVELOPMENT. The
20 following functions of state government are transferred from
21 the department presently responsible for their
22 administration to the department of ~~disability services~~
23 HUMAN DEVELOPMENT created in section 4:

24 (1) recipient of alcohol taxes in Title 16, chapter 1,
25 part 4, previously paid to the department of institutions;

- 1 (2) blind vendor administration in Title 18, chapter
- 2 5, part 4, from the department of social and rehabilitation
- 3 services;
- 4 (3) vocational rehabilitation referrals in Title 39,
- 5 chapter 71, part 10, from the department of social and
- 6 rehabilitation services;
- 7 (4) custody of persons relating to criminal
- 8 responsibility when mental competency is an issue in Title
- 9 46, chapter 14, from the department of institutions;
- 10 (5) providing lists of interpreters in 49-4-507 from
- 11 the department of social and rehabilitation services;
- 12 (6) Montana state hospital in Title 53, chapter 6,
- 13 part 3, from the department of institutions;
- 14 (7) vocational rehabilitation, including general
- 15 vocational rehabilitation, sheltered workshops, and
- 16 vocational rehabilitation of the blind, in Title 53, chapter
- 17 7, from the department of social and rehabilitation
- 18 services;
- 19 (8) vocational rehabilitation under The Crime Victims
- 20 Compensation Act of Montana in Title 53, chapter 9, part 1,
- 21 from the department of social and rehabilitation services;
- 22 (9) services and community homes for the physically
- 23 disabled in Title 53, chapter 19, part 1, from the
- 24 department of social and rehabilitation services;
- 25 (10) treatment for the developmentally disabled in

- 1 Title 53, chapter 20, part 1, from the department of social
- 2 and rehabilitation services and the department of
- 3 institutions;
- 4 (11) community homes for the developmentally disabled
- 5 in Title 53, chapter 20, part 2, from the department of
- 6 social and rehabilitation services;
- 7 (12) protective services for the developmentally
- 8 disabled in Title 53, chapter 20, part 3, from the
- 9 department of social and rehabilitation services;
- 10 (13) Eastmont human services center in Title 53,
- 11 chapter 20, part 5, from the department of institutions and
- 12 the department of social and rehabilitation services;
- 13 (14) treatment of the seriously mentally ill in Title
- 14 53, chapter 21, part 1, from the department of institutions;
- 15 (15) community mental health centers in Title 53,
- 16 chapter 21, part 2, from the department of institutions;
- 17 (16) mental health construction plan in 53-21-204 from
- 18 the board of health and environmental sciences;
- 19 (17) Montana center for the aged in 53-1-202 and Title
- 20 53, chapter 21, part 4, from the department of institutions;
- 21 (18) Interstate Compact on Mental Health in Title 53,
- 22 chapter 22, from the department of institutions;
- 23 (19) treatment of alcoholism and drug dependence in
- 24 Title 53, chapter 24, from the department of institutions.
- 25 NEW SECTION. Section 8. Transfer of functions to

1 department of medical, benefits, and labor and industry. The
2 following functions of state government are transferred from
3 the department presently responsible for their
4 administration to the department of medical, benefits, and
5 labor and industry created in 2-15-1701:

6 (1) beneficiary of child support payments in Title 40,
7 chapter 5, parts 2 and 3, previously credited to the
8 department of social and rehabilitation services;

9 (2) operations relating to county welfare, general
10 assistance, and general medical assistance in Title 53,
11 chapters 2 and 3, from the department of social and
12 rehabilitation services;

13 (3) aid to dependent children in Title 53, chapter 4,
14 part 2, from the department of social and rehabilitation
15 services;

16 ~~{4}--medical-assistance--{medicaid}--in--Title--53,--chapter~~
17 ~~6,--part--1,--from--the--department--of--social--and--rehabilitation~~
18 ~~services;~~

19 ~~{5}--renal--disease--treatment--program--in--Title--53,~~
20 ~~chapter--6,--part--2,--from--the--department--of--health--and~~
21 ~~environmental--sciences;~~

22 ~~{6}--community-based-long-term-care--medicaid--services~~
23 ~~in--Title--53,--chapter--6,--part--4,--from--the--department--of~~
24 ~~social--and--rehabilitation--services;~~

25 (4) COMMUNITY SERVICES BLOCK GRANT IN TITLE 53,

1 CHAPTER 10, PART 5, FROM THE DEPARTMENT OF SOCIAL AND
2 REHABILITATION SERVICES;

3 ~~{7}{5}~~ home weatherization and low-income home energy
4 assistance programs in Title 90, chapter 4, part 2, from the
5 department of social and rehabilitation services.

6 NEW SECTION. SECTION 9. TRANSFER OF FUNCTIONS TO
7 DEPARTMENT OF HEALTH AND MEDICAL SERVICES. THE FOLLOWING
8 FUNCTIONS OF STATE GOVERNMENT ARE TRANSFERRED FROM THE
9 DEPARTMENT PRESENTLY RESPONSIBLE FOR THEIR ADMINISTRATION TO
10 THE DEPARTMENT OF HEALTH AND MEDICAL SERVICES CREATED IN
11 SECTION 5:

12 (1) THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES
13 CREATED IN 2-15-2104 AND RENAMED THE MONTANA BOARD OF
14 HEALTH;

15 (2) MEDICAL ASSISTANCE (MEDICAID) IN TITLE 53, CHAPTER
16 6, PART 1, FROM THE DEPARTMENT OF SOCIAL AND REHABILITATION
17 SERVICES;

18 (3) RENAL DISEASE TREATMENT PROGRAM IN TITLE 53,
19 CHAPTER 6, PART 2, FROM THE DEPARTMENT OF HEALTH AND
20 ENVIRONMENTAL SCIENCES;

21 (4) COMMUNITY-BASED LONG-TERM CARE MEDICAID SERVICES
22 IN TITLE 53, CHAPTER 6, PART 4, FROM THE DEPARTMENT OF
23 SOCIAL AND REHABILITATION SERVICES;

24 (5) FUNCTIONS PERFORMED BY THE BOARD OF HEALTH AND
25 ENVIRONMENTAL SCIENCES, BY THE DEPARTMENT OF HEALTH AND

1 ENVIRONMENTAL SCIENCES, OR BOTH THE BOARD AND DEPARTMENT IN
2 TITLE 50.

3 NEW SECTION. Section 10. Transfer of functions to
4 department of commerce. The following functions of state
5 government are transferred from the department presently
6 responsible for their administration to the department of
7 commerce created in 2-15-1801:

8 (1) regulations relating to school building plans in
9 20-6-624 from the department of health and environmental
10 sciences;

11 (2) functions performed by the board of health and
12 environmental sciences, by the department of health and
13 environmental sciences, or both the board and department in
14 Title 50;

15 (3) one-step licensing in Title 50, chapter 8, part 1,
16 as lead agency in cooperation with named agencies.

