

HOUSE BILL NO. 144

INTRODUCED BY STANFORD, BARTLETT

IN THE HOUSE

JANUARY 12, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
	FIRST READING.
JANUARY 21, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 22, 1993	PRINTING REPORT.
JANUARY 23, 1993	SECOND READING, DO PASS.
JANUARY 25, 1993	ENGROSSING REPORT.
JANUARY 26, 1993	THIRD READING, PASSED. AYES, 97; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 28, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.
	FIRST READING.
MARCH 26, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 29, 1993	THIRD READING, CONCURRED IN. AYES, 47; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 30, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *144*
 2 INTRODUCED BY *Wayne Stanford Bartlett*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "INDEPENDENT
 5 LIVING" FOR THE PURPOSES OF VOCATIONAL REHABILITATION LAWS;
 6 AND AMENDING SECTIONS 53-7-101 AND 53-7-301, MCA."
 7

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

9 **Section 1.** Section 53-7-101, MCA, is amended to read:

10 "53-7-101. Definitions. Unless the context requires
 11 otherwise, in this part the following definitions apply:

12 (1) "Department" means the department of social and
 13 rehabilitation services provided for in 2-15-2201.

14 (2) "Independent living" means control over one's life
 15 based upon a choice between acceptable options in a manner
 16 that minimizes reliance upon others for making decisions and
 17 conducting activities of daily living.

18 (3) "Maintenance" means money payments made in
 19 accordance with 53-7-108.

20 (4) "Occupational license" means a license, permit,
 21 or other written authority required by any governmental unit
 22 to engage in an occupation.

23 (5) "Person with an employment handicap" means the
 24 same as "individual with handicaps" as defined in the
 25 federal Rehabilitation Act of 1973 (29 U.S.C. 706(8)(A)), as

1 may be amended. The term includes any individual who lacks
 2 occupation or vocational achievement due to the presence of
 3 a physical or mental disability.

4 (5)(6) "Physical restoration" means any medical,
 5 surgical, or therapeutic treatment necessary to correct or
 6 substantially reduce the employment handicap of a person
 7 within a reasonable length of time, including but not
 8 limited to medical, psychiatric, dental, and surgical
 9 treatment, nursing services, hospital care, convalescent
 10 care, drugs, medical and surgical supplies, and prosthetic
 11 appliances, but excluding curative treatment for acute or
 12 transitory medical conditions unless necessary to maintain a
 13 person's health in order to complete a rehabilitation plan.

14 (6)(7) "Prosthetic appliance" means an artificial
 15 device necessary to support or take the place of a part of
 16 the body or to increase the acuity of a sense organ.

17 (7)(8) "Rehabilitation engineering" means the
 18 systematic application of technologies, engineering
 19 methodologies, or scientific principles to meet the needs of
 20 and address the barriers confronted by persons with
 21 employment handicaps. Such barriers may exist in the areas
 22 of education, rehabilitation, employment, transportation,
 23 independent living, and recreation.

24 (8)(9) "Rehabilitation plan" means a plan, developed
 25 with the participation of the recipient, for providing

services to assist a person with an employment handicap to become independent and productive or employable.

{9}{10} "Rehabilitation training" means training provided to a person with an employment handicap to rehabilitate the person's employment handicap; including but not limited to manual, preconditioning, prevocational, vocational, and supplementary training and training provided for the purpose of achieving broader or more remunerative skills and capacities.

{10}{11} "Vocational rehabilitation" means the provision of vocational rehabilitation services to a person with an employment handicap to enable the person insofar as possible to become independent and productive or employable.

{11}{12} "Vocational rehabilitation services" means the following services: medical diagnosis, vocational guidance, vocational counseling, vocational placement, rehabilitation training, rehabilitation engineering, physical restoration, transportation, occupational licenses, customary occupational tools and equipment, maintenance, training books and materials, group facilities, family services, followup services, and any other goods and services provided for by rule and that the department determines to be necessary to rehabilitate the person."

Section 2. Section 53-7-301, MCA, is amended to read:

"53-7-301. Definitions. As used in this part, the

following definitions apply:

(1) (a) "Blindness" means a visual disability in which:

(i) a person's central visual acuity does not exceed 20/200 in the better eye with correcting lenses; or

(ii) a person's visual field at the widest diameter subtends an angle no greater than 20 degrees.

