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1	HOUSE BILL NO. 743		
2	INTRODUCED BY E. CLARK		
3	BY REQUEST OF THE HOUSE JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN		
4	SERVICES		
5			
6	A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING BED DAYS AT THE MONTANA MENTAL HEALTH		
7	NURSING CARE CENTER IN THE NURSING FACILITY UTILIZATION FEE; PROVIDING FOR THE		
8	DISPOSITION OF UTILIZATION FEES FROM THE MONTANA MENTAL HEALTH NURSING CARE CENTER;		
9	PROVIDING AN APPROPRIATION; AMENDING SECTIONS 15-60-101 AND 15-60-210, MCA; AND		
10	PROVIDING AN EFFECTIVE DATE AND A CONTINGENT VOIDNESS PROVISION."		
11			
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
13			
14	Section 1. Section 15-60-101, MCA, is amended to read:		
15	"15-60-101. (Temporary) Definitions. For purposes of this chapter, unless the context requires		
16	otherwise, the following definitions apply:		
17	(1) (a) "Bed day" means each 24-hour period that a resident of a nursing facility is present in the facility		
18	and receiving skilled nursing care or intermediate nursing care or in which a bed is held for a resident while the		
19	resident is on temporary leave from the facility.		
20	(b) The term includes all periods of 24 hours described in subsection (1)(a), regardless of the source		
21	of payment. The term also includes the day of a resident's admission to a nursing facility and the day of the		
22	resident's death, even though the resident is present for less than a 24-hour period on these days.		
23	(2) "Calendar quarter" means the period of 3 consecutive months ending March 31, June 30, September		
24	30, or December 31.		
25	(3) "Department" means the department of revenue.		
26	(4) "Nursing facility" or "facility" means a health care facility licensed by the department of public health		
27	and human services as a nursing facility to provide skilled nursing care or intermediate nursing care. The term		
28	includes:		
29	(a) nursing facilities, whether they are:		
30	(a)(i) operated as nonprofit or for-profit facilities;		

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1	(b)(ii) freestanding or part of another health care facility; or		
2	(c)(iii) publicly or privately operated; and		
3	(b) the Montana mental health nursing care center provided for in 53-21-411.		
4	(5) "Report" means the report of bed days required in 15-60-201.		
5	(6) "Skilled nursing care" and "intermediate nursing care" have the same meaning as those terms are		
6	defined in 50-5-101.		
7	(7) "Utilization fee" or "fee" means the fee required to be paid for each bed day in a nursing facility, as		
8	provided in 15-60-102. (Void on occurrence of contingencysec. 18, Ch. 746, L. 1991see chapter compiler		
9	comment.)"		
10			
11	Section 2. Section 15-60-210, MCA, is amended to read:		
12	"15-60-210. (Temporary) Disposition of fee. (1) All Except as provided in subsection (2), all proceeds		
13	from the collection of utilization fees, including penalties and interest, must, in accordance with the provision		
14	of 15-1-501, be deposited in the general fund.		
15	(2) Utilization fees, including penalties and interest, collected from the Montana mental health nursing		
16	care center must be allocated as follows:		
17	(a) 30% to the state general fund; and		
18	(b) 70% to the health and human services payment PREVENTION AND STABILIZATION account in the state		
19	special revenue fund established pursuant to [section 14 of House Bill No. 722] to the credit of the department		
20	of public health and human services to finance, administer, and provide health and human services. (Void o		
21	occurrence of contingencysec. 18, Ch. 746, L. 1991see chapter compiler's comment.)"		
22			
23	NEW SECTION. Section 3. Appropriation. The following money is appropriated to the department		
24	OF PUBLIC HEALTH AND HUMAN SERVICES:		
25	(1) FROM THE GENERAL FUND FOR THE PAYMENT OF THE UTILIZATION FEES PROVIDED FOR IN 15-60-102:		
26	FISCAL YEAR 2004 \$71,540		
27	FISCAL YEAR 2005 71,540		
28	(2) FROM THE STATE SPECIAL REVENUE ACCOUNT IN [SECTION 14 OF HOUSE BILL NO. 722] FOR THE PURPOSES		
29	OF FINANCING, ADMINISTERING, AND PROVIDING HEALTH AND HUMAN SERVICES:		
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1	FISCAL YEAR 20	<u>\$ 50,078</u>		
2	FISCAL YEAR 20	<u>50,078</u>		
3	(3) FROM FEDERAL SPECIAL REVENUE FOR THE PURPOSES OF FINANCING, ADMINISTERING, AND PROVIDING			
4	HEALTH AND HUMAN SERVICES:			
5	FISCAL YEAR 20	<u>\$186,713</u>		
6	FISCAL YEAR 20	<u>05</u> <u>183,377</u>		
7				
8	NEW SECTION. Section 4. Contingent appropriation. If House Bill No. 705 is passed and			
9	APPROVED, [SECTION 3 OF THIS ACT] IS VOID AND THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF			
10	PUBLIC HEALTH AND HUMAN SERVICES:			
11	(1) FROM THE GENERAL FUND FOR THE PAYMENT OF THE UTILIZATION FEES PROVIDED FOR IN 15-60-102:			
12	FISCAL YEAR 20	<u>\$114,975</u>		
13	FISCAL YEAR 20	<u>05</u>		
14	(2) FROM THE STATE SPECIAL REVENUE ACCOUNT IN [SECTION 14 OF HOUSE BILL NO. 722] FOR THE PURPOSE			
15	OF FINANCING, ADMINISTERING, AND PROVIDING HEALTH AND HUMAN SERVICES:			
16	FISCAL YEAR 20	<u>\$80,483</u>		
17	FISCAL YEAR 20	<u>94,791</u>		
18	(3) FROM FEDERAL SPECIAL REVENUE FOR THE PURPOSES OF FINANCING, ADMINISTERING, AND PROVIDIN			
19	HEALTH AND HUMAN SERVICES:			
20	FISCAL YEAR 20	<u>\$300,076</u>		
21	FISCAL YEAR 20	<u>347,108</u>		
22				
23	NEW SECTION. Section 5. Coordination. If House Bill No. 722 is not passed and approved, then			
24	[section 2 of this act] is [SECTIONS 2 THROUGH 4 OF THIS ACT] ARE void.			
25				
26	NEW SECTION. Section 6. Contingent voidness. If any of the contingencies contained in section			
27	18, Chapter 746, Laws of 1991, occur, then [this act] is void.			
28				
29	NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2003.			
30		- END -		
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