17 NEW SECTION. Section 11. Transfer of functions to
18 department of natural resources and conservation. The
19 following functions of state government are transferred from
20 the department presently responsible for their
21 administration to the department of natural resources and
22 conservation created in 2-15-3301:

23 (1) nuclear control and regulation in Title 75,
24 chapter 3, from the department of health and environmental
25 sciences;

1 (2) water quality in Title 75, chapter 5, from the
2 board and department of health and environmental sciences;

3 (3) protection of public water supplies, distribution,
4 and treatment in Title 75, chapter 6, from the board and
5 department of health and environmental sciences;

6 (4) waste and litter control, including plans, funds,
7 and administration; licensing of refuse disposal and
8 transportation (The Montana Solid Waste Management Act);
9 hazardous waste management; motor vehicle recycling and
10 disposal; disposal and control of environmental
11 contaminants; and remedial action upon release of hazardous
12 substances in Title 75, chapter 10, from the board or
13 department of health and environmental sciences, or both;

14 (5) sanitation in subdivisions in Title 76, chapter 4,
15 part 1, from the board and department of health and
16 environmental sciences;

17 (6) responsibility, with the department of
18 agriculture, for certain pesticide hazardous waste control
19 in 80-8-110 from the department of health and environmental
20 sciences.

21 NEW SECTION. Section 12. Transfer of functions to
22 department of justice. The following functions of state
23 government are transferred from the department presently
24 responsible for their administration to the department of
25 justice created in 2-15-2001:

1 (1) criminal offender corrections and sentence matters
2 in Title 46, chapter 18, from the department of
3 institutions;

4 (2) Western Interstate Corrections Compact in Title
5 46, chapter 19, part 3, from the department of institutions;

6 (3) pardons and clemency, including parole, in
7 2-15-2302 and Title 46, chapter 23, parts 1 through 3, from
8 the department of institutions;

9 (4) ~~commission--for--human--rights--in--2-15-1706--and~~
10 ~~functions--of--the--commission--in--Title--49--chapters--2--and--3,~~
11 ~~from--the--department--of--labor--and--industry~~ SUPERVISED RELEASE
12 PROGRAM AND SUPERVISION OF PROBATIONERS AND PAROLEES IN
13 TITLE 46, CHAPTER 23, PARTS 4, 10, AND 11, FROM THE
14 DEPARTMENT OF INSTITUTIONS;

15 (5) Swan River youth forest camp in 53-1-202 from the
16 department of institutions;

17 (6) Montana state prison in 53-1-202 and Title 53,
18 chapter 30, part 1, from the department of institutions.

19 NEW SECTION. Section 13. Transfer of Montana
20 veterans' home to department of military affairs. The
21 operation of the Montana veterans' home in Title 10, chapter
22 2, part 4, is transferred from the department of
23 institutions to the department of military affairs.

24 NEW SECTION. Section 14. Legislative human services
25 reorganization oversight committee -- directions to code

1 commissioner. (1) There is a human services reorganization
2 oversight committee composed of four members of the house of
3 representatives and four members of the senate.

4 (a) The committee members are to be appointed by the
5 leadership of each party in each chamber in equal numbers
6 from each party.

7 (b) The committee shall meet ~~each-calendar-quarter~~ AT
8 THE CALL OF THE CHAIR. During the meetings, the committee
9 must be briefed by agencies affected by this act regarding
10 their transition plans and transition recommendations
11 prepared in accordance with section ~~13~~ 15. The committee may
12 request that these briefings be based upon logical
13 transition stages in such planning.

14 (C) THE GOVERNOR SHALL SUGGEST CHANGES TO THE
15 COMMITTEE BY OCTOBER 1, 1987, AND THE COMMITTEE SHALL
16 PREPARE ITS FINAL RECOMMENDATIONS TO THE 51ST LEGISLATURE BY
17 MARCH 1, 1988.

18 (2) The committee and affected agencies may suggest
19 legislation to the 51st legislature modifying the provisions
20 of this act or otherwise relating to the human services
21 reorganization.

22 (3) In consultation with the committee, the code
23 commissioner shall draft a bill to provide for the amendment
24 of sections of the MCA to reflect departmental name changes,
25 changes in programs and institutions, repeal of sections,

1 and other matters necessary to conform the laws of this
2 state to the reorganization as it takes place on July 1,
3 1989.

4 NEW SECTION. Section 15. Transition recommendations
5 to fifty-first legislature. (1) Each agency involved in
6 function transfers is to examine the functions and make
7 recommendations to the reorganization oversight committee
8 ~~and 51st legislature~~ for changes in transferred and existing
9 agency functions that would enhance the delivery of a
10 service or operation of an agency AS REORGANIZED BY THIS
11 ACT. Such recommendations must BE PREPARED AFTER PUBLIC
12 REVIEW IN CONJUNCTION WITH INTEREST GROUPS, INCLUDING AGENCY
13 PROVIDERS, AND MUST address at a minimum:

14 (a) the cost-effectiveness of service delivery by--the
15 department;

16 (b) how to unite, ~~from the recipients rather than the~~
17 ~~department's viewpoint,~~ fragmented human service delivery;

18 (c) a statement of each NEW department's role in the
19 delivery of human services, set forth in such a manner that
20 the legislature has some means of determining the
21 department's effectiveness and any need for future
22 legislative corrective action. The statement must include:

23 (i) a clear expression of the department's goals,
24 objectives, and purposes and how they differ from those of
25 other departments;

1 (ii) departmental priorities in performing its
2 functions and departmental priorities within functions; and
3 (iii) the department's relationship with other agencies
4 of state and local government and the coordination of
5 service delivery with these agencies and within the
6 department;

7 (d) evaluation of the effectiveness of the
8 department's organizational structure in providing services;

9 (e) conflicts between agencies providing the same or
10 similar services;

11 (f) administrative procedures regarding personnel,
12 supplies, and equipment that necessitate changes in law due
13 to reorganization; and

14 (g) provisions that may conflict with or present
15 problems dealing with federal agencies or receipt of federal
16 money.

17 (2) The budget process for the biennium beginning July
18 1, 1989, must be based upon the FINAL departmental
19 reorganization established by ~~this act~~ THE HUMAN SERVICES
20 REORGANIZATION OVERSIGHT COMMITTEE.

21 NEW SECTION. Section 16. Appropriation. There is
22 appropriated to the legislative HUMAN SERVICES
23 REORGANIZATION oversight committee established in section ~~12~~
24 14 \$10,000 from the general fund for the purpose of
25 administering this act.

1 NEW SECTION. SECTION 17. COORDINATION INSTRUCTION.
2 IF HOUSE BILL NO. 325 IS PASSED AND APPROVED, SECTION 3 OF
3 THIS ACT IS VOID. THE GOVERNOR SHALL MAKE RECOMMENDATIONS TO
4 THE HUMAN SERVICES REORGANIZATION OVERSIGHT COMMITTEE
5 REGARDING ANY FUNCTIONS OF STATE GOVERNMENT NOT ADEQUATELY
6 ADDRESSED ON THE DATE OF PASSAGE AND APPROVAL OF THIS ACT
7 AND HOUSE BILL NO. 325.

8 NEW SECTION. Section 18. Effective dates --
9 termination. (1) (a) Sections 1 through ~~11~~ 13 are effective
10 July 1, 1989.

11 (b) Sections ~~1214~~ through ~~1518~~ are effective on
12 passage and approval.

13 (2) Sections ~~1214~~ and ~~1315~~ terminate July 1, 1989.