(b) The term includes any visual disability that, in the determination of the department, renders vision seriously defective or causes blindness.

(2) "Department" means the department of social and rehabilitation services provided for in 2-15-2201.

{3} "Independent living" means control over one's life based upon a choice between acceptable options in a manner that minimizes reliance upon others for making decisions and conducting activities of daily living.

{3}{4} "Low vision" means a visual impairment that, even with correction, remains so severe as to make performance of daily tasks difficult.

{4}{5} "Maintenance" means money payments made in accordance with 53-7-310.

{5}{6} "Occupational license" means a license, permit, or other written authority required by any governmental unit to engage in an occupation.

{6}{7} "Person with an employment handicap" means the same as "individual with handicaps" as defined in the

1 federal Rehabilitation Act of 1973 (29 U.S.C. 706(8)(A)), as
2 may be amended. The term includes any individual who lacks
3 occupation or vocational achievement due to the presence of
4 a physical or mental disability.

5 ~~(7)~~(8) "Physical restoration" means any medical,
6 surgical, or therapeutic treatment necessary to correct or
7 substantially reduce an employment handicap caused by
8 blindness or low vision within a reasonable length of time,
9 including but not limited to medical, psychiatric, dental,
10 and surgical treatment, nursing services, hospital care,
11 convalescent care, drugs, medical and surgical supplies, and
12 prosthetic appliances, but excluding curative treatment for
13 acute or transitory medical conditions unless necessary to
14 maintain a person's health in order to complete a
15 rehabilitation plan.

16 ~~(8)~~(9) "Prosthetic appliance" means an artificial
17 device necessary to support or take the place of a part of
18 the body or to increase the acuity of a sense organ.

19 ~~(9)~~(10) "Rehabilitation engineering" means the
20 systematic application of technologies, engineering
21 methodologies, or scientific principles to meet the needs of
22 and address the barriers confronted by persons with
23 blindness or low vision. Such barriers may exist in the
24 areas of education, rehabilitation, employment,
25 transportation, independent living, and recreation.

1 ~~(10)~~(11) "Rehabilitation plan" means a plan, developed
2 with the participation of the recipient, for providing
3 services to assist a person with blindness or low vision to
4 become independent and productive or employable.

5 ~~(11)~~(12) "Rehabilitation training" means training
6 provided to a person with blindness or low vision to
7 rehabilitate the person's employment handicap, including but
8 not limited to manual, preconditioning, prevocational,
9 vocational, and supplementary training and training provided
10 for the purpose of achieving broader or more remunerative
11 skills and capacities.

12 ~~(12)~~(13) "Vocational rehabilitation" means the provision
13 of vocational rehabilitation services to a person with
14 blindness or low vision to enable the person insofar as
15 possible to become independent and productive or employable.

16 ~~(13)~~(14) "Vocational rehabilitation services" means the
17 following services: medical diagnosis, vocational guidance,
18 vocational counseling, vocational placement, rehabilitation
19 training, rehabilitation engineering, physical restoration,
20 transportation, occupational licenses, customary
21 occupational tools and equipment, maintenance, training
22 books and materials, group facilities, family services,
23 followup services, and any other goods and services provided
24 for by rule and that the department determines to be
25 necessary to rehabilitate the person."

-End-

-6-

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

HOUSE BILL NO. 144

INTRODUCED BY STANFORD, BARTLETT

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "INDEPENDENT LIVING" FOR THE PURPOSES OF VOCATIONAL REHABILITATION LAWS; AND AMENDING SECTIONS 53-7-101 AND, 53-7-301, 53-19-101, AND 53-19-102, MCA."

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

Section 1. Section 53-7-101, MCA, is amended to read:

"53-7-101. Definitions. Unless the context requires otherwise, in this part the following definitions apply:

(1) "Department" means the department of social and rehabilitation services provided for in 2-15-2201.

(2) "Independent living" means control over one's life based upon a choice between acceptable options in a manner that minimizes reliance upon others for making decisions and conducting activities of daily living.

~~(2)(3)~~ "Maintenance" means money payments made in accordance with 53-7-108.

