

1 SENATE BILL NO. 45  
2 INTRODUCED BY W. MCKAMEY  
3 BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE STATE PLAN ON AGING LAWS TO  
6 UPDATE TERMINOLOGY AND REQUIREMENTS GOVERNING THE DESIGNATION OF PLANNING AND  
7 SERVICE AREAS; AMENDING SECTIONS 52-1-103, 52-3-401, 52-3-402, 52-3-405, AND 52-3-410, MCA;  
8 REPEALING SECTION 52-3-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
12 **Section 1.** Section 52-1-103, MCA, is amended to read:

13 **"52-1-103. Powers and duties of department.** The department shall:

- 14 (1) administer and supervise all forms of child and adult protective services;
- 15 (2) act as the lead agency in coordinating and planning services to children with multiagency  
16 service needs;
- 17 (3) establish a system of councils at the state and local levels to make recommendations and to  
18 advise the department on issues, including children's issues;
- 19 (4) provide the following functions, as necessary, for youth in need of care:
- 20 (a) intake, investigation, case management, and client supervision;
- 21 (b) placement in youth care facilities;
- 22 (c) contracting for necessary services;
- 23 (d) protective services day care; and
- 24 (e) adoption;
- 25 (5) register or license youth care facilities, child-placing agencies, day-care facilities, community  
26 homes for persons with developmental disabilities, community homes for severely disabled persons, and adult  
27 foster care facilities;

**Amendment - 1st Reading-white - Requested by: Jen Gross - (S) Public Health, Welfare and Safety**

- 2023

68th Legislature 2023

Drafter: Madelyn Krezowski,

SB0045.001.001

1 (6) act as lead agency in implementing and coordinating child-care programs and services under  
2 the Montana Child Care Act;

3 (7) administer the Interstate Compact for the Placement of Children;

4 (8) (a) administer child abuse prevention services funded through child abuse grants and the  
5 Montana children's trust fund provided for in Title 52, chapter 7, part 1; and

6 (b) administer elder abuse prevention services;

7 (9) develop a statewide youth services and resources plan that takes into consideration local  
8 needs;

9 (10) administer services to ~~the aged~~ older adults;

10 (11) provide consultant services to:

11 (a) facilities providing care for adults who are needy, indigent, or dependent or who have  
12 disabilities; and

13 (b) youth care facilities;

14 (12) use the staff and services of other state agencies and units of the Montana university system,  
15 within their respective statutory functions, to carry out its functions under this title;

16 (13) contract, as necessary, for administration of child and adult protection services for each county;

17 and

18 (14) adopt rules necessary to carry out the purposes of 52-2-612 and this chapter."  
19

20 **Section 2.** Section 52-3-401, MCA, is amended to read:

21 **"52-3-401. Definitions.** As used in this part, unless the context clearly indicates otherwise, the  
22 following definitions apply:

23 (1) "Department" means the department of public health and human services provided for in 2-15-  
24 2201.

25 (2) "Older Americans Act" means the Older Americans Act of 1965, as amended, 42 U.S.C. 3001,  
26 et seq.

27 (3) "Planning and service area" means a geographic area of the state that is designated for

**Amendment - 1st Reading-white - Requested by: Jen Gross - (S) Public Health, Welfare and Safety**

- 2023

68th Legislature 2023

Drafter: Madelyn Krezowski,

SB0045.001.001

1 purposes of planning, development, delivery, and overall administration of services under the Older Americans  
2 Act.

3 (4) "Services to ~~the aged~~ older adults" means those services the department administers pursuant  
4 to the Older Americans Act.

5 (5) "State plan" means a plan developed by the department to coordinate and administer delivery  
6 of services under the Older Americans Act."

7

8 **Section 3.** Section 52-3-402, MCA, is amended to read:

9 **"52-3-402. Purpose.** The purpose of this part is to grant the department authority to develop and  
10 administer the state plan on aging, to coordinate services to ~~the aged~~ older adults pursuant to the Older  
11 Americans Act, and to establish or redesignate planning and service areas pursuant to section 305 of that act.  
12 It is the intent of the legislature that:

13 (1) the number of planning and service areas be limited so that unnecessary administrative costs  
14 are eliminated; and

15 (2) the department and the planning and service areas regularly consult and coordinate with tribal  
16 officials and tribal administrators of grants under Title VI of the Older Americans Act in developing and  
17 administering the state plan on aging and in meeting requirements under section 307(a)(21) of that act."

18

19 **Section 4.** Section 52-3-405, MCA, is amended to read:

20 **"52-3-405. Designation of planning and service areas.** (1) On or before October 1, 1983, and every  
21 4 years following, the department shall redesignate the planning and service areas it utilizes for services to ~~the~~  
22 aged older adults.

23 (2) The department shall fix the number of planning and service areas at no less than 7 and no  
24 more than ~~42~~ 10.

25 (3) Planning and service areas ~~shall~~ must follow ~~either~~ recognized county boundaries ~~or~~ Indian  
26 reservation boundaries, or both and include Indian reservations located within the designated planning and  
27 service area.

**Amendment - 1st Reading-white - Requested by: Jen Gross - (S) Public Health, Welfare and Safety**

- 2023

68th Legislature 2023

Drafter: Madelyn Krezowski,

SB0045.001.001

1           ~~(4) The department may designate a combination of Indian reservations as a planning and service~~  
2 ~~area for any reservations that have applied to be designated under a consortium supported by their respective~~  
3 ~~tribal governments."~~

4

5           **Section 5.** Section 52-3-410, MCA, is amended to read:

6           **"52-3-410. Achieving accountability.** (1) The department shall achieve accountability in providing  
7 quality services in a cost-effective manner by:

8           (a) establishing goals, responsibilities, and performance expectations for goals in providing  
9 services to ~~the aged~~ older adults and to older Montanans as provided in Title 52, chapter 3, parts 1, 4, and 5;

10           (b) requiring periodic reporting of performance or progress toward stated goals by departmental  
11 programs for aging services and area agencies on aging;

12           (c) establishing a continual process for the evaluation of all functions, the review of the  
13 evaluations, and the followup required to correct any deficiencies; and

14           (d) providing for feedback on the accountability process.

15           (2) The department shall adopt rules only as necessary to implement the goals, responsibilities,  
16 performance expectations, reporting periods, and evaluation process to be followed."

17

18           NEW SECTION. Section 6. Repealer. The following section of the Montana Code Annotated is  
19 repealed:

20 52-3-403. Existing planning and service areas grandfathered -- exception.

21

22           NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval.

23

- END -