

1 *Senate* BILL NO. *163*
2 INTRODUCED BY *Donly Hamilton*
3 *Donly Hamilton*
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE CLIENTS OF
5 DEVELOPMENTAL DISABILITIES SERVICES REIMBURSEMENT OF ACTUAL
6 EXPENSES FOR TRANSPORTATION NEEDED TO OBTAIN NECESSARY
7 SERVICES IF OTHER TRANSPORTATION SERVICES ARE NOT MADE
8 AVAILABLE; AMENDING SECTION 53-20-205, MCA; AND PROVIDING AN
9 EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 53-20-205, MCA, is amended to read:

13 "53-20-205. Community services. (1) The department may
14 establish and administer community comprehensive services,
15 programs, clinics, or other facilities throughout the state
16 for the purpose of aiding in the prevention, diagnosis,
17 amelioration, or treatment of developmental disabilities.
18 Programs, clinics, or other services may be provided
19 directly by state agencies or indirectly through contract or
20 cooperative arrangements with other agencies of government,
21 regional or local, private or public agencies, private
22 professional persons, or accredited health or long-term care
23 facilities.

24 (2) The department may contract for programs for
25 developmental disabilities services. Contracts entered into

1 by the department shall contain specific conditions for
2 performance by the contractor. It shall set minimum
3 standards for programs and establish appropriate
4 qualifications for persons employed in such programs.

5 (3) The department shall provide a client of
6 developmental disabilities services reimbursement at a
7 maximum rate of 45 cents a mile for actual expenses of
8 transportation needed to obtain necessary services,
9 including adult habilitation services, sheltered employment,
10 supported work, and vocational activities, if other
11 transportation services are not made available to the
12 client.

13 †3†(4) All developmental disabilities facilities and
14 services shall comply with existing federal guidelines and
15 with requirements which will enable the services and
16 facilities to qualify for available aid funds. However,
17 nothing herein requires facilities serving the
18 developmentally disabled to meet the same or equal standards
19 as licensed medical facilities unless the developmental
20 disabilities facility is providing professional or skilled
21 medical care.

22 †4†(5) Comprehensive services, programs, clinics, or
23 other facilities established or provided by the department
24 under this part shall conform as nearly as possible to the
25 plans of the advisory council created under 2-15-2204 and

LC 0152/01

1 the regional councils provided for in 53-20-207.

2 (5)(6) The department may promote scientific and
3 medical research investigations relative to the incidence,
4 cause, prevention, and care of persons with developmental
5 disabilities."

6 **Section 2. Extension of authority.** Any existing
7 authority to make rules on the subject of the provisions of
8 [this act] is extended to the provisions of [this act].

9 **Section 3. Effective date.** [This act] is effective
10 July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB163, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to provide clients of developmental disabilities services reimbursement of actual expenses for transportation needed to obtain necessary services if other transportation services are not made available; amending section 53-20-205, MCA; and providing an effective date.

ASSUMPTIONS:

1. An estimated 151 individuals will be served.
2. Services will be provided 5 days per week for 52 weeks per year.
3. Each daily client trip will average about 23 miles at a cost of \$.45 per mile.
4. A 10% "vacancy factor" is assumed to account for absences due to vacation and illness.
5. Of the population to be served, 14% would be eligible for medicaid. The federal share of costs is estimated to be 71.17% in FY90 and 71.28% in FY91.
6. A provider rate increase of 2% per year is not included as the maximum rate of reimbursement is set out in section 1 part 3 of the bill.

FISCAL IMPACT:Expenditures:

	FY90			FY91		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
SRS						
Benefits	\$ 915,930	\$1,288,951	\$ 373,021	\$ 915,930	\$1,288,951	\$ 373,021
TOTAL	\$ 915,930	\$1,288,951	\$ 373,021	915,930	\$1,288,951	\$ 373,021

Funding:

General Fund	\$ 821,858	\$1,157,712	\$ 335,854	\$ 821,858	\$1,157,654	\$ 335,796
Federal Funds	94,072	131,239	37,167	94,072	131,297	37,225
TOTAL	\$ 915,930	\$1,157,712	\$ 373,021	\$ 915,930	\$1,288,951	\$ 373,021

NOTE: The department may not be able to contract for transportation services at the \$.45 per mile rate for individuals with special needs or individuals who reside in rural areas. Currently, transportation providers are able to transport many individuals at one time which reduces costs. Current rates for such services are about \$.45 per mile.

Ray Shackleford 1/24/89
 RAY SHACKLEFORD, BUDGET DIRECTOR
 Office of Budget and Program Planning

John "J.D." Lynch 1/25/89
 JOHN "J.D." LYNCH

Fiscal Note for SB163, as introduced

SB 163

RECOMMEND DO NOT PASS
ON MOTION RECONSIDER
ADVERSE COMMITTEE REPORT

BILL NO. 163

INTRODUCED BY

Senate
House
Assembly
Parliament
Daily
Hammer

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE CLIENTS OF DEVELOPMENTAL DISABILITIES SERVICES REIMBURSEMENT OF ACTUAL EXPENSES FOR TRANSPORTATION NEEDED TO OBTAIN NECESSARY SERVICES IF OTHER TRANSPORTATION SERVICES ARE NOT MADE AVAILABLE; AMENDING SECTION 53-20-205, MCA; AND PROVIDING AN EFFECTIVE DATE."