-End-

HOUSE BILL NO. 538

INTRODUCED BY WINSLOW, COBB, CAMPBELL, HARPER, GILBERT,
 COHEN, VINCENT, HANNAH, SIMON, REHBERG, BRADLEY,
 DONALDSON, MILLER, NATHE, THOFT, PHILLIPS, MERCER,
 CORNE', MENAHAN, MARKS

A BILL FOR AN ACT ENTITLED: "AN ACT REORGANIZING THE
 DELIVERY OF HUMAN SERVICES BY STATE GOVERNMENT; PROVIDING
 FOR THE ELIMINATION OF THE DEPARTMENT OF SOCIAL AND
 REHABILITATION SERVICES, THE DEPARTMENT OF INSTITUTIONS, AND
 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES;
 PROVIDING FOR THE CREATION OF THE DEPARTMENT OF ~~YOUTH~~
~~FAMILY,--AND--AGING SERVICES, THE DEPARTMENT OF HEALTH AND~~
~~MEDICAL SERVICES, AND THE DEPARTMENT OF DISABILITY--SERVICES~~
~~HUMAN DEVELOPMENT; RENAMING--THE--DEPARTMENT--OF--LABOR--AND~~
~~INDUSTRY; PROVIDING FOR THE REALLOCATION OF FUNCTIONS AMONG~~
 THE NEW DEPARTMENTS AND THE DEPARTMENTS OF LABOR AND
 INDUSTRY, COMMERCE, JUSTICE, AND NATURAL RESOURCES AND
 CONSERVATION; PROVIDING SUCH REORGANIZATION TO BE EFFECTIVE
 JULY 1, 1989; PROVIDING FOR A TRANSITION PERIOD AND A
 LEGISLATIVE OVERSIGHT COMMITTEE; PROVIDING AN APPROPRIATION;
 AMENDING SECTION 2-15-104, MCA; AND PROVIDING EFFECTIVE
 DATES AND A PARTIAL TERMINATION DATE."

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

Section 1. Section 2-15-104, MCA, is amended to read:
 "2-15-104. Structure of executive branch. (1) In
 accordance with the constitution, all executive and
 administrative offices, boards, commissions, agencies, and
 instrumentalities of the executive branch of state
 government and their respective functions are allocated by
 this chapter among and within the following departments or
 entities:

- (a) department of administration;
- (b) department of military affairs;
- (c) department of revenue;
- (d) state board of education;
- (e) department of ~~medical,--benefits,--and~~ labor and
 industry;
- (f) department of commerce;
- (g) department of justice;
- ~~(h)--department-of-health-and--environmental--sciences;~~
~~(i)(h) department of social---and---rehabilitation~~
~~services youth, family-and-aging services;~~
- ~~(j)(i) department of institutions disability--services~~
~~HUMAN DEVELOPMENT;~~
- ~~(k)(j) department of highways;~~
- ~~(l)(k) department of public service regulation;~~
- ~~(m)(l) department of agriculture;~~
- ~~(n)(m) department of livestock;~~

1 ~~(o)~~(n) department of state lands;
 2 ~~(p)~~(o) department of natural resources and
 3 conservation;

4 ~~(q)~~(p) department of fish, wildlife, and parks;

5 (Q) DEPARTMENT OF HEALTH AND MEDICAL SERVICES.

6 (2) For its internal structure, each department shall
 7 adhere to the following standard terms:

8 (a) The principal unit of a department is a division.
 9 Each division shall be headed by an administrator.

10 (b) The principal unit of a division is a bureau. Each
 11 bureau shall be headed by a chief.

12 (c) The principal unit of a bureau is a section. Each
 13 section shall be headed by a supervisor."

14 NEW SECTION. Section 2. Departments of social and
 15 rehabilitation services, institutions, and health and
 16 environmental sciences abolished. (1) The department of
 17 social and rehabilitation services, the department of
 18 institutions, AND the department of health and environmental
 19 sciences, ~~and the board of health and environmental sciences~~
 20 are abolished.

21 (2) The functions of the department of social and
 22 rehabilitation services, the department of institutions, the
 23 department of health and environmental sciences, and the
 24 board of health and environmental sciences are transferred
 25 as provided in this act.

1 NEW SECTION. Section 3. Department of youth, family,
 2 and--aging services. There is a department of youth, family,
 3 and-aging services. The department head is the director of
 4 youth, family, and-aging services appointed by the governor
 5 in accordance with 2-15-111.

6 NEW SECTION. Section 4. Department of disability
 7 services HUMAN DEVELOPMENT. There is a department of
 8 disability-services HUMAN DEVELOPMENT. The department head
 9 is the director of disability-services HUMAN DEVELOPMENT
 10 appointed by the governor in accordance with 2-15-111.

11 NEW SECTION. SECTION 5. DEPARTMENT OF HEALTH AND
 12 MEDICAL SERVICES. THERE IS A DEPARTMENT OF HEALTH AND
 13 MEDICAL SERVICES. THE DEPARTMENT HEAD IS THE DIRECTOR OF
 14 HEALTH AND MEDICAL SERVICES APPOINTED BY THE GOVERNOR IN
 15 ACCORDANCE WITH 2-15-111.

16 NEW SECTION. Section 6. Transfer of functions to
 17 department of youth, family, and-aging services. The
 18 following functions of state government are transferred from
 19 the department presently responsible for their
 20 administration to the department of youth, family, and-aging
 21 services created in section 3:

22 (1) battered spouses grant program in Title 40,
 23 chapter 2, part 4, from the department of social and
 24 rehabilitation services;

25 (2) Uniform Adoption Act in Title 40, chapter 8, part

1 1, from the department of social and rehabilitation
 2 services;
 3 (3) custodial transfers of youth provided in Title 41
 4 previously made to the department of institutions;
 5 (4) child abuse, neglect, and dependency in Title 41,
 6 chapter 3, from the department of social and rehabilitation
 7 services;
 8 (5) children's trust fund in 2-15-2211 and Title 41,
 9 chapter 3, part 7, from the department of social and
 10 rehabilitation services;
 11 (6) youth residential services in Title 41, chapter 3,
 12 part 11, from the department of social and rehabilitation
 13 services;
 14 (7) Interstate Compact on the Placement of Children in
 15 Title 41, chapter 4, part 1;
 16 ~~{8}--supervised--release--program--and--supervision--of~~
 17 ~~probationers-and-parolees-in-Title-46, chapter-23, parts--4,~~
 18 ~~10, and-11, from-the-department-of-institutions;~~
 19 {9}{8} child welfare services in Title 53, chapter 4,
 20 part 1, from the department of social and rehabilitation
 21 services;
 22 {10}{9} subsidized adoption in Title 53, chapter 4,
 23 part 3, from the department of social and rehabilitation
 24 services;
 25 {11}{10} administration of child adoption agencies in

1 Title 53, chapter 4, part 4, from the department of social
 2 and rehabilitation services;
 3 ~~{12}~~{11} supervision of child day-care centers in Title
 4 53, chapter 4, part 5, from the department of social and
 5 rehabilitation services;
 6 ~~{13}~~{12} administration of adult services, including
 7 problems of aging, adult protective services, adult foster
 8 family care, old-age assistance recovery, Montana Elder
 9 Abuse Prevention Act, and the state plan on aging in Title
 10 53, chapter 5, from the department of social and
 11 rehabilitation services;
 12 ~~{14}-community---services--block--grant--in--Title--53,~~
 13 ~~chapter-10, part--5,--from--the--department--of--social--and~~
 14 ~~rehabilitation-services;~~
 15 {15}{13} Pine Hills school and Mountain View school in
 16 53-1-202 and Title 53, chapter 30, part 2, from the
 17 department of institutions.
 18 NEW SECTION. Section 7. Transfer of functions to
 19 department of ~~disability--services~~ HUMAN DEVELOPMENT. The
 20 following functions of state government are transferred from
 21 the department presently responsible for their
 22 administration to the department of ~~disability--services~~
 23 HUMAN DEVELOPMENT created in section 4:
 24 (1) recipient of alcohol taxes in Title 16, chapter 1,
 25 part 4, previously paid to the department of institutions;