~~(3)(4)~~ "Occupational license" means a license, permit, or other written authority required by any governmental unit to engage in an occupation.

~~(4)(5)~~ "Person with an employment handicap" means the same as "individual with handicaps" as defined in the

federal Rehabilitation Act of 1973 (29 U.S.C. 706(8)(A)), as may be amended. The term includes any individual who lacks occupation or vocational achievement due to the presence of a physical or mental disability.

~~(5)(6)~~ "Physical restoration" means any medical, surgical, or therapeutic treatment necessary to correct or substantially reduce the employment handicap of a person within a reasonable length of time, including but not limited to medical, psychiatric, dental, and surgical treatment, nursing services, hospital care, convalescent care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory medical conditions unless necessary to maintain a person's health in order to complete a rehabilitation plan.

~~(6)(7)~~ "Prosthetic appliance" means an artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ.

~~(7)(8)~~ "Rehabilitation engineering" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by persons with employment handicaps. Such barriers may exist in the areas of education, rehabilitation, employment, transportation, independent living, and recreation.

~~(8)(9)~~ "Rehabilitation plan" means a plan, developed

1 with the participation of the recipient, for providing
2 services to assist a person with an employment handicap to
3 become independent and productive or employable.

4 ~~{9}~~{10} "Rehabilitation training" means training
5 provided to a person with an employment handicap to
6 rehabilitate the person's employment handicap; including but
7 not limited to manual, preconditioning, prevocational,
8 vocational, and supplementary training and training provided
9 for the purpose of achieving broader or more remunerative
10 skills and capacities.

11 ~~{10}~~{11} "Vocational rehabilitation" means the provision
12 of vocational rehabilitation services to a person with an
13 employment handicap to enable the person insofar as possible
14 to become independent and productive or employable.

15 ~~{11}~~{12} "Vocational rehabilitation services" means the
16 following services: medical diagnosis, vocational guidance,
17 vocational counseling, vocational placement, rehabilitation
18 training, rehabilitation engineering, physical restoration,
19 transportation, occupational licenses, customary
20 occupational tools and equipment, maintenance, training
21 books and materials, group facilities, family services,
22 followup services, and any other goods and services provided
23 for by rule and that the department determines to be
24 necessary to rehabilitate the person."

25 **Section 2.** Section 53-7-301, MCA, is amended to read:

1 "53-7-301. Definitions. As used in this part, the
2 following definitions apply:

3 (1) (a) "Blindness" means a visual disability in which:

4 (i) a person's central visual acuity does not exceed
5 20/200 in the better eye with correcting lenses; or

6 (ii) a person's visual field at the widest diameter
7 subtends an angle no greater than 20 degrees.

8 (b) The term includes any visual disability that, in
9 the determination of the department, renders vision
10 seriously defective or causes blindness.

11 (2) "Department" means the department of social and
12 rehabilitation services provided for in 2-15-2201.

13 {3} "Independent living" means control over one's life
14 based upon a choice between acceptable options in a manner
15 that minimizes reliance upon others for making decisions and
16 conducting activities of daily living.

17 ~~{3}~~{4} "Low vision" means a visual impairment that,
18 even with correction, remains so severe as to make
19 performance of daily tasks difficult.

20 ~~{4}~~{5} "Maintenance" means money payments made in
21 accordance with 53-7-310.

22 ~~{5}~~{6} "Occupational license" means a license, permit,
23 or other written authority required by any governmental unit
24 to engage in an occupation.

25 ~~{6}~~{7} "Person with an employment handicap" means the

1 same as "individual with handicaps" as defined in the
2 federal Rehabilitation Act of 1973 (29 U.S.C. 706(8)(A)), as
3 may be amended. The term includes any individual who lacks
4 occupation or vocational achievement due to the presence of
5 a physical or mental disability.

6 ~~(7)~~(8) "Physical restoration" means any medical,
7 surgical, or therapeutic treatment necessary to correct or
8 substantially reduce an employment handicap caused by
9 blindness or low vision within a reasonable length of time,
10 including but not limited to medical, psychiatric, dental,
11 and surgical treatment, nursing services, hospital care,
12 convalescent care, drugs, medical and surgical supplies, and
13 prosthetic appliances, but excluding curative treatment for
14 acute or transitory medical conditions unless necessary to
15 maintain a person's health in order to complete a
16 rehabilitation plan.

