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SENATE PUBLIC HEALTH, WELFARE & SAFETY
EXHIBIT NO. 1
DATE: 3-7-05
BILL NO. HB 215

WRITTEN TESTIMONY

TO: Senate Public Health, Welfare and Safety Committee

FROM: Marty Tuttle, Chief Legal Counsel MT

RE: HB 215

DATE: March 7, 2005

Dear Chairman Cromley and members of the committee, I am Marty Tuttle, the Chief Legal Counsel for the Department of Commerce. The Department of Commerce wants to thank Representative Caferro for carrying HB 215, a bill related to the Montana Council of Developmental Disabilities. The Department of Commerce is a proponent of the bill and recommends a do pass vote during executive action. A short background on the need for HB 215 is as follows:

•Representative Lawson introduced HB 734 during the 2003 session. The main purposes of HB 734 were:

•to change the designated state agency for the developmental disabilities planning and advisory council [DDPAC] to the Department of Commerce from the Montana Department of Public Health and Human Services; and

•to allow the state to contract with a nonprofit corporation for the purpose of carrying out the responsibilities statutorily delegated to DDPAC.

•HB 734 was signed into law on April 24, 2003.

•On July 17, 2003, the Department of Commerce and DDPAC entered a memorandum of agreement that defined the relationship and responsibilities of the department and DDPAC.

•On January 10, 2004, the Department of Commerce and the Montana Council on Developmental Disabilities [MCDD] entered a memorandum of agreement that acknowledged the approval of the Administration on Developmental Disabilities, federal Department of Health and Human Services, for DDPAC to reorganize as the nonprofit corporation MCDD, and formally established the basis for an effective working relationship between the department and MCDD.

•Because MCDD was not referred to in statute, in 2004 new appointments were made to DDPAC rather than to MCDD; therefore, the main purpose of HB 215 is to replace references to DDPAC with MCDD.

•HB 215 also has a secondary purpose of reorganizing statutes associated with developmental disabilities. In that regard, HB 215 repeals 53-20-206 and amends 2-15-1869 to include some of the statutory authority repealed in 53-20-206.

•The end results of HB 215 if passed as currently drafted:

•statutory reference to a named nonprofit corporation [i.e., MCDD] so the Governor will appoint members to that specific entity; and

•all statutory authority for the entity responsible for developmental disabilities in Montana under the Developmental Disabilities Assistance and Bill of Rights Act of 2000

[Public Law 106-402], whether nonprofit corporation or state governmental agency, will be contained in 2-15-1869 and 2-15-1870.

The Department of Commerce urges a do pass vote when taking executive action on HB 215. Thank you, and I will be happy to try and answer any questions the committee may have.