1 (2) blind vendor administration in Title 18, chapter
2 5, part 4, from the department of social and rehabilitation
3 services;

4 (3) vocational rehabilitation referrals in Title 39,
5 chapter 71, part 10, from the department of social and
6 rehabilitation services;

7 (4) custody of persons relating to criminal
8 responsibility when mental competency is an issue in Title
9 46, chapter 14, from the department of institutions;

10 (5) providing lists of interpreters in 49-4-507 from
11 the department of social and rehabilitation services;

12 (6) Montana state hospital in Title 53, chapter 6,
13 part 3, from the department of institutions;

14 (7) vocational rehabilitation, including general
15 vocational rehabilitation, sheltered workshops, and
16 vocational rehabilitation of the blind, in Title 53, chapter
17 7, from the department of social and rehabilitation
18 services;

19 (8) vocational rehabilitation under The Crime Victims
20 Compensation Act of Montana in Title 53, chapter 9, part 1,
21 from the department of social and rehabilitation services;

22 (9) services and community homes for the physically
23 disabled in Title 53, chapter 19, part 1, from the
24 department of social and rehabilitation services;

25 (10) treatment for the developmentally disabled in

1 Title 53, chapter 20, part 1, from the department of social
2 and rehabilitation services and the department of
3 institutions;

4 (11) community homes for the developmentally disabled
5 in Title 53, chapter 20, part 2, from the department of
6 social and rehabilitation services;

7 (12) protective services for the developmentally
8 disabled in Title 53, chapter 20, part 3, from the
9 department of social and rehabilitation services;

10 (13) Eastmont human services center in Title 53,
11 chapter 20, part 5, from the department of institutions and
12 the department of social and rehabilitation services;

13 (14) treatment of the seriously mentally ill in Title
14 53, chapter 21, part 1, from the department of institutions;

15 (15) community mental health centers in Title 53,
16 chapter 21, part 2, from the department of institutions;

17 (16) mental health construction plan in 53-21-204 from
18 the board of health and environmental sciences;

19 (17) Montana center for the aged in 53-1-202 and Title
20 53, chapter 21, part 4, from the department of institutions;

21 (18) Interstate Compact on Mental Health in Title 53,
22 chapter 22, from the department of institutions;

23 (19) treatment of alcoholism and drug dependence in
24 Title 53, chapter 24, from the department of institutions.

25 NEW SECTION. Section 8. Transfer of functions to

1 department of medical, benefits, and labor and industry. The
 2 following functions of state government are transferred from
 3 the department presently responsible for their
 4 administration to the department of medical, benefits, and
 5 labor and industry created in 2-15-1701:

6 (1) beneficiary of child support payments in Title 40,
 7 chapter 5, parts 2 and 3, previously credited to the
 8 department of social and rehabilitation services;

9 (2) operations relating to county welfare, general
 10 assistance, and general medical assistance in Title 53,
 11 chapters 2 and 3, from the department of social and
 12 rehabilitation services;

13 (3) aid to dependent children in Title 53, chapter 4,
 14 part 2, from the department of social and rehabilitation
 15 services;

16 ~~{4}--medical-assistance-(medicaid)-in-Title-53, chapter~~
 17 ~~6, part 1, from the department of social and rehabilitation~~
 18 ~~services;~~

19 ~~{5}--renal-disease-treatment-program-in-Title-53,~~
 20 ~~chapter 6, part 2, from the department of health and~~
 21 ~~environmental sciences;~~

22 ~~{6}--community-based-long-term-care-medicaid-services~~
 23 ~~in-Title-53, chapter 6, part 4, from the department of~~
 24 ~~social and rehabilitation services;~~

25 (4) COMMUNITY SERVICES BLOCK GRANT IN TITLE 53,

1 CHAPTER 10, PART 5, FROM THE DEPARTMENT OF SOCIAL AND
 2 REHABILITATION SERVICES;

3 ~~{7}~~{5} home weatherization and low-income home energy
 4 assistance programs in Title 90, chapter 4, part 2, from the
 5 department of social and rehabilitation services.

6 NEW SECTION. SECTION 9. TRANSFER OF FUNCTIONS TO
 7 DEPARTMENT OF HEALTH AND MEDICAL SERVICES. THE FOLLOWING
 8 FUNCTIONS OF STATE GOVERNMENT ARE TRANSFERRED FROM THE
 9 DEPARTMENT PRESENTLY RESPONSIBLE FOR THEIR ADMINISTRATION TO
 10 THE DEPARTMENT OF HEALTH AND MEDICAL SERVICES CREATED IN
 11 SECTION 5:

12 (1) THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES
 13 CREATED IN 2-15-2104 AND RENAMED THE MONTANA BOARD OF
 14 HEALTH;

15 (2) MEDICAL ASSISTANCE (MEDICAID) IN TITLE 53, CHAPTER
 16 6, PART 1, FROM THE DEPARTMENT OF SOCIAL AND REHABILITATION
 17 SERVICES;

18 (3) RENAL DISEASE TREATMENT PROGRAM IN TITLE 53,
 19 CHAPTER 6, PART 2, FROM THE DEPARTMENT OF HEALTH AND
 20 ENVIRONMENTAL SCIENCES;

21 (4) COMMUNITY-BASED LONG-TERM CARE MEDICAID SERVICES
 22 IN TITLE 53, CHAPTER 6, PART 4, FROM THE DEPARTMENT OF
 23 SOCIAL AND REHABILITATION SERVICES;

24 (5) FUNCTIONS PERFORMED BY THE BOARD OF HEALTH AND
 25 ENVIRONMENTAL SCIENCES, BY THE DEPARTMENT OF HEALTH AND

1 ENVIRONMENTAL SCIENCES, OR BOTH THE BOARD AND DEPARTMENT IN
 2 TITLE 50.

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 4 department of commerce. The following functions of state
 5 government are transferred from the department presently
 6 responsible for their administration to the department of
 7 commerce created in 2-15-1801:

8 (1) regulations relating to school building plans in
 9 20-6-624 from the department of health and environmental
 10 sciences;

11 (2) functions performed by the board of health and
 12 environmental sciences, by the department of health and
 13 environmental sciences, or both the board and department in
 14 Title 50;

15 (3) one-step licensing in Title 50, chapter 8, part 1,
 16 as lead agency in cooperation with named agencies.

17 NEW SECTION. Section 11. Transfer of functions to
 18 department of natural resources and conservation. The
 19 following functions of state government are transferred from
 20 the department presently responsible for their
 21 administration to the department of natural resources and
 22 conservation created in 2-15-3301:

23 (1) nuclear control and regulation in Title 75,
 24 chapter 3, from the department of health and environmental
 25 sciences;

1 (2) water quality in Title 75, chapter 5, from the
 2 board and department of health and environmental sciences;

3 (3) protection of public water supplies, distribution,
 4 and treatment in Title 75, chapter 6, from the board and
 5 department of health and environmental sciences;

6 (4) waste and litter control, including plans, funds,
 7 and administration; licensing of refuse disposal and
 8 transportation (The Montana Solid Waste Management Act);
 9 hazardous waste management; motor vehicle recycling and
 10 disposal; disposal and control of environmental
 11 contaminants; and remedial action upon release of hazardous
 12 substances in Title 75, chapter 10, from the board or
 13 department of health and environmental sciences, or both;

14 (5) sanitation in subdivisions in Title 76, chapter 4,
 15 part 1, from the board and department of health and
 16 environmental sciences;

17 (6) responsibility, with the department of
 18 agriculture, for certain pesticide hazardous waste control
 19 in 80-8-110 from the department of health and environmental
 20 sciences.