17 ~~(8)~~(9) "Prosthetic appliance" means an artificial
18 device necessary to support or take the place of a part of
19 the body or to increase the acuity of a sense organ.

20 ~~(9)~~(10) "Rehabilitation engineering" means the
21 systematic application of technologies, engineering
22 methodologies, or scientific principles to meet the needs of
23 and address the barriers confronted by persons with
24 blindness or low vision. Such barriers may exist in the
25 areas of education, rehabilitation, employment,

1 transportation, independent living, and recreation.

2 ~~(10)~~(11) "Rehabilitation plan" means a plan, developed
3 with the participation of the recipient, for providing
4 services to assist a person with blindness or low vision to
5 become independent and productive or employable.

6 ~~(11)~~(12) "Rehabilitation training" means training
7 provided to a person with blindness or low vision to
8 rehabilitate the person's employment handicap, including but
9 not limited to manual, preconditioning, prevocational,
10 vocational, and supplementary training and training provided
11 for the purpose of achieving broader or more remunerative
12 skills and capacities.

13 ~~(12)~~(13) "Vocational rehabilitation" means the provision
14 of vocational rehabilitation services to a person with
15 blindness or low vision to enable the person insofar as
16 possible to become independent and productive or employable.

17 ~~(13)~~(14) "Vocational rehabilitation services" means the
18 following services: medical diagnosis, vocational guidance,
19 vocational counseling, vocational placement, rehabilitation
20 training, rehabilitation engineering, physical restoration,
21 transportation, occupational licenses, customary
22 occupational tools and equipment, maintenance, training
23 books and materials, group facilities, family services,
24 followup services, and any other goods and services provided
25 for by rule and that the department determines to be

1 necessary to rehabilitate the person."

2 **SECTION 3. SECTION 53-19-101, MCA, IS AMENDED TO READ:**

3 "53-19-101. **Purpose.** The legislature, in recognition of
4 needs of persons with severe disabilities and of the
5 desirability of meeting those needs on a community level to
6 the extent of available funding and in order to reduce the
7 need for institutional care settings, establishes by this
8 part a community program to assist persons with severe
9 disabilities in-living to live and functioning function
10 independently. This program implements Title VII of the
11 federal Rehabilitation Act of 1973 (29 U.S.C. 796, et seq.),
12 as may be amended, for persons with severe disabilities in
13 Montana."

14 **SECTION 4. SECTION 53-19-102, MCA, IS AMENDED TO READ:**

15 "53-19-102. **Definitions.** As used in this part, the
16 following definitions apply:

17 (1) "Community home for persons with severe
18 disabilities" means a facility licensed by the department of
19 family services, as provided for in 52-4-201 through
20 52-4-205.

21 (2) "Department" means the department of social and
22 rehabilitation services established in 2-15-2201.

23 (3) "Disability" means a permanent physical or mental
24 condition recognized as a disability by Title VII of the
25 federal Rehabilitation Act of 1973 (29 U.S.C. 796, et seq.),

1 as may be amended.

2 (4) "Live and function independently" means to have
3 control over one's life based upon a choice between
4 acceptable options in a manner that minimizes reliance upon
5 others for making decisions and conducting activities of
6 daily living.

7 ~~(4)~~(5) "Person with severe disabilities" means the same
8 as "individual with severe handicaps" as defined in the
9 federal Rehabilitation Act of 1973 (29 U.S.C. 706(15)(B)),
10 as may be amended. The term includes an individual whose
11 ability to function independently in family or community or
12 whose ability to engage or continue in employment is so
13 limited by the severity of his physical or mental disability
14 that the services provided under this part are required in
15 order for the individual to achieve a greater level of
16 independence in functioning in family or community or in
17 engaging in or continuing in employment."

-End-

HOUSE BILL NO. 144

INTRODUCED BY STANFORD, BARTLETT

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "INDEPENDENT LIVING" FOR THE PURPOSES OF VOCATIONAL REHABILITATION LAWS; AND AMENDING SECTIONS 53-7-101 AND, 53-7-301, 53-19-101, AND 53-19-102, MCA."