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Section 1. Section 53-20-205, MCA, is amended to read:

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(2) The department may contract for programs for developmental disabilities services. Contracts entered into

by the department shall contain specific conditions for performance by the contractor. It shall set minimum standards for programs and establish appropriate qualifications for persons employed in such programs.

(3) The department shall provide a client of developmental disabilities services reimbursement at a maximum rate of 45 cents a mile for actual expenses of transportation needed to obtain necessary services, including adult habilitation services, sheltered employment, supported work, and vocational activities, if other transportation services are not made available to the client.

(4) All developmental disabilities facilities and services shall comply with existing federal guidelines and with requirements which will enable the services and facilities to qualify for available aid funds. However, nothing herein requires facilities serving the developmentally disabled to meet the same or equal standards as licensed medical facilities unless the developmental disabilities facility is providing professional or skilled medical care.

(5) Comprehensive services, programs, clinics, or other facilities established or provided by the department under this part shall conform as nearly as possible to the plans of the advisory council created under 2-15-2204 and

LC 0152/01

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3 medical research investigations relative to the incidence,
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8 [this act] is extended to the provisions of [this act].

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10 July 1, 1989.

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SENATE BILL NO. 163

INTRODUCED BY LYNCH, STIMATZ, PAVLOVICH, DAILY, HARRINGTON

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NONAMBULATORY CLIENTS OF DEVELOPMENTAL DISABILITIES SERVICES
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at a maximum rate of 45 cents a mile for actual expenses of
transportation needed to obtain necessary services,
including adult habilitation services, sheltered employment,
supported work, and vocational activities, if other
transportation services are not made available to the
client. NOTWITHSTANDING THE ACTUAL EXPENSES OF
TRANSPORTATION, NO REIMBURSEMENT PROVIDED TO ANY CLIENT
UNDER THIS SUBSECTION MAY EXCEED \$2,500 PER YEAR.

(4) All developmental disabilities facilities and
services shall comply with existing federal guidelines and
with requirements which will enable the services and
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developmentally disabled to meet the same or equal standards
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8 NEW SECTION. **Section 2.** Extension of authority. Any
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10 provisions of [this act] is extended to the provisions of
11 [this act].

12 NEW SECTION. **Section 3.** Effective date. [This act] is
13 effective July 1, 1989.

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SENATE STANDING COMMITTEE REPORT

page 1 of 2
April 5, 1989

SENATE COMMITTEE ON TAXATION, HB 163
page 2 of 2

MR. PRESIDENT:

We, your committee on Taxation, having had under consideration HB 163 (third reading copy -- blue), respectfully report that HB 163 be amended and as so amended be concurred in:

Sponsor: Campbell (Beck)

1. Title, line 5.

Following: "INCLUDING"

Insert: "THE LIQUOR EXCISE TAX PAID BY PASSENGER CARRIERS,"

2. Title, line 7.

Following: "TAX,"

Insert: "THE MICACEOUS MINERAL MINES LICENSE TAX,"

3. Title, line 11.

Following: ";

Insert: "EXEMPTING PASSENGER CARRIERS FROM PURCHASING LIQUOR FROM MONTANA STATE LIQUOR STORES; ELIMINATING THE REPORTING REQUIREMENTS FOR THE SHIPMENT OF BEER AND WINE BY COMMON CARRIERS,"

4. Title, line 12.

Following: "SECTIONS"

Insert: "16-6-303,"

Following: "35-18-503"

Insert: ";

5. Title, line 13.

Following: "PART 2,"

Insert: "TITLE 15, CHAPTER 37, PART 2;"

6. Title, line 14.

Following: "23-2-715,"

Insert: "16-1-402, 16-1-403, 16-3-235, 16-3-405,"

7. Page 1.

Following: line 18

Insert: "Section 1. Section 16-6-303, MCA, is amended to read:

"16-6-303. Sale of liquor not purchased from state store forbidden -- penalty. It Except for a passenger carrier issued a license pursuant to 16-4-302, it is unlawful for any licensee to sell or keep for sale or have on his premises for any purpose whatever any liquor except that purchased from the state liquor store, and any licensee found in possession of or selling and keeping for sale any liquor which was not purchased from a state liquor store shall, upon conviction, be punished by a fine of not less than \$500 or more than \$1,500, by imprisonment for not less than 3 months or more than 1 year, or by both such fine and imprisonment. If the department is satisfied that any such liquor was knowingly sold or kept for sale within the licensed premises by the licensee or by his agents, servants, or employees, the department shall immediately revoke the license."

Renumber: subsequent sections

8. Page 2, line 14.

Following: "~~part 2,~~"

Insert: "Title 15, chapter 37, part 2;"

9. Page 2, line 15.

Following: "~~23-2-715,~~"

Insert: "16-1-402, 16-1-403, 16-3-325, 16-3-405,"

AND AS AMENDED BE CONCURRED IN

Signed: Bob Brown

Bob Brown, Chairman

continued

scrhb163.405

SENATE
HB 163

SENATE BILL NO. 163

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SB 0163/02

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