21 NEW SECTION. Section 12. Transfer of functions to
 22 department of justice. The following functions of state
 23 government are transferred from the department presently
 24 responsible for their administration to the department of
 25 justice created in 2-15-2001:

1 (1) criminal offender corrections and sentence matters
 2 in Title 46, chapter 18, from the department of
 3 institutions;

4 (2) Western Interstate Corrections Compact in Title
 5 46, chapter 19, part 3, from the department of institutions;

6 (3) pardons and clemency, including parole, in
 7 2-15-2302 and Title 46, chapter 23, parts 1 through 3, from
 8 the department of institutions;

9 (4) ~~commission--for--human--rights--in--2-15-1706--and~~
 10 ~~functions--of--the--commission--in--Title--49,--chapters--2--and--3,~~
 11 ~~from--the--department--of--labor--and--industry~~ SUPERVISED RELEASE
 12 PROGRAM AND SUPERVISION OF PROBATIONERS AND PAROLEES IN
 13 TITLE 46, CHAPTER 23, PARTS 4, 10, AND 11, FROM THE
 14 DEPARTMENT OF INSTITUTIONS;

15 (5) Swan River youth forest camp in 53-1-202 from the
 16 department of institutions;

17 (6) Montana state prison in 53-1-202 and Title 53,
 18 chapter 30, part 1, from the department of institutions.

19 NEW SECTION. Section 13. Transfer of Montana
 20 veterans' home to department of military affairs. The
 21 operation of the Montana veterans' home in Title 10, chapter
 22 2, part 4, is transferred from the department of
 23 institutions to the department of military affairs.

24 NEW SECTION. Section 14. Legislative human services
 25 reorganization oversight committee -- directions to code

1 commissioner. (1) There is a human services reorganization
 2 oversight committee composed of four members of the house of
 3 representatives and four members of the senate.

4 (a) The committee members are to be appointed by the
 5 leadership of each party in each chamber in equal numbers
 6 from each party.

7 (b) The committee shall meet ~~each-calendar-quarter~~ AT
 8 THE CALL OF THE CHAIR. During the meetings, the committee
 9 must be briefed by agencies affected by this act regarding
 10 their transition plans and transition recommendations
 11 prepared in accordance with section ~~13~~ 15. The committee may
 12 request that these briefings be based upon logical
 13 transition stages in such planning.

14 (C) THE GOVERNOR SHALL SUGGEST CHANGES TO THE
 15 COMMITTEE BY OCTOBER 1, 1987, AND THE COMMITTEE SHALL
 16 PREPARE ITS FINAL RECOMMENDATIONS TO THE 51ST LEGISLATURE BY
 17 MARCH 1, 1988.

18 (2) The committee and affected agencies may suggest
 19 legislation to the 51st legislature modifying the provisions
 20 of this act or otherwise relating to the human services
 21 reorganization.

22 (3) In consultation with the committee, the code
 23 commissioner shall draft a bill to provide for the amendment
 24 of sections of the MCA to reflect departmental name changes,
 25 changes in programs and institutions, repeal of sections,

1 and other matters necessary to conform the laws of this
 2 state to the reorganization as it takes place on July 1,
 3 1989.

4 NEW SECTION. Section 15. Transition recommendations
 5 to fifty-first legislature. (1) Each agency involved in
 6 function transfers is to examine the functions and make
 7 recommendations to the reorganization oversight committee
 8 ~~and fifty-first legislature~~ for changes in transferred and existing
 9 agency functions that would enhance the delivery of a
 10 service or operation of an agency AS REORGANIZED BY THIS
 11 ACT. Such recommendations must BE PREPARED AFTER PUBLIC
 12 REVIEW IN CONJUNCTION WITH INTEREST GROUPS, INCLUDING AGENCY
 13 PROVIDERS, AND MUST address at a minimum:

14 (a) the cost-effectiveness of service delivery by--the
 15 department;

16 (b) how to unite~~y-from-the-recipients-rather-than-the~~
 17 ~~department's-viewpoint~~; fragmented human service delivery;

18 (c) a statement of each NEW department's role in the
 19 delivery of human services, set forth in such a manner that
 20 the legislature has some means of determining the
 21 department's effectiveness and any need for future
 22 legislative corrective action. The statement must include:

23 (i) a clear expression of the department's goals,
 24 objectives, and purposes and how they differ from those of
 25 other departments;

1 (ii) departmental priorities in performing its
 2 functions and departmental priorities within functions; and

3 (iii) the department's relationship with other agencies
 4 of state and local government and the coordination of
 5 service delivery with these agencies and within the
 6 department;

7 (d) evaluation of the effectiveness of the
 8 department's organizational structure in providing services;

9 (e) conflicts between agencies providing the same or
 10 similar services;

11 (f) administrative procedures regarding personnel,
 12 supplies, and equipment that necessitate changes in law due
 13 to reorganization; and

14 (g) provisions that may conflict with or present
 15 problems dealing with federal agencies or receipt of federal
 16 money.

17 (2) The budget process for the biennium beginning July
 18 1, 1989, must be based upon the FINAL departmental
 19 reorganization established by this act THE HUMAN SERVICES
 20 REORGANIZATION OVERSIGHT COMMITTEE.

21 NEW SECTION. Section 16. Appropriation. There is
 22 appropriated to the legislative HUMAN SERVICES
 23 REORGANIZATION oversight committee established in section ~~12~~
 24 14 \$10,000 from the general fund for the purpose of
 25 administering this act.

1 NEW SECTION. SECTION 17. COORDINATION INSTRUCTION.
2 IF HOUSE BILL NO. 325 IS PASSED AND APPROVED, SECTION 3 OF
3 THIS ACT IS VOID. THE GOVERNOR SHALL MAKE RECOMMENDATIONS TO
4 THE HUMAN SERVICES REORGANIZATION OVERSIGHT COMMITTEE
5 REGARDING ANY FUNCTIONS OF STATE GOVERNMENT NOT ADEQUATELY
6 ADDRESSED ON THE DATE OF PASSAGE AND APPROVAL OF THIS ACT
7 AND HOUSE BILL NO. 325.

8 NEW SECTION. Section 18. Effective dates --
9 termination. (1) (a) Sections 1 through ~~11~~ 13 are effective
10 July 1, 1989.

11 (b) Sections ~~12~~ 14 through ~~15~~ 18 are effective on
12 passage and approval.

13 (2) Sections ~~12~~ 14 and ~~13~~ 15 terminate July 1, 1989.