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

Section 1. Section 53-7-101, MCA, is amended to read:

"53-7-101. Definitions. Unless the context requires otherwise, in this part the following definitions apply:

(1) "Department" means the department of social and rehabilitation services provided for in 2-15-2201.

(2) "Independent living" means control over one's life based upon a choice between acceptable options in a manner that minimizes reliance upon others for making decisions and conducting activities of daily living.

(3) "Maintenance" means money payments made in accordance with 53-7-108.

(4) "Occupational license" means a license, permit, or other written authority required by any governmental unit to engage in an occupation.

(5) "Person with an employment handicap" means the same as "individual with handicaps" as defined in the

federal Rehabilitation Act of 1973 (29 U.S.C. 706(8)(A)), as may be amended. The term includes any individual who lacks occupation or vocational achievement due to the presence of a physical or mental disability.

(6) "Physical restoration" means any medical, surgical, or therapeutic treatment necessary to correct or substantially reduce the employment handicap of a person within a reasonable length of time, including but not limited to medical, psychiatric, dental, and surgical treatment, nursing services, hospital care, convalescent care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory medical conditions unless necessary to maintain a person's health in order to complete a rehabilitation plan.

(7) "Prosthetic appliance" means an artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ.

(8) "Rehabilitation engineering" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by persons with employment handicaps. Such barriers may exist in the areas of education, rehabilitation, employment, transportation, independent living, and recreation.

(9) "Rehabilitation plan" means a plan, developed

with the participation of the recipient, for providing services to assist a person with an employment handicap to become independent and productive or employable.

~~(9)~~(10) "Rehabilitation training" means training provided to a person with an employment handicap to rehabilitate the person's employment handicap; including but not limited to manual, preconditioning, prevocational, vocational, and supplementary training and training provided for the purpose of achieving broader or more remunerative skills and capacities.

~~(10)~~(11) "Vocational rehabilitation" means the provision of vocational rehabilitation services to a person with an employment handicap to enable the person insofar as possible to become independent and productive or employable.

~~(11)~~(12) "Vocational rehabilitation services" means the following services: medical diagnosis, vocational guidance, vocational counseling, vocational placement, rehabilitation training, rehabilitation engineering, physical restoration, transportation, occupational licenses, customary occupational tools and equipment, maintenance, training books and materials, group facilities, family services, followup services, and any other goods and services provided for by rule and that the department determines to be necessary to rehabilitate the person."

Section 2. Section 53-7-301, MCA, is amended to read:

"53-7-301. Definitions. As used in this part, the following definitions apply:

(1) (a) "Blindness" means a visual disability in which:

(i) a person's central visual acuity does not exceed 20/200 in the better eye with correcting lenses; or

(ii) a person's visual field at the widest diameter subtends an angle no greater than 20 degrees.

(b) The term includes any visual disability that, in the determination of the department, renders vision seriously defective or causes blindness.

(2) "Department" means the department of social and rehabilitation services provided for in 2-15-2201.

(3) "Independent living" means control over one's life based upon a choice between acceptable options in a manner that minimizes reliance upon others for making decisions and conducting activities of daily living.

~~(4)~~(4) "Low vision" means a visual impairment that, even with correction, remains so severe as to make performance of daily tasks difficult.

~~(5)~~(5) "Maintenance" means money payments made in accordance with 53-7-310.

~~(6)~~(6) "Occupational license" means a license, permit, or other written authority required by any governmental unit to engage in an occupation.

~~(7)~~(7) "Person with an employment handicap" means the

1 same as "individual with handicaps" as defined in the
2 federal Rehabilitation Act of 1973 (29 U.S.C. 706(8)(A)), as
3 may be amended. The term includes any individual who lacks
4 occupation or vocational achievement due to the presence of
5 a physical or mental disability.

6 ~~(7)~~(8) "Physical restoration" means any medical,
7 surgical, or therapeutic treatment necessary to correct or
8 substantially reduce an employment handicap caused by
9 blindness or low vision within a reasonable length of time,
10 including but not limited to medical, psychiatric, dental,
11 and surgical treatment, nursing services, hospital care,
12 convalescent care, drugs, medical and surgical supplies, and
13 prosthetic appliances, but excluding curative treatment for
14 acute or transitory medical conditions unless necessary to
15 maintain a person's health in order to complete a
16 rehabilitation plan.

17 ~~(8)~~(9) "Prosthetic appliance" means an artificial
18 device necessary to support or take the place of a part of
19 the body or to increase the acuity of a sense organ.

20 ~~(9)~~(10) "Rehabilitation engineering" means the
21 systematic application of technologies, engineering
22 methodologies, or scientific principles to meet the needs of
23 and address the barriers confronted by persons with
24 blindness or low vision. Such barriers may exist in the
25 areas of education, rehabilitation, employment,

1 transportation, independent living, and recreation.

2 ~~(10)~~(11) "Rehabilitation plan" means a plan, developed
3 with the participation of the recipient, for providing
4 services to assist a person with blindness or low vision to
5 become independent and productive or employable.

6 ~~(11)~~(12) "Rehabilitation training" means training
7 provided to a person with blindness or low vision to
8 rehabilitate the person's employment handicap, including but
9 not limited to manual, preconditioning, prevocational,
10 vocational, and supplementary training and training provided
11 for the purpose of achieving broader or more remunerative
12 skills and capacities.

13 ~~(12)~~(13) "Vocational rehabilitation" means the provision
14 of vocational rehabilitation services to a person with
15 blindness or low vision to enable the person insofar as
16 possible to become independent and productive or employable.

17 ~~(13)~~(14) "Vocational rehabilitation services" means the
18 following services: medical diagnosis, vocational guidance,
19 vocational counseling, vocational placement, rehabilitation
20 training, rehabilitation engineering, physical restoration,
21 transportation, occupational licenses, customary
22 occupational tools and equipment, maintenance, training
23 books and materials, group facilities, family services,
24 followup services, and any other goods and services provided
25 for by rule and that the department determines to be

1 necessary to rehabilitate the person."

2 **SECTION 3. SECTION 53-19-101, MCA, IS AMENDED TO READ:**

3 "53-19-101. Purpose. The legislature, in recognition of
4 needs of persons with severe disabilities and of the
5 desirability of meeting those needs on a community level to
6 the extent of available funding and in order to reduce the
7 need for institutional care settings, establishes by this
8 part a community program to assist persons with severe
9 disabilities in-living to live and functioning function
10 independently. This program implements Title VII of the
11 federal Rehabilitation Act of 1973 (29 U.S.C. 796, et seq.),
12 as may be amended, for persons with severe disabilities in
13 Montana."

14 **SECTION 4. SECTION 53-19-102, MCA, IS AMENDED TO READ:**

15 "53-19-102. Definitions. As used in this part, the
16 following definitions apply:

17 (1) "Community home for persons with severe
18 disabilities" means a facility licensed by the department of
19 family services, as provided for in 52-4-201 through
20 52-4-205.

21 (2) "Department" means the department of social and
22 rehabilitation services established in 2-15-2201.

23 (3) "Disability" means a permanent physical or mental
24 condition recognized as a disability by Title VII of the
25 federal Rehabilitation Act of 1973 (29 U.S.C. 796, et seq.),

1 as may be amended.

2 (4) "Live and function independently" means to have
3 control over one's life based upon a choice between
4 acceptable options in a manner that minimizes reliance upon
5 others for making decisions and conducting activities of
6 daily living.

7 (4)(5) "Person with severe disabilities" means the same
8 as "individual with severe handicaps" as defined in the
9 federal Rehabilitation Act of 1973 (29 U.S.C. 706(15)(B)),
10 as may be amended. The term includes an individual whose
11 ability to function independently in family or community or
12 whose ability to engage or continue in employment is so
13 limited by the severity of his physical or mental disability
14 that the services provided under this part are required in
15 order for the individual to achieve a greater level of
16 independence in functioning in family or community or in
17 engaging in or continuing in employment."

-End-

HOUSE BILL NO. 144

INTRODUCED BY STANFORD, BARTLETT

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "INDEPENDENT LIVING" FOR THE PURPOSES OF VOCATIONAL REHABILITATION LAWS; AND AMENDING SECTIONS 53-7-101 AND, 53-7-301, 53-19-101, AND 53-19-102, MCA."