-End-

1 HOUSE BILL NO. 538

2 INTRODUCED BY WINSLOW, COBB, CAMPBELL, HARPER, GILBERT,
3 COHEN, VINCENT, HANNAH, SIMON, REHBERG, BRADLEY,
4 DONALDSON, MILLER, NATHE, THOFT, PHILLIPS, MERCER,
5 CORNE', MENAHAN, MARKS
6

7 A BILL FOR AN ACT ENTITLED: "AN ACT REORGANIZING THE
8 DELIVERY OF HUMAN SERVICES BY STATE GOVERNMENT; PROVIDING
9 FOR THE ELIMINATION OF THE DEPARTMENT OF SOCIAL AND
10 REHABILITATION SERVICES, THE DEPARTMENT OF INSTITUTIONS, AND
11 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES;
12 PROVIDING FOR THE CREATION OF THE DEPARTMENT OF ~~YOUTH~~
13 FAMILY--AND--AGING SERVICES, THE DEPARTMENT OF HEALTH AND
14 MEDICAL SERVICES, AND THE DEPARTMENT OF DISABILITY--SERVICES
15 HUMAN--DEVELOPMENT REHABILITATION SERVICES; RENAMING--THE
16 DEPARTMENT--OF--LABOR--AND--INDUSTRY; PROVIDING FOR THE
17 REALLOCATION OF FUNCTIONS AMONG THE NEW DEPARTMENTS AND THE
18 DEPARTMENTS OF LABOR AND INDUSTRY, COMMERCE, JUSTICE, AND
19 NATURAL RESOURCES AND CONSERVATION; PROVIDING SUCH
20 REORGANIZATION TO BE EFFECTIVE JULY 1, 1989; PROVIDING FOR A
21 TRANSITION PERIOD AND A LEGISLATIVE OVERSIGHT COMMITTEE;
22 PROVIDING AN APPROPRIATION; AMENDING SECTION 2-15-104, MCA;
23 AND PROVIDING EFFECTIVE DATES AND A PARTIAL TERMINATION
24 DATE."
25

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

2 Section 1. Section 2-15-104, MCA, is amended to read:
3 "2-15-104. Structure of executive branch. (1) In
4 accordance with the constitution, all executive and
5 administrative offices, boards, commissions, agencies, and
6 instrumentalities of the executive branch of state
7 government and their respective functions are allocated by
8 this chapter among and within the following departments or
9 entities:

- 10 (a) department of administration;
11 (b) department of military affairs;
12 (c) department of revenue;
13 (d) state board of education;
14 (e) department of medical--benefits--and labor and
15 industry;
16 (f) department of commerce;
17 (g) department of justice;
18 ~~(h) department of health and environmental sciences;~~
19 ~~(i) department of social--and--rehabilitation~~
20 ~~services youth, family--and--aging services;~~
21 ~~(j) department of institutions disability-services~~
22 HUMAN-DEVELOPMENT REHABILITATION SERVICES;
23 ~~(k) department of highways;~~
24 ~~(l) department of public service regulation;~~
25 ~~(m) department of agriculture;~~

1 ~~(n)~~(m) department of livestock;
 2 ~~(e)~~(n) department of state lands;
 3 ~~(p)~~(o) department of natural resources and
 4 conservation;

5 ~~(q)~~(p) department of fish, wildlife, and parks;

6 (Q) DEPARTMENT OF HEALTH AND MEDICAL SERVICES.

7 (2) For its internal structure, each department shall
 8 adhere to the following standard terms:

9 (a) The principal unit of a department is a division.
 10 Each division shall be headed by an administrator.

11 (b) The principal unit of a division is a bureau. Each
 12 bureau shall be headed by a chief.

13 (c) The principal unit of a bureau is a section. Each
 14 section shall be headed by a supervisor."

15 NEW SECTION. Section 2. Departments of social and
 16 rehabilitation services, institutions, and health and
 17 environmental sciences abolished. (1) The department of
 18 social and rehabilitation services, the department of
 19 institutions, AND the department of health and environmental
 20 sciences, ~~and the board of health and environmental sciences~~
 21 are abolished.

22 (2) The functions of the department of social and
 23 rehabilitation services, the department of institutions, the
 24 department of health and environmental sciences, and the
 25 board of health and environmental sciences are transferred

1 as provided in this act.

2 NEW SECTION. Section 3. Department of youth, family,
 3 and-aging services. There is a department of youth, family,
 4 and--aging services. The department head is the director of
 5 youth, family, ~~and-aging~~ services appointed by the governor
 6 in accordance with 2-15-111.

7 NEW SECTION. Section 4. Department of disability
 8 services ~~HUMAN-DEVELOPMENT~~ REHABILITATION SERVICES. There is
 9 a department of disability--services ~~HUMAN---~~BEVELOPMENT
 10 REHABILITATION SERVICES. The department head is the director
 11 of disability--services ~~HUMAN--DEVELOPMENT~~ REHABILITATION
 12 SERVICES appointed by the governor in accordance with
 13 2-15-111.

14 NEW SECTION. SECTION 5. DEPARTMENT OF HEALTH AND
 15 MEDICAL SERVICES. THERE IS A DEPARTMENT OF HEALTH AND
 16 MEDICAL SERVICES. THE DEPARTMENT HEAD IS THE DIRECTOR OF
 17 HEALTH AND MEDICAL SERVICES APPOINTED BY THE GOVERNOR IN
 18 ACCORDANCE WITH 2-15-111.

19 NEW SECTION. Section 6. Transfer of functions to
 20 department of youth, family, ~~and--aging~~ services. The
 21 following functions of state government are transferred from
 22 the department presently responsible for their
 23 administration to the department of youth, family, ~~and-aging~~
 24 services created in section 3:

25 (1) battered spouses grant program in Title 40,

1 chapter 2, part 4, from the department of social and
 2 rehabilitation services;
 3 (2) Uniform Adoption Act in Title 40, chapter 8, part
 4 1, from the department of social and rehabilitation
 5 services;
 6 (3) custodial transfers of youth provided in Title 41
 7 previously made to the department of institutions;
 8 (4) child abuse, neglect, and dependency in Title 41,
 9 chapter 3, from the department of social and rehabilitation
 10 services;
 11 (5) children's trust fund in 2-15-2211 and Title 41,
 12 chapter 3, part 7, from the department of social and
 13 rehabilitation services;
 14 (6) youth residential services in Title 41, chapter 3,
 15 part 11, from the department of social and rehabilitation
 16 services;
 17 (7) Interstate Compact on the Placement of Children in
 18 Title 41, chapter 4, part 1;
 19 ~~{8} supervised release program and supervision of~~
 20 ~~probationers and parolees in Title 46, chapter 23, parts 4,~~
 21 ~~10, and 11 from the department of institutions;~~
 22 {9}(8) child welfare services in Title 53, chapter 4,
 23 part 1, from the department of social and rehabilitation
 24 services;
 25 {10}(9) subsidized adoption in Title 53, chapter 4,

1 part 3, from the department of social and rehabilitation
 2 services;
 3 ~~{11}(10)~~ administration of child adoption agencies in
 4 Title 53, chapter 4, part 4, from the department of social
 5 and rehabilitation services;
 6 ~~{12}(11)~~ supervision of child day-care centers in Title
 7 53, chapter 4, part 5, from the department of social and
 8 rehabilitation services;
 9 ~~{13}(12)~~ administration of adult services, including
 10 problems of aging, adult protective services, adult foster
 11 family care, old-age assistance recovery, Montana Elder
 12 Abuse Prevention Act, and the state plan on aging in Title
 13 53, chapter 5, from the department of social and
 14 rehabilitation services;
 15 ~~{14} community services block grant in Title 53,~~
 16 ~~chapter 10, part 5, from the department of social and~~
 17 ~~rehabilitation services;~~
 18 ~~{15}(13)~~ Pine Hills school and Mountain View school in
 19 53-1-202 and Title 53, chapter 30, part 2, from the
 20 department of institutions.
 21 NEW SECTION. Section 7. Transfer of functions to
 22 department of disability services HUMAN DEVELOPMENT
 23 REHABILITATION SERVICES. The following functions of state
 24 government are transferred from the department presently
 25 responsible for their administration to the department of

1 disability---services HUMAN---DEVELOPMENT REHABILITATION
2 SERVICES created in section 4:

3 (1) recipient of alcohol taxes in Title 16, chapter 1,
4 part 4, previously paid to the department of institutions;

5 (2) blind vendor administration in Title 18, chapter
6 5, part 4, from the department of social and rehabilitation
7 services;

8 (3) vocational rehabilitation referrals in Title 39,
9 chapter 71, part 10, from the department of social and
10 rehabilitation services;

11 (4) custody of persons relating to criminal
12 responsibility when mental competency is an issue in Title
13 46, chapter 14, from the department of institutions;

14 (5) providing lists of interpreters in 49-4-507 from
15 the department of social and rehabilitation services;

16 (6) Montana state hospital in Title 53, chapter 6,
17 part 3, from the department of institutions;

18 (7) vocational rehabilitation, including general
19 vocational rehabilitation, sheltered workshops, and
20 vocational rehabilitation of the blind, in Title 53, chapter
21 7, from the department of social and rehabilitation
22 services;

23 (8) vocational rehabilitation under The Crime Victims
24 Compensation Act of Montana in Title 53, chapter 9, part 1,
25 from the department of social and rehabilitation services;

1 (9) services and community homes for the physically
2 disabled in Title 53, chapter 19, part 1, from the
3 department of social and rehabilitation services;

4 (10) treatment for the developmentally disabled in
5 Title 53, chapter 20, part 1, from the department of social
6 and rehabilitation services and the department of
7 institutions;

8 (11) community homes for the developmentally disabled
9 in Title 53, chapter 20, part 2, from the department of
10 social and rehabilitation services;

11 (12) protective services for the developmentally
12 disabled in Title 53, chapter 20, part 3, from the
13 department of social and rehabilitation services;

14 (13) Eastmont human services center in Title 53,
15 chapter 20, part 5, from the department of institutions and
16 the department of social and rehabilitation services;

17 (14) treatment of the seriously mentally ill in Title
18 53, chapter 21, part 1, from the department of institutions;

19 (15) community mental health centers in Title 53,
20 chapter 21, part 2, from the department of institutions;

21 (16) mental health construction plan in 53-21-204 from
22 the board of health and environmental sciences;

23 (17) Montana center for the aged in 53-1-202 and Title
24 53, chapter 21, part 4, from the department of institutions;

25 (18) Interstate Compact on Mental Health in Title 53,

1 chapter 22, from the department of institutions;
 2 (19) treatment of alcoholism and drug dependence in
 3 Title 53, chapter 24, from the department of institutions.
 4 NEW SECTION. Section 8. Transfer of functions to
 5 department of medical benefits, and labor and industry. The
 6 following functions of state government are transferred from
 7 the department presently responsible for their
 8 administration to the department of medical benefits, and
 9 labor and industry created in 2-15-1701:
 10 (1) beneficiary of child support payments in Title 40,
 11 chapter 5, parts 2 and 3, previously credited to the
 12 department of social and rehabilitation services;
 13 (2) operations relating to county welfare, general
 14 assistance, and general medical assistance in Title 53,
 15 chapters 2 and 3, from the department of social and
 16 rehabilitation services;
 17 (3) aid to dependent children in Title 53, chapter 4,
 18 part 2, from the department of social and rehabilitation
 19 services;
 20 ~~(4) medical assistance (medicaid) in Title 53, chapter~~
 21 ~~6, part 1, from the department of social and rehabilitation~~
 22 ~~services;~~
 23 ~~(5) renal disease treatment program in Title 53,~~
 24 ~~chapter 6, part 2, from the department of health and~~
 25 ~~environmental sciences;~~

1 ~~(6) community-based long-term care medicaid services~~
 2 ~~in Title 53, chapter 6, part 4, from the department of~~
 3 ~~social and rehabilitation services;~~
 4 (4) COMMUNITY SERVICES BLOCK GRANT IN TITLE 53,
 5 CHAPTER 10, PART 5, FROM THE DEPARTMENT OF SOCIAL AND
 6 REHABILITATION SERVICES;
 7 ~~(7)~~(5) home weatherization and low-income home energy
 8 assistance programs in Title 90, chapter 4, part 2, from the
 9 department of social and rehabilitation services.
 10 NEW SECTION. SECTION 9. TRANSFER OF FUNCTIONS TO
 11 DEPARTMENT OF HEALTH AND MEDICAL SERVICES. THE FOLLOWING
 12 FUNCTIONS OF STATE GOVERNMENT ARE TRANSFERRED FROM THE
 13 DEPARTMENT PRESENTLY RESPONSIBLE FOR THEIR ADMINISTRATION TO
 14 THE DEPARTMENT OF HEALTH AND MEDICAL SERVICES CREATED IN
 15 SECTION 5:
 16 (1) THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES
 17 CREATED IN 2-15-2104 AND RENAMED THE MONTANA BOARD OF
 18 HEALTH;
 19 (2) MEDICAL ASSISTANCE (MEDICAID) IN TITLE 53, CHAPTER
 20 6, PART 1, FROM THE DEPARTMENT OF SOCIAL AND REHABILITATION
 21 SERVICES;
 22 (3) RENAL DISEASE TREATMENT PROGRAM IN TITLE 53,
 23 CHAPTER 6, PART 2, FROM THE DEPARTMENT OF HEALTH AND
 24 ENVIRONMENTAL SCIENCES;
 25 (4) COMMUNITY-BASED LONG-TERM CARE MEDICAID SERVICES

1 IN TITLE 53, CHAPTER 6, PART 4, FROM THE DEPARTMENT OF
2 SOCIAL AND REHABILITATION SERVICES;

3 (5) FUNCTIONS PERFORMED BY THE BOARD OF HEALTH AND
4 ENVIRONMENTAL SCIENCES, BY THE DEPARTMENT OF HEALTH AND
5 ENVIRONMENTAL SCIENCES, OR BOTH THE BOARD AND DEPARTMENT IN
6 TITLE 50.

7 NEW SECTION. Section 10. Transfer of functions to
8 department of commerce. The following functions of state
9 government are transferred from the department presently
10 responsible for their administration to the department of
11 commerce created in 2-15-1801:

12 (1) regulations relating to school building plans in
13 20-6-624 from the department of health and environmental
14 sciences;

15 (2) functions performed by the board of health and
16 environmental sciences, by the department of health and
17 environmental sciences, or both the board and department in
18 Title 50;

19 (3) one-step licensing in Title 50, chapter 8, part 1,
20 as lead agency in cooperation with named agencies.