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

Section 1. Section 53-7-101, MCA, is amended to read:

"53-7-101. Definitions. Unless the context requires otherwise, in this part the following definitions apply:

(1) "Department" means the department of social and rehabilitation services provided for in 2-15-2201.

(2) "Independent living" means control over one's life based upon a choice between acceptable options in a manner that minimizes reliance upon others for making decisions and conducting activities of daily living.

(3) "Maintenance" means money payments made in accordance with 53-7-108.

(4) "Occupational license" means a license, permit, or other written authority required by any governmental unit to engage in an occupation.

(5) "Person with an employment handicap" means the same as "individual with handicaps" as defined in the

federal Rehabilitation Act of 1973 (29 U.S.C. 706(8)(A)), as may be amended. The term includes any individual who lacks occupation or vocational achievement due to the presence of a physical or mental disability.

(6) "Physical restoration" means any medical, surgical, or therapeutic treatment necessary to correct or substantially reduce the employment handicap of a person within a reasonable length of time, including but not limited to medical, psychiatric, dental, and surgical treatment, nursing services, hospital care, convalescent care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory medical conditions unless necessary to maintain a person's health in order to complete a rehabilitation plan.

(7) "Prosthetic appliance" means an artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ.

(8) "Rehabilitation engineering" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by persons with employment handicaps. Such barriers may exist in the areas of education, rehabilitation, employment, transportation, independent living, and recreation.

(9) "Rehabilitation plan" means a plan, developed

1 with the participation of the recipient, for providing
2 services to assist a person with an employment handicap to
3 become independent and productive or employable.

4 {9}{10} "Rehabilitation training" means training
5 provided to a person with an employment handicap to
6 rehabilitate the person's employment handicap; including but
7 not limited to manual, preconditioning, prevocational,
8 vocational, and supplementary training and training provided
9 for the purpose of achieving broader or more remunerative
10 skills and capacities.

11 {10}{11} "Vocational rehabilitation" means the provision
12 of vocational rehabilitation services to a person with an
13 employment handicap to enable the person insofar as possible
14 to become independent and productive or employable.

15 {11}{12} "Vocational rehabilitation services" means the
16 following services: medical diagnosis, vocational guidance,
17 vocational counseling, vocational placement, rehabilitation
18 training, rehabilitation engineering, physical restoration,
19 transportation, occupational licenses, customary
20 occupational tools and equipment, maintenance, training
21 books and materials, group facilities, family services,
22 followup services, and any other goods and services provided
23 for by rule and that the department determines to be
24 necessary to rehabilitate the person."

25 **Section 2.** Section 53-7-301, MCA, is amended to read:

1 "53-7-301. Definitions. As used in this part, the
2 following definitions apply:

3 (1) (a) "Blindness" means a visual disability in which:
4 (i) a person's central visual acuity does not exceed
5 20/200 in the better eye with correcting lenses; or

6 (ii) a person's visual field at the widest diameter
7 subtends an angle no greater than 20 degrees.

8 (b) The term includes any visual disability that, in
9 the determination of the department, renders vision
10 seriously defective or causes blindness.

11 (2) "Department" means the department of social and
12 rehabilitation services provided for in 2-15-2201.

13 (3) "Independent living" means control over one's life
14 based upon a choice between acceptable options in a manner
15 that minimizes reliance upon others for making decisions and
16 conducting activities of daily living.

17 {3}{4} "Low vision" means a visual impairment that,
18 even with correction, remains so severe as to make
19 performance of daily tasks difficult.

20 {4}{5} "Maintenance" means money payments made in
21 accordance with 53-7-310.

22 {5}{6} "Occupational license" means a license, permit,
23 or other written authority required by any governmental unit
24 to engage in an occupation.

25 {6}{7} "Person with an employment handicap" means the

1 same as "individual with handicaps" as defined in the
2 federal Rehabilitation Act of 1973 (29 U.S.C. 706(8)(A)), as
3 may be amended. The term includes any individual who lacks
4 occupation or vocational achievement due to the presence of
5 a physical or mental disability.