21 NEW SECTION. Section 11. Transfer of functions to
22 department of natural resources and conservation. The
23 following functions of state government are transferred from
24 the department presently responsible for their
25 administration to the department of natural resources and

1 conservation created in 2-15-3301:

2 (1) nuclear control and regulation in Title 75,
3 chapter 3, from the department of health and environmental
4 sciences;

5 (2) water quality in Title 75, chapter 5, from the
6 board and department of health and environmental sciences;

7 (3) protection of public water supplies, distribution,
8 and treatment in Title 75, chapter 6, from the board and
9 department of health and environmental sciences;

10 (4) waste and litter control, including plans, funds,
11 and administration; licensing of refuse disposal and
12 transportation (The Montana Solid Waste Management Act);
13 hazardous waste management; motor vehicle recycling and
14 disposal; disposal and control of environmental
15 contaminants; and remedial action upon release of hazardous
16 substances in Title 75, chapter 10, from the board or
17 department of health and environmental sciences, or both;

18 (5) sanitation in subdivisions in Title 76, chapter 4,
19 part 1, from the board and department of health and
20 environmental sciences;

21 (6) responsibility, with the department of
22 agriculture, for certain pesticide hazardous waste control
23 in 80-8-110 from the department of health and environmental
24 sciences.

25 NEW SECTION. Section 12. Transfer of functions to

1 department of justice REHABILITATION SERVICES. The following
 2 functions of state government are transferred from the
 3 department presently responsible for their administration to
 4 the department of justice---created---in---2-15-2001
 5 REHABILITATION SERVICES:

6 (1) criminal offender corrections and sentence matters
 7 in Title 46, chapter 18, from the department of
 8 institutions;

9 (2) Western Interstate Corrections Compact in Title
 10 46, chapter 19, part 3, from the department of institutions;

11 (3) pardons and clemency, including parole, in
 12 2-15-2302 and Title 46, chapter 23, parts 1 through 3, from
 13 the department of institutions;

14 (4) ~~commission--for--human--rights--in--2-15-1706--and~~
 15 ~~functions--of--the--commission--in--Title--49--chapters--2--and--3,~~
 16 ~~from--the--department--of--labor--and--industry~~ SUPERVISED RELEASE
 17 PROGRAM AND SUPERVISION OF PROBATIONERS AND PAROLEES IN
 18 TITLE 46, CHAPTER 23, PARTS 4, 10, AND 11, FROM THE
 19 DEPARTMENT OF INSTITUTIONS;

20 (5) Swan River youth forest camp in 53-1-202 from the
 21 department of institutions;

22 (6) Montana state prison in 53-1-202 and Title 53,
 23 chapter 30, part 1, from the department of institutions.

24 NEW SECTION. Section 13. Transfer of Montana
 25 veterans' home to department of ~~military-affairs~~ HEALTH AND

1 MEDICAL SERVICES. The operation of the Montana veterans'
 2 home in Title 10, chapter 2, part 4, is transferred from the
 3 department of institutions to the department of ~~military~~
 4 ~~affairs~~ HEALTH AND MEDICAL SERVICES.

5 NEW SECTION. Section 14. Legislative human services
 6 reorganization oversight committee -- directions to code
 7 commissioner. (1) There is a human services reorganization
 8 oversight committee composed of four members of the house of
 9 representatives and four members of the senate.

10 (a) The committee members are to be appointed by the
 11 leadership of each party in each chamber in equal numbers
 12 from each party.

13 (b) The committee shall meet ~~each-calendar-quarter~~ AT
 14 THE CALL OF THE CHAIR. During the meetings, the committee
 15 must be briefed by agencies affected by this act regarding
 16 their transition plans and transition recommendations
 17 prepared in accordance with section ~~13~~ 15. The committee may
 18 request that these briefings be based upon logical
 19 transition stages in such planning.

20 (C) THE GOVERNOR SHALL SUGGEST CHANGES TO THE
 21 COMMITTEE BY OCTOBER 1, 1987, AND THE COMMITTEE SHALL
 22 PREPARE ITS FINAL RECOMMENDATIONS TO THE 51ST LEGISLATURE BY
 23 MARCH 1, 1988.

24 (2) The committee and affected agencies may suggest
 25 legislation to the 51st legislature modifying the provisions

1 of this act or otherwise relating to the human services
2 reorganization.

3 (3) In consultation with the committee, the code
4 commissioner shall draft a bill to provide for the amendment
5 of sections of the MCA to reflect departmental name changes,
6 changes in programs and institutions, repeal of sections,
7 and other matters necessary to conform the laws of this
8 state to the reorganization as it takes place on July 1,
9 1989.

10 NEW SECTION. Section 15. Transition recommendations
11 to fifty-first legislature. (1) Each agency involved in
12 function transfers is to examine the functions and make
13 recommendations to the reorganization oversight committee
14 ~~and fifty-first legislature~~ for changes in transferred and existing
15 agency functions that would enhance the delivery of a
16 service or operation of an agency AS REORGANIZED BY THIS
17 ACT. Such recommendations must BE PREPARED AFTER PUBLIC
18 REVIEW IN CONJUNCTION WITH INTEREST GROUPS, INCLUDING AGENCY
19 PROVIDERS, AND MUST address at a minimum:

20 (a) the cost-effectiveness of service delivery by--the
21 department;

22 (b) how to unite--~~from the recipients rather than the~~
23 ~~department's viewpoint~~; fragmented human service delivery;

24 (c) a statement of each NEW department's role in the
25 delivery of human services, set forth in such a manner that

1 the legislature has some means of determining the
2 department's effectiveness and any need for future
3 legislative corrective action. The statement must include:

4 (i) a clear expression of the department's goals,
5 objectives, and purposes and how they differ from those of
6 other departments;

7 (ii) departmental priorities in performing its
8 functions and departmental priorities within functions; and

9 (iii) the department's relationship with other agencies
10 of state and local government and the coordination of
11 service delivery with these agencies and within the
12 department;

13 (d) evaluation of the effectiveness of the
14 department's organizational structure in providing services;

15 (e) conflicts between agencies providing the same or
16 similar services;

17 (f) administrative procedures regarding personnel,
18 supplies, and equipment that necessitate changes in law due
19 to reorganization; and

20 (g) provisions that may conflict with or present
21 problems dealing with federal agencies or receipt of federal
22 money.

23 (2) The budget process for the biennium beginning July
24 1, 1989, must ~~be--based-upon~~ CONTAIN ALTERNATIVE ANALYSIS
25 REFLECTING the FINAL departmental reorganization ~~established~~

1 RECOMMENDED by this--act THE HUMAN SERVICES REORGANIZATION
2 OVERSIGHT COMMITTEE.

3 NEW SECTION. Section 16. Appropriation. There is
4 appropriated to the legislative HUMAN SERVICES
5 REORGANIZATION oversight committee established in section ~~12~~
6 14 \$10,000 from the general fund for the purpose of
7 administering this act.

8 NEW SECTION. SECTION 17. COORDINATION INSTRUCTION.
9 IF HOUSE BILL NO. 325 IS PASSED AND APPROVED, SECTION 3 OF
10 THIS ACT IS VOID. THE GOVERNOR SHALL MAKE RECOMMENDATIONS TO
11 THE HUMAN SERVICES REORGANIZATION OVERSIGHT COMMITTEE
12 REGARDING ANY FUNCTIONS OF STATE GOVERNMENT NOT ADEQUATELY
13 ADDRESSED ON THE DATE OF PASSAGE AND APPROVAL OF THIS ACT
14 AND HOUSE BILL NO. 325.

15 NEW SECTION. Section 18. Effective dates --
16 termination. (1) (a) Sections 1 through ~~11~~ 13 are effective
17 July 1, 1989.

18 (b) Sections ~~12~~ 14 through ~~15~~ 18 are effective on
19 passage and approval.

20 (2) Sections ~~12~~ 14 and ~~13~~ 15 terminate July 1, 1989.

-End-