6 {7}(8) "Physical restoration" means any medical,
7 surgical, or therapeutic treatment necessary to correct or
8 substantially reduce an employment handicap caused by
9 blindness or low vision within a reasonable length of time,
10 including but not limited to medical, psychiatric, dental,
11 and surgical treatment, nursing services, hospital care,
12 convalescent care, drugs, medical and surgical supplies, and
13 prosthetic appliances, but excluding curative treatment for
14 acute or transitory medical conditions unless necessary to
15 maintain a person's health in order to complete a
16 rehabilitation plan.

17 {8}(9) "Prosthetic appliance" means an artificial
18 device necessary to support or take the place of a part of
19 the body or to increase the acuity of a sense organ.

20 {9}(10) "Rehabilitation engineering" means the
21 systematic application of technologies, engineering
22 methodologies, or scientific principles to meet the needs of
23 and address the barriers confronted by persons with
24 blindness or low vision. Such barriers may exist in the
25 areas of education, rehabilitation, employment,

1 transportation, independent living, and recreation.

2 {10}(11) "Rehabilitation plan" means a plan, developed
3 with the participation of the recipient, for providing
4 services to assist a person with blindness or low vision to
5 become independent and productive or employable.

6 {11}(12) "Rehabilitation training" means training
7 provided to a person with blindness or low vision to
8 rehabilitate the person's employment handicap, including but
9 not limited to manual, preconditioning, prevocational,
10 vocational, and supplementary training and training provided
11 for the purpose of achieving broader or more remunerative
12 skills and capacities.

13 {12}(13) "Vocational rehabilitation" means the provision
14 of vocational rehabilitation services to a person with
15 blindness or low vision to enable the person insofar as
16 possible to become independent and productive or employable.

17 {13}(14) "Vocational rehabilitation services" means the
18 following services: medical diagnosis, vocational guidance,
19 vocational counseling, vocational placement, rehabilitation
20 training, rehabilitation engineering, physical restoration,
21 transportation, occupational licenses, customary
22 occupational tools and equipment, maintenance, training
23 books and materials, group facilities, family services,
24 followup services, and any other goods and services provided
25 for by rule and that the department determines to be

1 necessary to rehabilitate the person."

2 **SECTION 3. SECTION 53-19-101, MCA, IS AMENDED TO READ:**

3 "53-19-101. Purpose. The legislature, in recognition of
4 needs of persons with severe disabilities and of the
5 desirability of meeting those needs on a community level to
6 the extent of available funding and in order to reduce the
7 need for institutional care settings, establishes by this
8 part a community program to assist persons with severe
9 disabilities in living to live and functioning function
10 independently. This program implements Title VII of the
11 federal Rehabilitation Act of 1973 (29 U.S.C. 796, et seq.),
12 as may be amended, for persons with severe disabilities in
13 Montana."

14 **SECTION 4. SECTION 53-19-102, MCA, IS AMENDED TO READ:**

15 "53-19-102. Definitions. As used in this part, the
16 following definitions apply:

17 (1) "Community home for persons with severe
18 disabilities" means a facility licensed by the department of
19 family services, as provided for in 52-4-201 through
20 52-4-205.

21 (2) "Department" means the department of social and
22 rehabilitation services established in 2-15-2201.

23 (3) "Disability" means a permanent physical or mental
24 condition recognized as a disability by Title VII of the
25 federal Rehabilitation Act of 1973 (29 U.S.C. 796, et seq.),

1 as may be amended.

2 **(4) "Live and function independently" means to have**
3 **control over one's life based upon a choice between**
4 **acceptable options in a manner that minimizes reliance upon**
5 **others for making decisions and conducting activities of**
6 **daily living.**

7 **(4)(5) "Person with severe disabilities" means the same**
8 **as "individual with severe handicaps" as defined in the**
9 **federal Rehabilitation Act of 1973 (29 U.S.C. 706(15)(B)),**
10 **as may be amended. The term includes an individual whose**
11 **ability to function independently in family or community or**
12 **whose ability to engage or continue in employment is so**
13 **limited by the severity of his physical or mental disability**
14 **that the services provided under this part are required in**
15 **order for the individual to achieve a greater level of**
16 **independence in functioning in family or community or in**
17 **engaging in or continuing in employment."**

-End-